

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Chester Allen**,
Respondent;

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter
R-5 (the "Act");

AND IN THE MATTER of a Hearing before, **Adelle Guigon**, Deputy Rental Officer,
regarding a rental premises located within the **city of Yellowknife in the Northwest
Territories**.

BETWEEN:

NPR LIMITED PARTNERSHIP

Applicant/Landlord

- and -

CHESTER ALLEN

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondent must pay to the applicant rental arrears in the amount of \$5,084.45 (five thousand eighty-four dollars forty-five cents).

DATED at the City of Yellowknife in the Northwest Territories this 2nd day of March
2015.

Adelle Guigon
Deputy Rental Officer

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BETWEEN:

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-and-

CHESTER ALLEN

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REASONS FOR DECISION

<u>Date of the Hearing:</u>	February 18, 2015
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories
<u>Appearances at Hearing:</u>	Metslal Mesgun, representing the applicant
<u>Date of Decision:</u>	February 18, 2015

REASONS FOR DECISION

An application to a rental officer made by NPR Limited Partnership as the applicant/landlord against Chester Allen as the respondent/tenant was filed by the Rental Office January 14, 2015. The application was made regarding a residential tenancy agreement for the rental premises known as #19, 4508 - 49 Avenue, in Yellowknife, Northwest Territories. The applicant personally served a copy of the filed application on the respondent January 15, 2015.

The applicant alleged the respondent had accumulated rental arrears and sought an order for payment. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for February 18, 2015, in Yellowknife, Northwest Territories. Ms. Metslal Mesgun appeared representing the applicant. Mr. Chester Allen was sent a notice of attendance by registered mail deemed served February 3, 2015, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Mr. Allen did not appear at hearing. The hearing proceeded in his absence pursuant to section 80(2) of the Act).

Ms. Mesgun testified that Mr. Allen was in a residential tenancy agreement for the rental premises known as #19, 4508 - 49 Avenue, in Yellowknife, Northwest Territories, starting October 1, 2012, until he abandoned the rental premises on or about February 6, 2015. The last payment received from Mr. Allen was recorded on September 10, 2014, in the amount of \$1,720. A request was made for an order for payment of rental arrears.

Ms. Mesgun also requested an order for compensation for cleaning and repairs of the rental premises, the charges for which were included in the resident ledger and move out statement provided into evidence. However, the application to a rental officer did not include mention of cleaning and repair costs, an addendum to the application was not received by the Rental Office regarding the cleaning and repair costs, and no other evidence was provided at hearing in support of the cleaning and repair costs claimed. I refused to consider the request for compensation for cleaning and repair costs on the grounds that it would be unfair to the respondent to do so as the respondent was not made aware that such costs would be sought and there being no supporting evidence respecting the claimed costs. The landlord has leave to file a separate application for such compensation.

Tenancy agreement and abandonment

The lease entered into evidence establishes a residential tenancy agreement made between the parties for the rental premises known as #19, 4508 - 49 Avenue, in Yellowknife, Northwest Territories. I'm satisfied a valid tenancy agreement was in place between the parties in accordance with the Act. The applicant's representative testified that the respondent had vacated the rental premises on or about February 6, 2015, without notice, at which time the applicant reclaimed possession of the property. No contact or communication was received by the applicant from the respondent since the last payment of rent was received on September 10, 2014. I am satisfied the respondent abandoned the rental premise on or about February 6, 2015.

Rental arrears

The resident ledger entered into evidence represents the landlord's accounting of monthly rent, late payment penalties, and payments received against the respondent's rent account. I am satisfied the entries relating to the monthly rent, late payment penalties, and payments received are accurate. I am satisfied the respondent has accumulated rental arrears. At hearing, I failed to account for the landlord's prorated credit to the account for the February rent, for late payment penalties calculated to this hearing date, and for the total security deposit, all of which are reflected on the resident ledger. As such, I find the respondent has accumulated rental arrears totalled as follows:

Rental arrears and late payment penalties up to and including February 2, 2015	\$8,040.72
Plus late payment penalties from February 2 to 18, 2015	\$17.00
Less prorated credit for February rent	(\$1,351.43)
Rental arrears sub-total	\$6,706.29
Less total security deposit	(\$1,621.84)
Total rental arrears	\$5,084.45

An order will issue requiring Mr. Chester Allen to pay rental arrears in the amount of \$5,084.45.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Resident ledger dated January 8, 2015

Exhibit 2: Applicant's notice to terminate tenancy correspondences to respondent dated: October 9, 2014; September 8, 2014

Exhibit 3: Lease made October 2, 2012

Exhibit 4: Email from Rick Anda to Shaun Morris dated January 5, 2015, regarding Frobisher House drawings for asbestos removal

Exhibit 5: Applicant's correspondence to respondent dated July 22, 2013

Exhibit 6: Resident ledger dated February 18, 2015

Exhibit 7: Move out statement dated February 18, 2015