

IN THE MATTER between **PRISCILLA MAY SMITH**, Applicant, and **G.B.H. HOLDINGS**, Respondent;

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

AND IN THE MATTER of a Hearing before, **HAL LOGSDON**, Rental Officer, regarding the rental premises at **INUVIK, NT**.

BETWEEN:

PRISCILLA MAY SMITH

Applicant/Tenant

- and -

G.B.H. HOLDINGS

Respondent/Landlord

ORDER

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife, in the Northwest Territories this 14th day of January, 2011.

Hal Logsdon
Rental Officer

IN THE MATTER between **PRISCILLA MAY SMITH**, Applicant, and **G.B.H. HOLDINGS**, 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:

PRISCILLA MAY SMITH

Applicant/Tenant

-and-

G.B.H. HOLDINGS

Respondent/Landlord

REASONS FOR DECISION

Date of the Hearing: January 13, 2011

Place of the Hearing: Inuvik, NT via teleconference

Appearances at Hearing: Greg Murphy, representing the respondent
Cal Phare, representing the respondent

Date of Decision: January 13, 2011

REASONS FOR DECISION

This application was filed on May 26, 2010 and scheduled for hearing on August 10, 2010. The applicant alleged that the respondent had changed the locks on the apartment, interfering with her possession and alleged that some of her personal property had been seized. The applicant sought an order requiring the respondent to allow her to continue to occupy the premises and to return all personal property.

Since the application was filed a new property manager has been hired by the respondent. The current property manager had no direct knowledge of the matter but stated that there were some items in storage that he believed may belong to the applicant. The respondent agreed to permit the applicant to continue occupancy and invited her to look at the possessions in storage and claim what belonged to her. The parties agreed to an adjournment of the matter and the applicant was instructed to notify the rental officer if there were any outstanding issues after she had met with the landlord to arrange possession of the apartment and inspect the goods in storage.

The applicant contacted the Rental Office on September 20, 2010 and indicated that the respondent had sold most of her possessions but had others in storage. She was instructed to file a list of missing or damaged items along with their estimated value with the rental officer and the matter would be set for hearing. She did not pick up any of the items in storage or make arrangements to take possession of the apartment.

On November 5, the applicant was notified in writing that the file would be closed on November 26, 2010 unless the requested information was filed. She filed the requested inventory on November 25, 2010.

The matter was set for hearing on January 5, 2011 and the parties were sent Notices of Attendance by registered mail. Canada Post confirmed that the notice for the applicant was successfully delivered on December 17, 2010 and provided a signature of the recipient. The applicant failed to appear at the hearing.

Later in the day of January 5, 2011 the applicant contacted the rental officer and stated that she had just picked up the notice. Her telephone call was followed by a call from the Inuvik post office supervisor who stated that, in fact, the item had only been delivered that day and that the previous advice regarding the delivery of the item was in error. He stated that the signature provided was actually the signature of a Canada Post employee.

On January 6, 2011, I advised both parties of the issue with service and advised them that I intended to hear the matter and would contact them promptly and advise them verbally of the hearing date. Over the next five days I left numerous phone messages and an e-mail message for the applicant to contact me but she failed to do so. On January 12, 2011, I did contact the applicant and arranged for the matter to be heard by teleconference on January 13, 2011. She was provided with the time and the code to use to access the teleconference and indicated she would appear.

The applicant failed to appear at the hearing. On January 14, 2011 the applicant sent the rental officer an email stating that her labour had commenced and she had been at the hospital.

Although she obviously has a working telephone she made no effort to call the rental office to advise us of the situation. In my opinion, the applicant has had ample opportunity to either appear at the hearing by teleconference or advise the rental officer of the situation and seek adjournment.

She did neither. The applicant is well aware of the rental office toll-free telephone number and the ability to leave voice mail messages at that number.

Accordingly the application is dismissed.

Hal Logsdon
Rental Officer