

IN THE MATTER between **994552 NWT LTD.**, Applicant, and **LESLIE SAX**,
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, **HAL LOGSDON**, Rental Officer,
regarding the rental premises at **YELLOWKNIFE, NT.**

BETWEEN:

994552 NWT LTD.

Applicant/Landlord

- and -

LESLIE SAX

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife, in the Northwest Territories this 29th day of
November, 2004.

Hal Logsdon
Rental Officer

IN THE MATTER between **994552 NWT LTD.**, Applicant, and **LESLIE SAX**,
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 **Hal Logsdon**, Rental Officer.

BETWEEN:

994552 NWT LTD.

Applicant/Landlord

-and-

LESLIE SAX

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: November 23, 2004

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Vince Dixon, representing the applicant
Leslie Sax, respondent (by phone)

Date of Decision: November 23, 2004

REASONS FOR DECISION

The applicant alleged that the respondent abandoned the premises and sought an order for compensation for lost rent. The applicant testified that the respondent vacated the premises on February 28, 2004. The tenancy agreement was made for a term to end on October 31, 2004.

The application was filed on September 10, 2004.

Section 68 of the Residential Tenancies Act sets out a time limitation for applications:

68.(1) An application by a landlord or a tenant to a rental officer must be made within six months after the breach of an obligation under this Act or the tenancy agreement or the situation referred to in the application arose.

The Act permits a rental officer to extend this limitation.

The applicant retained the security deposit for compensation for lost rent and was ordered, on the application of the respondent, to return the deposit in full. The deposit was returned.

It appears that the only reason this application was not made within the six month limitation was due to the landlord's belief that compensation for lost rent could be deducted from the security deposit. The landlord did not therefore make his application until the tenant filed for the return of the deposit. In my opinion, the ignorance of the provisions of the Act, is not a reason why an extension to the time limit should be considered. The landlord's losses were known within one

month of the termination of the tenancy agreement, which left five months within which an application could be filed and considered. Accordingly, the application is dismissed.

Hal Logsdon
Rental Officer