

IN THE MATTER between **SYLVAIN TESSIER**, Applicant, and **JOEL HUBERT**,
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 **HAY RIVER, NT**.

BETWEEN:

SYLVAIN TESSIER

Applicant/Tenant

- and -

JOEL HUBERT

Respondent/Landlord

ORDER

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife, in the Northwest Territories this 10th day of May,
2007.

Hal Logsdon
Rental Officer

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BETWEEN:

SYLVAIN TESSIER

Applicant/Tenant

-and-

JOEL HUBERT

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REASONS FOR DECISION

<u>Date of the Hearing:</u>	May 10, 2007
<u>Place of the Hearing:</u>	Yellowknife, NT via teleconference
<u>Appearances at Hearing:</u>	Sylvain Tessier, applicant Joel Hubert, respondent
<u>Date of Decision:</u>	May 10, 2007

REASONS FOR DECISION

The applicant was arrested on May 6, 2006 and remains in custody. The respondent took possession of the premises. The personal possessions of the applicant have been stored by the respondent.

The applicant filed an Application to a Rental Officer on December 21, 2006 alleging that the respondent would not return the property and that some items were missing. The applicant sought an order requiring the return of the property or compensation for its value.

Sections 68(1) and 68(3) of the *Residential Tenancies Act* set out a time limitation for applications but permits a rental officer to extend the time limit.

- 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.**
- 68.(3) A rental officer may extend the time for the making of an application to the rental officer, whether or not the time for making the application to a rental officer has expired, where the rental officer is of the opinion that it would not be unfair to do so.**

The decision to extend the time period is discretionary. It has been the practice of this tribunal to extend the time limit only in cases where there is a compelling reason why the application could not have been made within the time limitation or where a reasonable person would assume the matter would be resolved without recourse to legal action.

The applicant claims that in mid-May, 2006 persons tried to pick up the goods and the respondent refused to release the goods to them. The respondent stated that he had made it clear to the applicant that he would release the goods to any person who was authorized by the applicant to claim the goods. The respondent stated that a person claiming to be the applicant's friend had requested that the goods be released to her. The respondent refused because he had no indication from the applicant that she was authorized to do so. An application made at this time would have been well within the time limitation. No efforts have been made since that time to retrieve the belongings.

In my opinion, there was nothing preventing the applicant from making an application within the time limitation imposed by the Act. If he had any expectation that the matter would be resolved without recourse to legal action, he made no serious attempts to resolve the matter by complying with the respondent's requirement for authorization, a requirement which I find perfectly reasonable.

I shall not extend the time limitation in this matter and shall dismiss the application. However, I shall not approve the disposal or sale of these goods until 30 days have elapsed from the filing date of this order to permit the applicant one last opportunity to make arrangements to retrieve his belongings.

This decision was made known to the parties at the conclusion of the hearing.

Hal Logsdon
Rental Officer