

IN THE MATTER between **Fort Simpson Housing Authority**, Applicant, and **Katy Antoine and Jean Pierre Sauviat**, 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 **community of Wrigley in the Northwest Territories**.

BETWEEN:

FORT SIMPSON HOUSING AUTHORITY

Applicant/Landlord

- and -

KATY ANTOINE and JEAN PIERRE SAUVIAT

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife in the Northwest Territories this 19th day of May 2015.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Fort Simpson Housing Authority**, Applicant, and **Katy Antoine and Jean Pierre Sauviat**, Respondents.

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

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BETWEEN:

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-and-

KATY ANTOINE and JEAN PIERRE SAUVIAT

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	April 9, 2015
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Kathy Konisenta, representing the applicant
<u>Date of Decision:</u>	May 11, 2015

REASONS FOR DECISION

An application to a rental officer made by Fort Simpson Housing Authority as the applicant/landlord against Katy Antoine and Jean Pierre Sauviat as the respondents/tenants was filed by the Rental Office February 19, 2015. The application was made regarding a residential tenancy agreement for the rental premises known as Unit 5WY USC, Lot 28, Plan 429, in Wrigley, Northwest Territories. The applicant sent the respondent a copy of the filed application by regular mail on February 26, 2015.

The applicant alleged the respondent had caused damages to the rental premises and requested compensation for the cost of repairs. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for April 9, 2015, by teleconference. Ms. Kathy Konisenta appeared representing the applicant. Ms. Katy Antoine and Mr. Jean Pierre Sauviat were sent notices of attendance by registered mail signed for March 27, 2015. Neither Ms. Antoine nor Mr. Sauviat appeared at hearing. The hearing proceeded in their absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Section 71(1) of the Act and section 4(2) of the *Residential Tenancies Regulations* (the Regulations) specify notices or other documents must be served by personal service, registered mail, fax, or email. The landlord's service of the application package by regular mail is not an authorized method of service under the legislation and cannot be proven successful. The respondents' failure to appear for this hearing does not permit the opportunity to confirm directly with them whether or not they received the application package. As such, it is not fair to proceed with this hearing without ensuring the respondents are aware of the reasons for the application so that they can prepare a full answer and defence should they wish.

The evidence included with the application consisted of a revised cost estimate of damages and 30 photographs. There is no evidence in the package of: the tenancy agreement; when the tenancy started; when or if the tenancy ended; whether there was an entry and/or exit inspection report; and whether any of the repairs have been completed and, if so, their related work orders. In short, there are no supporting documents proving the tenancy or that the claimed damages are the tenants' responsibility.

As a consequence of the above deficiencies to this application, the matter was adjourned *sine die* pending confirmed service of the application including additional supporting documents to prove the applicant's allegations, service to be effected by a method as set out in the Act and Regulations. I indicated the hearing would be rescheduled upon receipt of the required documents. These instructions were confirmed by email to Ms. Konisenta after conclusion of the hearing on April 9, 2015.

By May 4, 2015, I had not received the required documents. An email was sent to Ms. Konisenta reminding her of her obligation and setting a due date for receipt of documents by May 11, 2015, after which time failure to provide the documents would result in dismissal of the application. By May 11, 2015, I still had not received either a reply from Ms. Konisenta or the required documents. As such, this application is dismissed.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Estimated statement of cost of repairs dated January 23, 2015

Exhibit 2: Set of 30 photographs