

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Freddy Clement and Dana Bird**, Respondents;

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, **Adelle Guigon**, Deputy Rental Officer, regarding a rental premises within **the hamlet of Tulita in the Northwest Territories**.

BETWEEN:

NWT HOUSING CORPORATION

Applicant/Landlord

- and -

FREDDY CLEMENT and DANA BIRD

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 68(2) of the *Residential Tenancies Act*, extending the time for the making of this application is denied.

DATED at the City of Yellowknife in the Northwest Territories this 16th day of January 2015.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Freddy Clement and Dana Bird**, Respondents.

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-and-

FREDDY CLEMENT and DANA BIRD

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REASONS FOR DECISION

<u>Date of the Hearing:</u>	January 14, 2015
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Janelle Butler, representing the applicant
<u>Date of Decision:</u>	January 14, 2015

REASONS FOR DECISION

An application to a rental officer made by NWT Housing Corporation as the applicant/landlord against Freddy Clement and Dana Bird as the respondents/tenants was filed by the Rental Officer November 17, 2014. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as SK-275 in Tulita, Northwest Territories. The applicant served a copy of the filed application on the respondents by registered mail deemed served December 1, 2014, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act).

The applicant alleged the respondents had accumulated rental arrears and sought an order for payment. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for January 14, 2015, by teleconference. Ms. Janelle Butler appeared representing the applicant. Mr. Freddy Clement and Ms. Dana Bird were served notices of attendance by registered mail signed for December 15, 2014. Neither Mr. Clement nor Ms. Bird appeared at hearing, nor did anyone appear on their behalf. The hearing proceeded in their absence pursuant to section 80(2) of the Act.

Ms. Butler testified the respondents were former tenants in subsidized public housing occupying the rental premises known as SK-275 in Tulita, Northwest Territories, until August 2010. The last and only notice regarding the rental arrears to the respondents after the tenancy ended was sent July 8, 2011. Ms. Butler was unable to confirm the reasons for the applicant's lack of effort in pursuing payment of the rental arrears or communication with the respondents. No explanation was available for failing to file an application within the six-month time limit dictated by section 68(1) of the Act. As such, it would be unfair to grant an extension to the time limit within which one must file an application to a rental officer pursuant to section 68(2) of the Act. The application was denied.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Applicant's summary of file

Exhibit 2: Statement of account dated September 15, 2011

Exhibit 3: Lease balance statement dated September 29, 2014

Exhibit 4: Homeownership Entry Level Program agreement