

IN THE MATTER between **Hamlet of Fort Liard Social Housing**, Applicant, and **Rob Berreault**, Respondent;

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

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

BETWEEN:

HAMLET OF FORT LIARD SOCIAL HOUSING

Applicant/Landlord

- and -

ROB BERREAUULT

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 41(4)(a) and 67(4) of the *Residential Tenancies Act*, the respondent must pay to the applicant rental arrears and compensation for use and occupation of the rental premises in the total amount of \$6,180.00 (six thousand one hundred eighty dollars).
2. Pursuant to sections 42(3)(e) and 45(4)(d) of the *Residential Tenancies Act*, the respondent must compensate the applicant for repairs and cleaning costs in the total amount of \$5,084.28 (five thousand eighty-four dollars twenty-eight cents).

DATED at the City of Yellowknife in the Northwest Territories this 10th day of April 2015.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Hamlet of Fort Liard Social Housing**, Applicant, and **Rob Berreault**, Respondent.

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

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REASONS FOR DECISION

<u>Date of the Hearing:</u>	March 31, 2015
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Ellen McLeod, representing the applicant
<u>Date of Decision:</u>	March 31, 2015

REASONS FOR DECISION

An application to a rental officer made by Hamlet of Fort Liard Social Housing as the applicant/landlord against Rob Berreault as the respondent/tenant was filed by the Rental Office February 9, 2015. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as #812, 145 Caragana Road in Fort Liard, Northwest Territories. The applicant served a copy of the filed application on the respondent by registered mail signed for March 18, 2015.

The applicant alleged the respondent had accumulated rental arrears, caused damages to the rental premises, and left the rental premises in an unclean condition. An order was sought for payment of rental arrears and compensation for cleaning and repairs. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for March 31, 2015, by teleconference. Ms. Ellen McLeod appeared representing the applicant. Mr. Rob Berreault was served a notice of attendance by registered mail signed for March 18, 2015. Mr. Berreault did not appear at hearing, nor did anyone appear on his behalf. The hearing proceeded in his absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Ms. McLeod testified to and provided evidence that Mr. Berreault had been in a residential tenancy agreement for subsidized public housing. The rental premises was identified as #812, 145 Caragana Road, in Fort Liard, Northwest Territories. That tenancy was terminated on May 30, 2014, by rental officer order #10-13850. An order was also issued to evict Mr. Berreault from the rental premises on June 1, 2014. The eviction was enforced on August 26, 2014, and possession of the premises returned to the landlord.

Mr. Berreault's tenancy agreement required the reporting of monthly household income in order to calculate any rent subsidies for which he might be eligible. Failure to report the household income each month results in the application of the maximum monthly rent of \$1,545. Due to Mr. Berreault's failure to report his household income for the months of January to July 2014, the maximum monthly rent was applied for the months of February to August 2014. The last payment received on Mr. Berreault's rent account was made August 2, 2013, in the amount of \$400. The total rental arrears to date have accumulated to \$15,336.67.

An entry inspection was conducted at the rental premises on March 4, 2012; an exit inspection was conducted at the rental premises on October 9, 2014. After Mr. Berreault was removed from the premises on August 26, 2014, attempts were made to arrange for Mr. Berreault to retrieve the belongings that were left behind. On September 3rd the landlord completed an inventory of the abandoned property, secured the premises with the property inside, and continued attempting to make arrangements with Mr. Berreault to retrieve his belongings. On October 7, 2014, Mr. Berreault removed his household items and effects from the rental premises and on October 9, 2014, the landlord completed the exit inspection.

The landlord observed on August 26th amidst the abandoned property that the rental premises had not been kept in a state of ordinary cleanliness and there appeared to be several damages throughout. On October 9th the landlord confirmed and documented the condition of the rental premises without the abandoned property there. The rental premises was left in an unclean condition; there were substantial holes in the hallway, dining room, and bedroom walls; cabinet doors in the kitchen were broken; and two exterior and two interior doors and frames were damaged. Invoices and statements were provided into evidence substantiating the monetary costs claimed for the necessary supplies, repairs, and cleaning. The total compensation claimed by the applicant for cleaning and repair costs is \$5,084.28.

I am satisfied the lease balance statements accurately reflect the status of the respondent's rent account. I am satisfied that rental officer order #10-13850 effectively ended the tenancy on May 30, 2014. The respondent's continued occupation of the rental premises after that date constitutes an overholding status and as such the applicable monthly rents for June, July, and August comprise compensation for use and occupation of the rental premises under section 67(1) of the Act. I find the respondent has accumulated rental and overholding arrears in the total amount of

\$15,336.67. Rental officer order #10-13850 included an order for payment of rental arrears in the amount of \$9,156.67; that order remains enforceable, therefore the order for payment of rental and overholding arrears issued now will reflect the remaining unaccounted portion of \$6,180.

I am satisfied that the damages claimed occurred during the respondent's tenancy and are beyond normal wear and tear. I am satisfied the amounts claimed for the supplies, repairs, and cleaning are reasonable. I find the respondent has caused damages to the rental premises and failed to comply with his obligation to maintain the rental premises in a state of ordinary cleanliness.

An order will issue requiring Mr. Rob Berreault to pay rental arrears and compensation for use and occupation of the rental premises in the total amount of \$6,180, and to pay compensation for repairs and cleaning costs in the amount of \$5,084.28.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Applicant's application statement
- Exhibit 2: Email conversation between Jerry Vanhantsaeme and Ellen McLeod dated June 5 and 6, 2014
- Exhibit 3: Applicant's notice of termination & check out correspondence to respondent dated June 7, 2014
- Exhibit 4: Email conversations between Jerry Vanhantsaeme and Ellen McLeod dated June 24 and 25, 2014, and July 2, 2014
- Exhibit 5: Email conversations between Shelly Martin, Robert Collinson, Franklin Carpenter, John Dewar, and Ellen McLeod dated August 21, 2014
- Exhibit 6: Office of the Sheriff's acknowledgement of possession dated August 26, 2014
- Exhibit 7: Inventory of abandoned personal property dated September 3, 2014
- Exhibit 8: Applicant's clean unit/personal property correspondence to respondent dated September 30, 2014
- Exhibit 9: Lease balance statement dated September 30, 2014
- Exhibit 10: Rental unit condition report - check in March 4, 2012; check out October 9, 2014
- Exhibit 11: Hamlet of Fort Liard's payroll registers for Nikkita Powder and Juli Anne Norn dated October 24, 2014
- Exhibit 12: Hamlet of Fort Liard's invoice number 1115 dated October 22, 2014
- Exhibit 13: Updated statement of claim
- Exhibit 14: Receipts from Diemert Home Hardware, Ed's Building Supplies Ltd., and Northern
- Exhibit 15: Revised updated statement of claim