

IN THE MATTER between **Northwest Territories Housing Corporation**, Applicant, and
Christopher Daigneault, 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**, Rental Officer, regarding a
rental premises located within the **town of Hay River in the Northwest Territories**.

BETWEEN:

NORTHWEST TERRITORIES HOUSING CORPORATION

Applicant/Landlord

- and -

CHRISTOPHER DAIGNEAULT

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 \$1,600.00 (one thousand six hundred dollars).
2. Pursuant to section 42(3)(e) of the *Residential Tenancies Act*, the respondent must pay to the applicant costs for replacing two exterior door locks in the amount of \$252.56 (two hundred fifty-two dollars fifty-six cents).

DATED at the City of Yellowknife in the Northwest Territories this 26th day of April
2016.

Adelle Guigon
Rental Officer

IN THE MATTER between **Northwest Territories Housing Corporation**, Applicant, and
Christopher Daigneault, 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,

BETWEEN:

NORTHWEST TERRITORIES HOUSING CORPORATION

Applicant/Landlord

-and-

CHRISTOPHER DAIGNEAULT

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: April 20, 2016

Place of the Hearing: Hay River, Northwest Territories, by teleconference

Appearances at Hearing: Adam Swanson, representing the applicant

Date of Decision: April 20, 2016

REASONS FOR DECISION

An application to a rental officer made by Hay River Housing Authority on behalf of the Northwest Territories Housing Corporation as the applicant/landlord against Christopher Daigneault as the respondent/tenant was filed by the Rental Office March 3, 2016. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Hay River, Northwest Territories. The applicant sent a copy of the filed application on the respondent by registered mail deemed served March 14, 2016, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). An addendum to the application was received in the Rental Office March 8, 2016, which the applicant forwarded to the respondent by registered mail deemed served March 14, 2016, pursuant to section 71(5) of the Act.

The applicant alleged the respondent had abandoned the rental premises, had accumulated rental arrears, and had changed the exterior door locks to the rental premises without authorization. An order was sought for payment of the rental arrears and payment for costs to replace the locks.

A hearing was scheduled for April 20, 2016, in Hay River, Northwest Territories. The rental officer appeared by telephone. Mr. Adam Swanson appeared representing the applicant. Mr. Christopher Daigneault was sent notice of the hearing by registered mail deemed served April 8, 2016, pursuant to section 71(5) of the Act. The respondent did not appear at hearing, nor did anyone appear on his behalf. All documents related to this application were sent to the respondent at his last known address, that being the rental premises. The respondent did not provide the landlord with a forwarding address, contact number, or email address. The hearing proceeded in his absence pursuant to section 80(2) of the Act.

Tenancy agreement

The applicant submitted into evidence a written residential lease agreement establishing a tenancy agreement between the parties for subsidized public housing for rental premises located in Hay River, Northwest Territories. The tenancy commenced June 19, 2014, and the applicant deemed the premises abandoned March 2, 2016. I am satisfied a valid tenancy agreement was in place between the parties for subsidized public housing in accordance with the Act.

Rental arrears

The applicant submitted into evidence lease balance statements and lease ledgers representing the landlord's accounting of monthly assessed rents and payments made against the respondent's rent account as of April 15, 2016. Rent has not been charged by the landlord after February 2016. I am satisfied these documents accurately reflect the current status of the respondent's rent account. I find the respondent has accumulated rental arrears to the end of the tenancy in the amount of \$1,600.

Change of locks

On February 15, 2016, the applicant's maintenance foreman attempted to access the rental premises after observing no evidence of activity. He discovered at that time that the respondent had changed the locks on the premises without authorization and the landlord no longer had access. Further observations and notices from local utility companies suggested to the applicant that the respondent had abandoned the rental premises, which was confirmed during a visit on March 2, 2016, at which time the landlord re-possessed the premises. Two exterior door locks were subsequently replaced by the applicant. I am satisfied the replacement of the locks was necessitated by the unauthorized actions of the respondent, and further by the failure of the respondent to return the keys to the premises upon vacating. I find the respondent liable for the costs to replace the locks in the amount of \$252.56.

Order

An order will issue requiring the respondent to pay rental arrears in the amount of \$1,600 and to pay costs for replacement of two exterior locks in the amount of \$252.56.

Adelle Guigon
Rental Officer