

IN THE MATTER between **NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST**, Applicant, and **LISA BEATTIE**, 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 **INUVIK, NT**.

BETWEEN:

NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST

Applicant/Landlord

- and -

LISA BEATTIE

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondent shall pay the applicant rent arrears in the amount of seven hundred three dollars and ten cents (\$703.10).

DATED at the City of Yellowknife, in the Northwest Territories this 13th day of December, 2007.

Hal Logsdon
Rental Officer

IN THE MATTER between **NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST**, Applicant, and **LISA BEATTIE**, 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-

LISA BEATTIE

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: December 5, 2007

Place of the Hearing: Inuvik, NT via teleconference

Appearances at Hearing: Darrin Holmes, representing the applicant

Date of Decision: December 13, 2007

REASONS FOR DECISION

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

The tenancy agreement between the parties was terminated on April 30, 2007 when the respondent vacated the premises. The applicant retained the security deposit and accrued interest, applying it against rent arrears. The applicant now seeks an order requiring the respondent to pay rent arrears in excess of the retained security deposit and interest.

The application was filed on November 5, 2007, more than six months after the tenancy agreement ended.. Section 68 of the *Residential Tenancies Act* requires that an application be made within six months but permits a rental officer to extend this limitation.

- 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.**
- (2) A landlord or a tenant making an application to a rental officer for an order or a decision under this Act must file the application with the rental officer and serve a copy of the application on the other party within at least 14 days after the filing of the application.**
- (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 applicant argued that the application was made in time as it was signed and dated on October

31, 2007. While I disagree, I do not think it is unfair to extend the limitation as the application was only five days late. In the future, the applicant should ensure that applications are received at the Rental Office within the time limitation.

The applicant provided a statement of the rent account which indicated a balance of rent owing after the application of the security deposit and interest in the amount of \$703.10.

I find the statement in order and find the respondent in breach of her obligation to pay rent. I find the rent arrears to be \$703.10. An order shall issue requiring the respondent to pay the applicant rent arrears in the amount of \$703.10.

Hal Logsdon
Rental Officer