

IN THE MATTER between **PK and EC and TF**, Applicant, and **LGL**, 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**, Rental Officer,

BETWEEN:

PK and EC and TF

Applicants/Tenants

-and-

LGL

Respondent/Landlord

REASONS FOR DECISION

Date of the Hearing: June 28, 2017

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: PK, applicant
EC, applicant
TF, applicant
ZT, representing the respondent
CT, representing the respondent

Date of Decision: June 28, 2017

REASONS FOR DECISION

An application to a rental officer made by PK, EC, and TF as the applicants/tenants against LGL as the respondent/landlord was filed by the Rental Office April 5, 2017. The application was made regarding a residential tenancy agreement for a rental premises located in Yellowknife, Northwest Territories. The filed application was served on the respondent by email deemed received April 9, 2017, pursuant to section 4(4) of the *Residential Tenancies Regulations* (the Regulations).

The applicants alleged the respondent had improperly withheld their security deposit and sought an order for the return of the security deposit and compensation for failure to provide services.

A hearing was scheduled for June 28, 2017, in Yellowknife. PK, EC, and TF appeared as applicants. ZT and CT appeared representing the respondent.

Tenancy agreement

The parties agreed and evidence was presented establishing a fixed-term residential tenancy agreement between them commencing February 1, 2016, and ending August 31, 2016. The respondents did vacate the rental premises August 31, 2016. I am satisfied a valid tenancy agreement was in place in accordance with the *Residential Tenancies Act* (the Act).

Time limitation for making an application

Section 68(1) of the Act specifies that an application to a rental officer must be made within six months after the breach of an obligation of the Act or the tenancy agreement arose. Section 68(3) of the Act provides for a rental officer to extend the time for the making of an application where the rental officer is of the opinion that it would not be unfair to do so.

The respondent's representatives argued that the application was filed eight months after the end of the tenancy with no reasonable prior effort on the applicants' part to attempt to negotiate a resolution to the dispute.

The applicants' confirmed that no efforts were made to communicate with the respondents regarding the issues applied for since September 2016. Other than the applicants' claiming they were unaware of the time limitation for making an application, no reasonable explanation was provided for the delay in making the application.

Under the circumstances, I am of the opinion that it would be unfair to grant an extension to the time for making this application. Six months is more than adequate time to prepare an application to a rental officer of this nature. Had any effort to resolve the dispute themselves been made in the intervening period, then perhaps I may have formed a different opinion. This application is dismissed.

Adelle Guigon
Rental Officer