

IN THE MATTER between **TL**, Applicant, and **JL**, 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:

TL

Applicant/Landlord

-and-

JL

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: June 27, 2018

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: TL, applicant
MR, on behalf of the applicant

Date of Decision: June 27, 2018

REASONS FOR DECISION

An application to a rental officer made by TL as the applicant/landlord against JL as the respondent/tenant was filed by the Rental Office March 15, 2018. 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 13, 2018, pursuant to subsection 4(4) of the *Residential Tenancies Regulations* (the Regulations).

The applicant alleged the respondent failed to ensure the fuel tank was refilled at the end of the tenancy. An order was sought for payment of costs to refill the fuel tank.

A hearing was scheduled for June 27, 2018, by three-way teleconference. TL appeared as applicant, with MR appearing on behalf of the applicant. JL was served notice of the hearing by email deemed received April 13, 2018. The respondent did not appear at the hearing, nor did anyone appear on the respondent's behalf. The hearing proceeded in the respondent's absence pursuant to subsection 80(2) of the *Residential Tenancies Act* (the Act).

Tenancy agreement

The applicant testified and evidence was presented establishing a residential tenancy agreement between the parties commencing December 4, 2016. The respondent vacated the rental premises, effectively ending the tenancy August 1, 2017. I am satisfied a valid tenancy agreement was in place in accordance with the Act.

Extension of time for making an application

Subsection 68(1) of the Act requires that an application to a rental officer be made within six months of the end of a tenancy or when a situation arose. Subsection 68(3) of the Act provides for the Rental Officer to grant an extension to the time for making an application where the Rental Officer is of the opinion that it would not be unfair to do so.

In this case, evidence and testimony presented at hearing satisfy me that the parties have had repeated communications in the months since the tenancy ended attempting to resolve the issue of unpaid utilities. Being satisfied it would not be unfair to do so, I am granting an extension to the time for making this application.

Utilities arrears

Paragraph 20 of the written tenancy agreement sets out the tenant's responsibility for utilities, including heating fuel. Paragraph 1 of the amending agreement further clarifies the tenant's responsibility to fill both fuel tanks at the rental premises at the end of the tenancy.

When the tenancy ended, the applicant found the fuel tanks had not been filled as required. By an email dated September 16, 2017, the respondent acknowledged her responsibility to pay to refill the fuel tanks and made a commitment to find some money to pay the debt. The respondent has not made any payments to date.

I am satisfied the respondent failed to comply with her obligation to refill the fuel tanks at the end of the tenancy agreement. I find the respondent liable to the applicant for the costs of refilling the fuel tanks in the amount of \$854.08.

Order

An order will issue requiring the respondent to pay utilities arrears in the amount of \$854.08.

Adelle Guigon
Rental Officer