

Claim No. SCCH 438941

THE SMALL CLAIMS COURT OF NOVA SCOTIA

Cite as: Wynn v. Stanton, 2015 NSSM 15

Between:

CHARMAINE GRAY WYNN

APPELLANT

-and-

LIL STANTON

RESPONDENT

ADJUDICATOR: David TR Parker QC

HEARD: May 14, 2015

DECISION: May 14, 2015

The Appellant was self represented
The Respondent was self represented

1. This was an appeal from an Order of the Director of Residential Tenancies dated April 29, 2015 and being file number 201500061.
2. The parties were explained that this was a trial de novo, and they were informed of the procedure and whether or not they wished to amend anything on the notice of appeal or response to same. There being, none, the court then advised of the procedure.
3. The order of the Dir. of Residential Tenancies was to enforce a settlement agreement which was not complied with by the appellant/tenant in which she was ordered to pay back rent less deposit in the amount of \$1242.71 with vacant possession on May 9, 2015. The appellant/tenant wish to bring forward the fact that her apartment was a mess and uninhabitable and was not being attended to by the respondent/landlord. The respondent said that she was not allowed access to part of the apartment because her son was having a relationship with the appellant and she could not get into all of the rooms. The apartment or unit that the appellant was living in has a serious mold problem which was confirmed by pictures provided by the appellant and also the testimony of the appellant and her daughter, Liberty. I asked the appellant why she did not raise these issues at the original telephone conference pertaining to the mediated settlement and no reasonable explanation was given. There should be some abatement of rent however. These living conditions are not acceptable. I

make no comment who is responsible however as there was insufficient evidence, but they did exist. The appellant will have to vacate the premises by the end of May some 2 weeks from this oral decision however there shall be no rent charged from May 9, 2015 until the end of May. However, the back rent as outlined in the Director's Order will be the responsibility of the appellant.

It Is Therefore Ordered That the Order of the Director of Residential Tenancies dated April 29, 2015 and being file number 201500061 be varied as follows:

The appellant Charmaine Gray Wynn, shall pay the respondent/landlord the sum of \$1242.71 and,

It Is Further Ordered That the appellant and any occupants vacate the premises known as 39B Dentith Road, Halifax, Nova Scotia on May 31, 2015.

Dated at Halifax Nova. Scotia this 14th day of May 2015

David T.R. Parker QC
Adjudicator of the Small Claims
Court of Nova Scotia