

IN THE MATTER between **YKD PROPERTY MANAGEMENT**, Applicant, and
ALAN BENZMER, 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:

YKD PROPERTY MANAGEMENT

Applicant/Landlord

- and -

ALAN BENZMER

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife, in the Northwest Territories this 6th day of
September, 2007.

Hal Logsdon
Rental Officer

IN THE MATTER between **YKD PROPERTY MANAGEMENT**, Applicant, and
ALAN BENZMER, 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:

YKD PROPERTY MANAGEMENT

Applicant/Landlord

-and-

ALAN BENZMER

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: September 4, 2007

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Jennifer Eggenberger, representing the applicant

Date of Decision: September 4, 2007

REASONS FOR DECISION

The respondent was served with a Notice of Attendance sent by registered mail to the rental premises. The respondent failed to appear at the hearing and the hearing was held in his absence.

The tenancy agreement between the parties was terminated on November 30, 2006. The applicant retained the security deposit and accrued interest, applying it against rent arrears. The applicant sought an order requiring the respondent to pay rent arrears in excess of the retained security deposit.

The applicant provided a statement which indicated a balance owing in the amount of \$773.94 after the application of the security deposit.

Section 68(1) sets out a time limit for making applications and section 68(3) permits a rental officer to extend that 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 practice of this tribunal has been to not extend the time limitation without good reason. The

applicant has not provided an adequate reason why an application could not have been made within the six month limit nor is there any evidence that the applicant has a reasonable expectation that the matter would be resolved without making an application to a rental officer.

I find no reason to justify the extension of the limitation imposed by section 68. Therefore the application is dismissed.

Hal Logsdon
Rental Officer