

IN THE MATTER between **Yellowknife Housing Authority**, Applicant, and **Janine Olifie**, 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:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

- and -

JANINE OLIFIE

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 \$175.00 (one hundred seventy-five dollars).
2. Pursuant to sections 42(3)(e) and 45(4)(d) of the *Residential Tenancies Act*, the respondent must compensate the applicant for cleaning and repairs costs in the total amount of \$5,543.42 (five thousand five hundred forty-three dollars forty-two cents).

3. Pursuant to section 65(1) of the *Residential Tenancies Act*, the applicant is permitted to dispose of the respondent's inventoried abandoned personal property, which has been stored by the applicant since January 6, 2015, in any manner the applicant sees fit.

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

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Yellowknife Housing Authority**, Applicant, and **Janine Olifie**, Respondent.

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REASONS FOR DECISION

<u>Date of the Hearing:</u>	May 6, 2015
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories
<u>Appearances at Hearing:</u>	Ella Newhook, representing the applicant Cameron O’Keefe, witness for the applicant
<u>Date of Decision:</u>	May 6, 2015

REASONS FOR DECISION

An application to a rental officer made by Yellowknife Housing Authority as the applicant/landlord against Janine Olifie as the respondent/tenant was filed by the Rental Office March 24, 2015. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as 1465 Gitzel Street in Yellowknife, Northwest Territories. The applicant sent a copy of the filed application to the respondent by registered mail deemed served April 20, 2015, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act).

The applicant alleged the respondent had vacated the rental premises with rental arrears, and leaving the premises in an unclean condition and with damages. An order was sought for payment of rental arrears and 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 and Mr. Cameron O'Keefe appeared as a witness for the applicant. Ms. Janine Olifie was sent a notice of attendance by registered mail deemed served April 23, 2015, pursuant to section 71(5) of the Act. As Ms. Olifie had vacated the premises and left a general delivery service address, I was satisfied the efforts to serve Ms. Olifie with the application and the notices of attendance were adequate and the hearing proceeded in her absence pursuant to section 80(2) of the Act.

Ms. Newhook testified to and provided evidence that Ms. Olifie had been a tenant in subsidized public housing since June 2012, occupying the rental premises known as 1465 Gitzel Street in Yellowknife, Northwest Territories. By rental officer order #10-14344, Ms. Olifie was required to pay rental arrears in the amount of \$1,750.53 which had accumulated as of October 29, 2014. If Ms. Olifie failed to pay the full amount of those rental arrears her tenancy was ordered terminated December 31, 2014, and her eviction ordered for January 1, 2015.

Ms. Olifie did fail to pay the full amount of rental arrears by December 31, 2014, and voluntarily vacated the rental premises on or about January 6, 2015, leaving behind several items of personal property. The applicant inventoried and stored the abandoned personal property in accordance with section 64 of the Act, conducted an exit inspection and took photographs of the premises, and documented the following deficiencies:

- general uncleanliness throughout
- damaged exterior doors, locksets, and frames
- broken switch plates
- holes and gouges in walls throughout
- window blind slats had been removed
- missing closet doors
- missing window screens
- damaged interior door trims
- missing towel bars

A statement of costs to effect repairs, clean the premises, and remove the abandoned personal property was completed totalling \$5,635.82, including admin fees and GST. Both Ms. Newhook and Mr. O'Keefe were able to give direct evidence substantiating the claimed damages, and both the written entry and exit inspection reports were provided showing the damages occurred during Ms. Olifie's tenancy, with exception to one hole in the wall behind the bathroom door. The entry inspection report indicated a hole existed in the wall behind the bathroom door when the respondent moved in. The applicant was unable to confirm whether repairs had been effected to that hole after the respondent moved in. As such, the \$80 cost associated with repairing that hole was denied and the cost of repairs adjusted accordingly to a new total of \$5,543.42.

A statement of rent account submitted into evidence as part of the application to a rental officer reflected assessed monthly rent and payments received against the respondent's rent account. As of January 20, 2015, the rental arrears accumulated totalled \$1,925.53, including a pro-rated subsidized amount for January. Rental officer order #10-14344 remains enforceable for the amount of \$1,750.53; the rental arrears accumulated since that order was issued total \$175. The security deposit and interest of \$1,352.31 was retained by the applicant against the rental arrears, however, a balance remains owing under rental officer order #10-14344. As such, the rental arrears accumulated since October 29, 2014, have not been accounted for in an order for payment.

I am satisfied a valid tenancy agreement for subsidized public housing was in place between the parties in accordance with the Act. I am satisfied that rental arrears have accumulated since October 29, 2014, in the amount of \$175. I am satisfied that the rental premises was left in a state of uncleanliness and with damages for which the respondent is liable. I am satisfied that the costs associated with cleaning and repairing the rental premises are reasonable. I am satisfied the applicant has complied with their obligations respecting abandoned personal property in accordance with section 64 of the Act.

I find the respondent has additional rental arrears in the amount of \$175. I find the respondent liable for cleaning and repair costs in the amount of \$5,543.42. An order will issue requiring Ms. Janine Olifie to pay rental arrears in the amount of \$175 and to compensate the applicant for the cost of cleaning and repairs totalling \$5,543.42. The order will also include permission for the applicant to dispose of the inventoried abandoned personal property in a manner as they see fit.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Applicant's final move out correspondence to respondent dated January 20, 2015
- Exhibit 2: Statement of rent account dated January 20, 2015
- Exhibit 3: Email conversation between Ella Newhook and Emma Wu regarding security deposit and interest
- Exhibit 4: Statement of tenant damages dated January 16, 2015
- Exhibit 5: Inventory of abandoned personal property dated received January 13, 2015
- Exhibit 6: Tenant check-in/out unit condition report
- Exhibit 7: Set of 19 photographs
- Exhibit 8: Residential tenancy agreement dated June 12, 2012
- Exhibit 9: Inventory of abandoned personal property dated January 6, 2015