

IN THE MATTER between **Hay River Housing Authority**, Applicant, and **Michael Abel**, 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 **town of Hay River in the Northwest Territories**.

BETWEEN:

HAY RIVER HOUSING AUTHORITY

Applicant/Landlord

- and -

MICHAEL ABEL

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 42(3)(e) and 45(4)(d) of the *Residential Tenancies Act*, the respondent must compensate the applicant for the cost of repairs and cleaning in the total amount of \$1,068.73 (one thousand sixty-eight dollars seventy-three cents).

DATED at the City of Yellowknife in the Northwest Territories this 15th day of July 2015.

Adelle Guigon
Deputy Rental Officer

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AND IN THE MATTER of a Hearing before **Adelle Guigon**, Deputy Rental Officer,

BETWEEN:

HAY RIVER HOUSING AUTHORITY

Applicant/Landlord

-and-

MICHAEL ABEL

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	June 11, 2015
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Adam Swanson, representing the applicant
<u>Date of Decision:</u>	June 11, 2015

REASONS FOR DECISION

An application to a rental officer made by Hay River Housing Authority as the applicant/landlord against Michael Abel as the respondent/tenant was filed by the Rental Office February 27, 2015. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as 305-46 Woodland Drive in Hay River, Northwest Territories. The applicant served a copy of the filed application on the respondent by registered mail signed for March 12, 2015.

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

A hearing was scheduled for June 11, 2015, by teleconference. Mr. Adam Swanson appeared representing the applicant. Mr. Michael Abel was served a notice of attendance by registered mail signed for May 22, 2015. Mr. Abel did not appear, 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).

Mr. Swanson testified to and provided evidence that Mr. Abel had entered into a tenancy agreement for subsidized public housing commencing January 7, 2015, and he took occupancy of the premises and participated in an entry inspection the same day.

On January 21, 2015, Mr. Abel assaulted a person he permitted in his apartment with a weapon and chased the person out of the building, after which he pulled the fire alarm, briefly returned to his apartment, and then left the building. Damages were caused within the apartment and a blood trail was left in the apartment and leading out of the building. The part of the incident which took place in the hallways of the apartment complex were captured on security video. RCMP informed Mr. Swanson that Mr. Abel had been arrested in relation to the assault and was being held in custody.

Mr. Swanson attended the apartment complex the evening of the incident and observed a member of his maintenance department securing Mr. Abel's apartment as the RCMP had kicked the door in searching for Mr. Abel. Mr. Swanson observed blood on the apartment door, the surrounding corridor carpet, on the back exit door, on the first floor fire door, on the first, second, and third floor carpets, and throughout the back stairwell. Blood was also observed in Mr. Abel's apartment entrance, on the bed, and on the bedroom floor. A very large hole was found in the apartment hallway wall and broken glass at the apartment entrance. Writing was observed on the wall surrounding the bathroom. Neighbours reported hearing a loud disturbance in Mr. Abel's apartment prior to the assault taking place in the corridor.

As a consequence of the violence taking place in the residential complex, the applicant issued a 10-day notice to terminate Mr. Abel's tenancy effective February 1, 2015, which was served on Mr. Abel on January 22, 2015, at the RCMP Hay River Detachment where he was being held. Mr. Abel relinquished possession of the rental premises on January 29, 2015, when he granted Probation Services authorization to remove his belongings. The applicant re-possessioned the rental premises on February 6, 2015, when they conducted an exit inspection.

Work orders were issued to reset the fire alarm, steam clean the blood from the carpets, repair the apartment door, repair the hole in the wall, and clean the apartment. Costs claimed are as follows:

Reset the fire alarm	\$212.00
Steam clean the carpets	\$532.98
Repair the apartment door	\$218.74
Repair the hole in the wall	\$140.02
Clean the apartment	\$214.99
Total Claim	\$1,318.73

Mr. Abel had paid a security deposit of \$250 on January 7, 2015, which the applicant retained against the cost of repairs and cleaning, reducing the amount of compensation requested to \$1,068.73.

Tenancy agreement

The residential tenancy agreement entered into evidence by the applicant establishes an agreement between the parties for subsidized public housing at the rental premises identified as #305 - 46 Woodland Drive in Hay River, Northwest Territories, commencing January 7, 2015. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Damages

The applicant submitted into evidence work orders, statutory declarations, statements, and photographs corroborating his direct testimony to the events of January 21, 2015, and resulting damages. I am satisfied the damages claimed are the tenant's responsibility to repair and that the applicant is entitled to compensation for the costs of repairing and cleaning the property as described above.

Security deposit

Section 9 of the tenancy agreement required the tenant to pay a \$500 security deposit in three installments of \$250 on January 7th and \$125 each in February and March. The applicant submitted into evidence a damage deposit statement indicating \$250 was received on January 7th as agreed and that amount was retained against the claimed cost of repairs and cleaning. I am satisfied that there is no interest to apply to the security deposit due to the short length of time it was held in trust. The check-in/out inspection report was also submitted into evidence, from which I find satisfaction that the landlord has complied with their obligations pursuant to section 18 of the Act. I find the retention of the security deposit against the cost of repairs and cleaning appropriate.

An order will issue requiring Mr. Michael Abel to compensate the applicant for the cost of repairs and cleaning of the rental premises in the total amount of \$1,068.73.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Applicant's statement of facts dated February 25, 2015
- Exhibit 2: Residential tenancy agreement dated January 7, 2015
- Exhibit 3: Applicant's correspondence to respondent dated February 24, 2015
- Exhibit 4: Applicant's work orders numbered TD031868, TD032732, TD032741, TD032667, TD031761, TD032349, TD031056, TD030491
- Exhibit 5: Home Building Centre invoice number 367137 dated February 11, 2015
- Exhibit 6: Applicant's invoices numbered 17175, 17174, 17173, 17172, 16999, 17003, 16983, 16982
- Exhibit 7: Home Hardware invoices numbered 227537, 227549
- Exhibit 8: Wesclean Northern Sales invoice number H0119168 dated February 12, 2015
- Exhibit 9: Property Watch invoice number 1982 dated January 26, 2015
- Exhibit 10: Respondent's written authorization for Probation Services to remove personal belongings from rental premises, dated January 29, 2015
- Exhibit 11: Applicant's note to file dated January 23, 2014 [sic]
- Exhibit 12: Applicant's correspondence to Hay River RCMP Detachment dated January 23, 2015
- Exhibit 13: Adam Swanson's Statutory Declaration in the matter of time stamp on cameras signed January 22, 2015
- Exhibit 14: Check-in/out inspection report dated January 7, 2015, and February 6, 2015
- Exhibit 15: Set of 23 photographs
- Exhibit 16: Statement of account dated February 25, 2015
- Exhibit 17: Client aged detail as at February 25, 2015
- Exhibit 18: Damage deposit statement of interest earned as of January 29, 2015
- Exhibit 19: Applicant's notice to termination of tenancy correspondence to respondent dated January 22, 2015
- Exhibit 20: Applicant's correspondence to respondent dated April 8, 2015, with attachments
- Exhibit 21: Statement of account dated April 8, 2015
- Exhibit 22: Amended work order number TD032732
- Exhibit 23: Amended invoice number 17174