

IN THE MATTER between **Fort Smith Housing Authority**, Applicant, and **Stephanie Rankin and Brent Tourangeau**, Respondents;

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 **town of Fort Smith in the Northwest Territories**.

BETWEEN:

FORT SMITH HOUSING AUTHORITY

Applicant/Landlord

- and -

STEPHANIE RANKIN and BRENT TOURANGEAU

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondents must pay to the applicant rental arrears in the amount of \$1,671.88 (one thousand six hundred seventy-one dollars eighty-eight cents).
2. Pursuant to sections 42(3)(e) and 45(4)(d) of the *Residential Tenancies Act*, the respondents must compensate the applicant for repairs and cleaning costs in the total amount of \$249.19 (two hundred forty-nine dollars nineteen cents).

DATED at the City of Yellowknife in the Northwest Territories this 8th day of April 2015.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Fort Smith Housing Authority**, Applicant, and **Stephanie Rankin and Brent Tourangeau**, Respondents.

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,

BETWEEN:

FORT SMITH HOUSING AUTHORITY

Applicant/Landlord

-and-

STEPHANIE RANKIN and BRENT TOURANGEAU

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	March 31, 2015
<u>Place of the Hearing:</u>	Fort Smith, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Kevin Mageean, representing the applicant
<u>Date of Decision:</u>	March 31, 2015

REASONS FOR DECISION

An application to a rental officer made by Fort Smith Housing Authority as the applicant/landlord against Stephanie Rankin and Brent Tourangeau as the respondents/tenants was filed by the Rental Office January 14, 2015. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as Unit #0002, 47 St. Ann's Street, in Fort Smith, Northwest Territories. The applicant served a copy of the filed application on the respondents by registered mail signed for January 26, 2015.

The applicant alleged these former tenants had left the rental premises in a less than ordinary state of cleanliness, had failed to return the keys, and had accumulated rental arrears. An order was sought for payment of rental arrears and compensation for repairs and cleaning. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for March 31, 2015, by teleconference. Mr. Kevin Mageean appeared representing the applicant. Ms. Stephanie Rankin and Mr. Brent Tourangeau were served with notices of attendance by registered mail signed for March 24, 2015. Neither Ms. Rankin nor Mr. Tourangeau appeared at hearing, nor did anyone appear on their behalf. The hearing proceeded in their absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Mr. Mageean testified to and provided evidence establishing a residential tenancy agreement between the parties for subsidized public housing at the rental premises known as Unit #0002, 47 St. Ann's Street in Fort Smith, Northwest Territories. The tenancy commenced February 17, 2014, for a fixed-term to August 31, 2014. The respondents vacated the rental premises on August 11, 2014. A written entry inspection was completed on February 17, 2014; a written exit inspection was completed on August 11, 2014.

Mr. Mageean provided a lease balance statement into evidence which reflected the application of the maximum monthly rent of \$1,625 for July and a prorated monthly rent amount of \$577 for August. The last payment received on the account was made March 13, 2014, for \$1,000. The rental arrears accumulated as of August 11, 2014, was \$2,172. The security deposit including interest of \$500.12 was applied against the rental arrears, resulting in a remaining rental arrears amount of \$1,671.88.

The lease balance statement also reflected charges for lock replacements, hauling garbage, and cleaning the rental premises totalling \$249.19. Work orders and photographs were also provided into evidence substantiating the claim for repairs and cleaning. Each of the invoices generated from the work orders was forwarded to the respondents.

I am satisfied that a valid tenancy agreement was in place between the parties in accordance with the Act. I am satisfied that the respondents failed to pay the full amount of rent when it was due. I am satisfied that the respondents left the rental premises in a state of less than ordinary cleanliness, left garbage behind in the rental premises, and did not return the keys to the rental premises necessitating the replacement of the locks. I am satisfied the amount claimed for rental arrears is accurate and the amounts claimed for repairs and cleaning are reasonable.

I find the respondents have accumulated rental arrears in the amount of \$1,671.88 and are liable for costs associated with repairs and cleaning to the rental premise in the total amount of \$249.19, and an order will issue requiring Ms. Stephanie Rankin and Mr. Brent Tourangeau to pay the rental arrears and compensation as identified.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Lease balance statement dated January 6, 2015
- Exhibit 2: Residential tenancy agreement dated February 17, 2014
- Exhibit 3: Applicant's registered mail correspondence to respondents dated July 24, 2014
- Exhibit 4: Applicant's renewal of fixed term lease correspondences dated: June 27, 2014; June 3, 2014
- Exhibit 5: Applicant's tenant damage data entry adjustment forms prepared: January 6, 2015; September 9, 2014; August 18, 2014
- Exhibit 6: Applicant's invoices numbered: 98042, 84406, 82142
- Exhibit 7: Applicant's work orders numbered: TD026717, TD017944, TD015821
- Exhibit 8: Six photographs
- Exhibit 9: Applicant's invoice #98042 correspondence to respondents dated January 6, 2015
- Exhibit 10: Applicant's invoice #84406 correspondence to respondents dated September 9, 2014
- Exhibit 11: Applicant's invoices #82142 correspondence to respondents dated August 18, 2014
- Exhibit 12: Check-in inspection report dated February 17, 2014
- Exhibit 13: Check-out inspection report dated August 11, 2014
- Exhibit 14: Lease balance statement dated March 30, 2014