

IN THE MATTER between **Yellowknife Housing Authority**, Applicant, and
Belladonna Payne and Richard Roberts, 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 **city of Yellowknife in the Northwest
Territories.**

BETWEEN:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

- and -

BELLADONNA PAYNE and RICHARD ROBERTS

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 42(3)(e) and 45(4)(d) of the *Residential Tenancies Act*, the respondents must compensate the applicant for cleaning and repair costs in the total amount of \$3,142.50 (three thousand one hundred forty-one dollars fifty cents).

DATED at the City of Yellowknife in the Northwest Territories this 27th day of May
2015.

Adelle Guigon
Deputy Rental Officer

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BELLADONNA PAYNE and RICHARD ROBERTS

Respondents/Tenants

AMENDED REASONS FOR DECISION

Date of the Hearing: May 6, 2015

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: Ella Newhook, representing the applicant
Cameron O'Keefe, witness for the applicant

Date of Decision: May 6, 2015

AMENDED REASONS FOR DECISION

An application to a rental officer made by Yellowknife Housing Authority as the applicant/landlord against Belladonna Payne and Richard Roberts as the respondents/tenants was filed by the Rental Office February 25, 2015. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as 662 Williams Avenue in Yellowknife, Northwest Territories. The applicant sent a copy of the filed application to the respondents by registered mail signed for by Belladonna Payne March 26, 2015, and by Richard Roberts March 30, 2015.

The applicant alleged the respondents had vacated the rental premises, leaving it in a less than ordinary state of cleanliness and with damages. An order was requested for compensation for cleaning and repairs costs. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for May 6, 2015, in Yellowknife, Northwest Territories. Ms. Ella Newhook appeared representing the applicant, with Mr. Cameron O'Keefe appearing as witness for the applicant. Ms. Belladonna Payne and Mr. Richard Roberts were sent notices of attendance by registered mail; Ms. Payne signed for her copy on April 28, 2015, and Mr. Roberts was deemed served April 23, 2015, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Neither Ms. Payne nor Mr. Roberts appeared at hearing, nor did anyone appear on their behalf. The hearing proceeded in their absences pursuant to section 80(2) of the Act.

Ms. Newhook provided evidence and testimony establishing that the respondents had been tenants in subsidized public housing since September 2012, occupying the rental premises known as 662 Williams Avenue in Yellowknife, Northwest Territories. They vacated the rental premises approximately September 30, 2014, and were given additional time to remove their possessions, after which the applicant re-possessed the rental premises on October 7, 2014.

An exit inspection was completed noting several deficiencies to the rental premises, including:

- uncleanliness throughout
- damaged doorknobs, switch plates, light globes, towel bar, patio door latch, window screens
- holes and gouges in walls throughout
- dented range hood and stove top
- laundry room door was removed
- closet doors were installed
- patching and painting required throughout

The cost of cleaning and repairs claimed, including admin fees and GST, amounted to \$4,082.93.

Ms. Newhook provided into evidence the statement of account reflecting the respondents' rent account. At September 30, 2014, the respondents had rental arrears in the amount of \$456. The security deposit plus interest totalling \$1,196.43 was retained by the applicant and applied first against the rental arrears, leaving a security deposit credit of \$740.43.

On October 21, 2014, Ms. Payne signed a payment agreement acknowledging her debt to the applicant in the amount of \$3,342.50 (consisting of the cleaning and repairs costs of \$4,082.93 less the security deposit credit of \$740.43). She agreed to make monthly payments of \$50 towards the arrears and four such payments have been made, received on November 6 and December 4, 2014, and February 6 and April 3, 2015. These payments have reduced the cleaning and repairs costs owing to \$3,142.50 to date.

The written entry and exit inspection reports submitted into evidence substantiate the applicant's claims for cleaning and repairs costs. The photographs provided into evidence and testimony of direct observation by Ms. Newhook and Mr. O'Keefe further support the justification for the costs claimed to return the rental premises to a habitable condition. I am satisfied the amounts claimed for cleaning and repairs costs are reasonable and that responsibility for these costs has been acknowledged by Ms. Payne.

As Ms. Payne and Mr. Roberts are joint tenants they are both equally responsible for the terms and conditions of the tenancy agreement. I find the respondents are liable for the remaining cleaning and repair costs. An order will issue requiring Ms. Belladonna Payne and Mr. Richard Roberts to compensate the applicant for cleaning and repairs costs in the total amount of \$3,142.50.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Ex-tenant payment agreement entered into by Belladonna Payne dated October 21, 2014

Exhibit 2: Three receipts for payments made by Belladonna Payne dated: November 6, 2014; December 4, 2014; February 6, 2015

Exhibit 3: Applicant's final move out correspondence to respondents dated October 8, 2014

Exhibit 4: Statement of rent account dated October 8, 2014

Exhibit 5: Statement of security deposit

Exhibit 6: Statement of tenant damages dated October 8, 2014

Exhibit 7: Tenant check-in/out unit condition report

Exhibit 8: Residential tenancy agreement dated September 19, 2012

Exhibit 9: Receipt for payment made by Belladonna Payne dated April 3, 2015