

IN THE MATTER between **SHELTER CANADIAN PROPERTIES LTD.**, Applicant,
and **JAMES ARDEN**, 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:

SHELTER CANADIAN PROPERTIES LTD.

Applicant/Landlord

- and -

JAMES ARDEN

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife, in the Northwest Territories this 10th day of
February, 2006.

Hal Logsdon
Rental Officer

IN THE MATTER between **SHELTER CANADIAN PROPERTIES LTD.**, Applicant,
and **JAMES ARDEN**, Respondent.

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter
R-5 (the "Act");

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BETWEEN:

SHELTER CANADIAN PROPERTIES LTD.

Applicant/Landlord

-and-

JAMES ARDEN

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: February 7, 2006

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Trudy Spence, representing the applicant

Date of Decision: February 7, 2006

REASONS FOR DECISION

The applicant attempted to serve the respondent with the filed application mailing it to him at the address of the rental premises. The application was filed on January 13, 2006 and mailed to the respondent on January 18, 2006. The application was returned to the applicant and the Notice of Attendance, also served by registered mail to the rental premises, was also undeliverable. The tenant vacated the premises on November 1, 2005.

Section 71 of the *Residential Tenancies Act* permits service by registered mail and deems service seven days after mailing. When a tenant vacates premises owing rent or repair costs over and above the security deposit and whose whereabouts are unknown it is, in my opinion, incumbent on the landlord to act in an expeditious manner by promptly filing an application and serving it by registered mail to the premises. It can be argued, I believe, that in some cases it is entirely reasonable to deem service by registered mail sent to the rental premises even if it is never delivered to the respondent. It is reasonable to expect a former tenant to arrange for mail to be forwarded but only for a reasonable period of time.

In this matter, I do not consider service of the application or the Notice of Attendance to be effected. The application shall be dismissed but the applicant is free to file another application, subject to section 68 of the *Residential Tenancies Act*, should there be the opportunity to properly serve the respondent.

Hal Logsdon
Rental Officer