

IN THE MATTER between **NTHC**, Applicant, and **BM**, 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-

BM

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: August 12, 2021

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: DT, representing the Applicant

Date of Decision: August 12, 2021

REASONS FOR DECISION

An application to a rental officer made by DHA on behalf of the NTHC as the Applicant/Landlord against BM as the Respondent/Tenant was filed by the Rental Office June 23, 2021. The application was made regarding a residential tenancy agreement for a rental premises located in Deline, Northwest Territories. The filed application was personally served on the Respondent August 4, 2021.

The Applicant alleged the Respondent had accumulated rental arrears and sought an order for payment of the rental arrears.

A hearing was held August 12, 2021, by three-way teleconference. DT appeared representing the Applicant. BM was personally served notice of the hearing August 4, 2021. 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

Evidence was presented establishing a residential tenancy agreement between the parties for subsidized public housing commencing September 1, 2014, and ending May 31, 2015. I am satisfied a valid tenancy agreement was in place in accordance with the Act.

Exceeding time limit for making application

The last recorded transaction against this tenancy's rent account was for a payment of \$100 on September 27, 2019. Two agreements to pay had been entered into with the Respondent, one on August 17, 2017, and the other on September 17, 2019, neither of which were complied with by the Respondent. The Applicant's representative confirmed that there has been no further action taken on this account before the filing of the application to a rental officer since September 2019.

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

Given the lack of effort on the Landlord's part to resolve the alleged rental arrears directly with the former Tenant for nearly two years, I am not satisfied that it would be fair to grant an extension to the time for making an application. As such, the application is denied as exceeding the Rental Officer's jurisdiction.

Adelle Guigon
Rental Officer