

IN THE MATTER between **NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST**, Applicant, and **PEARL MARTIN**, 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:

NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST

Applicant/Landlord

- and -

PEARL MARTIN

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife, in the Northwest Territories this 1st day of March, 2006.

Hal Logsdon
Rental Officer

IN THE MATTER between **NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST**, Applicant, and **PEARL MARTIN**, 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:

NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST

Applicant/Landlord

-and-

PEARL MARTIN

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: February 28, 2006

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Krista Cooper, representing the applicant

Date of Decision: February 28, 2006

REASONS FOR DECISION

This tenancy agreement was terminated on or about October 19, 2005 when the respondent vacated the rental premises. The applicant inspected the premises and prepared an inspection report and statement of the security deposit which were presented in evidence.

The application was not filed until January 25, 2006 and was sent to the respondent by registered mail to a post office box number. The Notice of Attendance was also sent to the respondent by registered mail to the post office box number indicated on the application. The respondent's mother notified the rental office that she had received the filed application and stated that the respondent no longer lived with her and her address was unknown. The Notice of Attendance was returned to the rental officer. The evidence suggests that neither the application nor the Notice of Attendance were actually received by the respondent but sent to her mother's address.

Section 71 of the *Residential Tenancies Act* permits service by registered mail and deems service seven days after mailing if mailed to the rental premises.

- 71.(1) Subject to subsection (3), any notice, process or document to be served by or on a landlord, a tenant or the rental officer may be served by personal delivery or by registered mail to the landlord at the address given in the tenancy agreement or mailed to the tenant at the address of the rental premises and to the rental officer at the address of the office of the rental officer.**
- (2) A notice, process or document sent by registered mail shall be deemed to have been served on the 7th day after the date of mailing.**
- (3) Where a notice cannot be served personally on a tenant or a landlord**

who is absent or evading service, the notice may be served on the tenant or the landlord by serving it on any adult who apparently resides with the tenant or landlord.

As the application and the Notice of Attendance can not be considered served on the respondent, the application must be dismissed. The applicant may file a future application should the whereabouts of the respondent become known and proper service become possible.

Hal Logsdon
Rental Officer