

IN THE MATTER between **Digaa Enterprises Ltd.**, Applicant, and **James Mercredi and Violet Nadli-Kachkowski**, Respondents;

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 Providence in the Northwest Territories.**

BETWEEN:

DIGAA ENTERPRISES LTD.

Applicant/Landlord

- and -

JAMES MERCREDI and VIOLET NADLI-KACHKOWSKI

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondents must pay to the applicant rental arrears in the amount of \$3,999.78 (three thousand nine hundred ninety-nine dollars seventy-eight cents).
2. Pursuant to section 42(3)(e) of the *Residential Tenancies Act*, the respondents must compensate the applicant for the cost of repairs to the rental premises in the amount of \$50.00 (fifty dollars).

DATED at the City of Yellowknife in the Northwest Territories this 7th day of August 2015.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Digaa Enterprises Ltd.**, Applicant, and **James Mercredi and Violet Nadli-Kachkowski**, 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.

BETWEEN:

DIGAA ENTERPRISES LTD.

Applicant/Landlord

-and-

JAMES MERCREDI and VIOLET NADLI-KACHKOWSKI

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	July 9, 2015
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Bob Head, representing the applicant
<u>Date of Decision:</u>	July 9, 2015

REASONS FOR DECISION

An application to a rental officer made by Digaa Enterprises Ltd. as the applicant/landlord against James Mercredi and Violet Nadli-Kachkowski as the respondents/tenants was filed by the Rental Office May 11, 2015. The application was made regarding a residential tenancy agreement for the rental premises identified as Lot 156, Plan 1854, in Fort Providence, Northwest Territories. The applicant served a copy of the filed application on the respondents by registered mail signed for May 22, 2015, and by email deemed received May 18, 2015, pursuant to section 4(4) of the *Residential Tenancies Regulations* (the Regulations).

The applicant alleged the respondents had accumulated rental arrears and caused damages to the rental premises, and sought an order for payment of the rental arrears and compensation for the cost of repairs. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for July 9, 2015, by three-way teleconference. Mr. Bob Head appeared representing the applicant. Mr. James Mercredi and Ms. Violet Nadli-Kachkowski were served notices of attendance by registered mail deemed served June 22, 2015, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act) and by email deemed received July 9, 2015, pursuant to section 4(4) of the Regulations. Neither Mr. Mercredi nor Ms. Nadli-Kachkowski appeared at hearing, nor did anyone appear on their behalf. The hearing proceeded in their absence pursuant to section 80(2) of the Act.

Preliminary matters

The application to a rental officer identifies a respondent/tenant as Jamer Mercredi. The tenancy agreement identifies the respondent/tenant as James Mercredi. I am satisfied the application to a rental officer contains a typographical error in this regard and will amend the application accordingly; the style of cause in this order and reasons will reflect the correct spelling of the respondent/tenant's name as James Mercredi.

Tenancy agreement

Mr. Head's testimony and the residential tenancy agreement entered into evidence establish a tenancy agreement between the parties for the rental premises identified as Lot 156, Plan 1854, in Fort Providence, Northwest Territories. The respondents took occupancy of the rental premises July 10, 2014, and vacant possession of the premises was returned to the landlord May 7, 2015. I am satisfied a valid tenancy agreement was in place between the parties in accordance with the Act.

Rental arrears and security deposit

The statement of account entered into evidence reflects outstanding rents and partial payments made against the respondents' rent account between January 1 and May 1, 2015. At hearing, Mr. Head confirmed there have been no changes to this statement to date. I am satisfied this statement accurately reflects the current status of the respondents' rent account and I find the respondents have accumulated rental arrears in the amount of \$4,800.

Mr. Head testified the respondents had paid a \$800 security deposit at the commencement of the tenancy which has been withheld by the applicant against the rental arrears; this is not reflected in the statement of account. A calculation of the interest earned on the security deposit comes to \$0.22. Deducting the total security deposit of \$800.22 from the rental arrears results in a remaining rental arrears total of \$3,999.78.

Repairs

Mr. Head testified the respondents had reported a broken window in March 2015, admitting to their responsibility for it. The window was reportedly "cheap" and could not be repaired or replaced until Spring, therefore, the window was temporarily boarded up. The costs charged to the tenant of \$50 are for the labour and materials to board the window. I am satisfied the charge claimed is reasonable and that on a balance of probabilities the respondents are responsible for the damages. I find the respondents liable for the costs of boarding up the damaged window in the amount of \$50.

Order

An order will issue requiring Mr. James Mercredi and Ms. Violet Nadli-Kachkowski to pay rental arrears in the amount of \$3,999.78 and to compensate the applicant for the cost of repairs in the amount of \$50.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Residential tenancy agreement dated July 10, 2014

Exhibit 2: Applicant's correspondence to respondents dated April 22, 2015

Exhibit 3: Statement of account dated May 1, 2015

Exhibit 4: Applicant's rent invoices numbered: 26729, 26752, 26770, 26807, 26630

Exhibit 5: Applicant's damages invoice number 26817