

IN THE MATTER between **FORT SMITH HOUSING AUTHORITY**, Applicant, and
JOANNE SINGH AND MARVIN NADARY, Respondents;

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, **HAL LOGSDON**, Rental Officer,
regarding the rental premises at **FORT SMITH, NT.**

BETWEEN:

FORT SMITH HOUSING ASSOCIATION

Applicant/Landlord

- and -

JOANNE SINGH AND MARVIN NADARY

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife, in the Northwest Territories this 1st day of April,
2010.

Hal Logsdon
Rental Officer

IN THE MATTER between **FORT SMITH HOUSING AUTHORITY**, Applicant, and
JOANNE SINGH AND MARVIN NADARY, Respondents.

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 **Hal Logsdon**, Rental Officer.

BETWEEN:

FORT SMITH HOUSING AUTHORITY

Applicant/Landlord

-and-

JOANNE SINGH AND MARVIN NADARY

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: March 17, 2010

Place of the Hearing: Fort Smith, NT

Appearances at Hearing: Kevin Mageean, representing the applicant
Kim Olsen, representing the applicant
Joanne Singh, respondent
Janet Stephenson, representing the respondent

Date of Decision: March 17, 2010

REASONS FOR DECISION

The applicant alleged that the respondents had breached the tenancy agreement by failing to repair damages to the rental premises and sought an order requiring the respondents to pay for the cost of repairs. The premises are subsidized public housing.

The tenancy agreement between the parties was made for a term which expired on January 31, 2009. The parties did not enter into a new tenancy agreement. The *Application to a Rental Officer* was not filed until January 8, 2010 almost a year after the tenancy agreement ended.

Section 68(1) of the *Residential Tenancies Act* sets out a time limit for making an application.

68.(1) An application by a landlord or a tenant to a rental officer must be made within six months after the breach of an obligation under this Act or the tenancy agreement or the situation referred to in the application arose.

Although a rental officer may extend the time limit set out in section 68, it has been the practice of this tribunal to do so only when there are good reasons why the application was not made in a timely manner.

The respondents acknowledged their responsibility for the repair costs and signed an agreement on October 30, 2008 to pay the repair costs of \$475.04 in monthly payments of \$50 until the costs were paid in full. Only three payments were made, the last being on February 9, 2009. All of the repairs were completed and the costs invoiced to the respondents prior to the end of the tenancy agreement.

I do not find any reasons why this application could not have been made in a more timely manner. I find no evidence that would have led the applicant to believe that this matter might be resolved without recourse to legal action. For these reasons, the application is dismissed.

Hal Logsdon
Rental Officer