

IN THE MATTER between **NTHC**, Applicant, and **RM**, 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:

NTHC

Applicant/Landlord

-and-

RM

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: September 5, 2018

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: FG, representing the applicant

Date of Decision: September 5, 2018

REASONS FOR DECISION

An application to a rental officer made by UHA on behalf of the NTHC as the applicant/landlord against RM as the respondent/tenant was filed by the Rental Office June 25, 2018. The application was made regarding a residential tenancy agreement for a rental premises located in Ulukhaktok, Northwest Territories. The filed application was served on the respondent by registered mail signed for August 30, 2018.

The applicant alleged the respondent had accumulated rental arrears and sought an order for payment of the rental arrears.

A hearing was scheduled for September 5, 2018, by three-way teleconference. FG appeared representing the applicant. RM was served notice of the hearing by registered mail signed for August 30, 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's representative testified and evidence was presented establishing that the residential tenancy agreement between the parties commenced in April 1996 and ended in August 2009. I am satisfied a valid tenancy agreement was in place in accordance with the Act.

Extension of time for making an application

The lease balance statement entered into evidence is for the period of April 1, 2012, to September 15, 2016, and reflects rental arrears and tenant damages charges carried forward from March 31, 2012, as well as payments received between August 3, 2012, and September 15, 2016. Despite the minimal payments received after the end of the tenancy, there is no evidence that any effort to communicate with or resolve the claimed arrears directly with the respondent was made prior to making this application to a rental officer. No previous applications to a rental officer were made regarding this matter.

Subsection 68(1) of the Act requires that an application to a rental officer must be made within six months after the breach of an obligation under the Act or the tenancy agreement, or the situation referred to in the application arose. Subsection 68(3) of the Act allows for the rental officer to extend the time for the making of an application to a rental officer where the Rental Officer is of the opinion that it would not be unfair to do so.

In this case, the application to a rental officer was made 96 months after the tenancy ended and 28 months after the last payment was received against the rent account. I am of the opinion that it would be unfair to grant an extension to the time for making this application given the lack of effort on the part of the applicant to take adequate actions to resolve the matter within the legislated time frames. As such, the application is denied.

To be clear, I am making no findings regarding whether or not the respondent carries either rental arrears or arrears for tenant damages.

Adelle Guigon
Rental Officer