

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Jerry Bourke**,
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, **Adelle Guigon**, Deputy Rental Officer,
regarding a rental premises located within the **town of Fort Smith in the Northwest
Territories.**

BETWEEN:

NWT HOUSING CORPORATION

Applicant/Landlord

- and -

JERRY BOURKE

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. The application is denied.

DATED at the City of Yellowknife in the Northwest Territories this 22nd day of October
2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Jerry Bourke**,
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 **Adelle Guigon**, Deputy Rental Officer,

BETWEEN:

NWT HOUSING CORPORATION

Applicant/Landlord

-and-

JERRY BOURKE

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: September 25, 2014

Place of the Hearing: Yellowknife, Northwest Territories, by teleconference

Appearances at Hearing: Jessica Carriere, representing the applicant

Date of Decision: September 25, 2014

REASONS FOR DECISION

An application to a rental officer made by NWT Housing Corporation as the applicant/landlord against Jerry Bourke as the respondent/tenant was filed by the Rental Office July 7, 2014. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as 436 Calder in Fort Smith, Northwest Territories. The applicant sent a filed copy of the application package to the respondent by registered mail signed for July 23, 2014.

The applicant alleged in the application the respondent had accumulated rental arrears and had caused damages to the rental premises, and sought an order for payment of rental arrears and compensation for repairs costs. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for September 25, 2014, by teleconference. Ms. Jessica Carriere appeared representing the applicant. Mr. Jerry Bourke was sent a notice of attendance by registered mail signed for September 10, 2014. The hearing proceeded in his absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Ms. Carriere testified Mr. Bourke had been a tenant in subsidized public housing from June 1, 2006, to April 30, 2008. She was unable to provide evidence of efforts to notify the respondent of his arrears since his departure from the rental premises. Section 68(1) of the Act specifies an application must be made within six months after the situation referred to in the application arose. Section 68(3) allows a rental officer to extend the time for the making of an application where it would not be unfair to do so. In my opinion, the failure of the landlord to attempt to communicate with or notify the tenant of their arrears and the claim for costs to repair damages for six years after the tenant vacated makes it unfair to consider granting an extension to the time limit for making an application to a rental officer. The application is denied.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Statement of account as of April 30, 2008
- Exhibit 2: Email conversation between Jennifer Vachon and Lucille Harrington dated June 13, 16, and 17, 2008
- Exhibit 3: Subsidiary transactions for September 25 and August 27, 2008
- Exhibit 4: Applicant's lot 630, Plan 319, 185 Wintergreen Street, Fort Smith correspondence to respondent dated December 12, 2006
- Exhibit 5: Applicant's lot 630, Plan 319, 185 Wintergreen Street, Fort Smith, NT, correspondence to respondent dated October 21, 2006
- Exhibit 6: Residential tenancy agreement
- Exhibit 7: Applicant's invoice number 007823 for outstanding rent and repair costs
- Exhibit 8: Email conversation between Jennifer Vachon, Lucille Harrington, Gord McSwain, and Lisa Maurice dated between July 14 and November 8, 2008
- Exhibit 9: Cheque requisition number 197584 to Sundog Maintenance Services prepared August 26, 2008
- Exhibit 10: Sundog Maintenance Services invoice number 231371 dated July 31, 2008
- Exhibit 11: Local contract authority number 523624
- Exhibit 12: General receipt number 9-26781 dated October 12, 2008