

IN THE MATTER between **NORTHERN PROPERTY REIT**, Applicant, and **FRANK LANDRY AND DINA LANDRY**, 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, **HAL LOGSDON**, Rental Officer, regarding the rental premises at **YELLOWKNIFE, NT**.

BETWEEN:

NORTHERN PROPERTY REIT

Applicant/Landlord

- and -

FRANK LANDRY AND DINA LANDRY

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife, in the Northwest Territories this 11th day of November, 2004.

Hal Logsdon
Rental Officer

IN THE MATTER between **NORTHERN PROPERTY REIT**, Applicant, and **FRANK LANDRY AND DINA LANDRY**, 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 **Hal Logsdon**, Rental Officer.

BETWEEN:

NORTHERN PROPERTY REIT

Applicant/Landlord

-and-

FRANK LANDRY AND DINA LANDRY

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: November 2, 2004

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Lucy Gillard, representing the applicant
Frank Landry, respondent

Date of Decision: November 11, 2004

REASONS FOR DECISION

The applicant alleged that the respondents had failed to pay the full amount of rent and had failed to adequately clean the premises or repair damages upon vacating the premises. The applicant also alleged that the respondents had failed to pay for electricity. The applicant sought an order for alleged rent arrears and costs of repair and cleaning in excess of the retained security deposit in the amount of \$2546.20.

This application was filed on September 22, 2004. From the evidence, the tenancy was vacated sometime between the end of October, 2003 and December 9, 2003. The applicant provided an undated check out report and a statement of the security deposit in evidence. The check-out report is undated and the security deposit report indicates that the premises were vacated on December 9, 2003. The respondent testified that he turned in his keys at end of October or the beginning of November, 2003 and notified the landlord that the premises had been vacated. In any case, the application was filed more than six months after the tenancy agreement ended.

Section 68 of the *Residential Tenancies Act* sets out a time limit for filing 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.

A rental officer may extend this time limit but must be of the opinion it would not be unfair to do so.

The applicant stated that they had been unable to locate the respondents after they vacated the premises and knowing they would not be able to serve the filed application on the respondents, did not make the application until they discovered their whereabouts. The respondent stated that he provided the landlord with a contact telephone number when he vacated the premises.

There is considerable uncertainty from the evidence as to when the tenancy agreement was terminated and the nature of cleaning and repairs which were deemed necessary. The landlord's representative had no direct knowledge of the matter other than the documents on file. In my opinion, the evidence is too old and incomplete in order to fairly determine this matter and I do not think that the extension of the six-month limitation would result in a fair determination of the matter. Therefore, the application shall be dismissed.

Hal Logsdon
Rental Officer