

IN THE MATTER between **BEHCHOKO KO GHA KAODEE**, Applicant, and  
**PRISCILLA WASHIE AND RUSSELL SIMPSON**, Respondents;

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter  
R-5 (the "Act") and amendments thereto;

AND IN THE MATTER of a Hearing before, **HAL LOGSDON**, Rental Officer,  
regarding the rental premises at **BEHCHOKO, NT.**

BETWEEN:

**BEHCHOKO KO GHA KAODEE**

Applicant/Landlord

- and -

**PRISCILLA WASHIE AND RUSSELL SIMPSON**

Respondent/Tenants

**ORDER**

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife, in the Northwest Territories this 2nd day of October,  
2012.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **BEHCHOKO KO GHA KAODEE**, Applicant, and  
**PRISCILLA WASHIE AND RUSSELL SIMPSON**, 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:

**BEHCHOKO KO GHA KAODEE**

Applicant/Landlord

-and-

**PRISCILLA WASHIE AND RUSSELL SIMPSON**

Respondent/Tenants

**REASONS FOR DECISION**

**Date of the Hearing:** September 14, 2012

**Place of the Hearing:** Yellowknife, NT via teleconference

**Appearances at Hearing:** Mike Keohane, representing the applicant

**Date of Decision:** September 14, 2012

### **REASONS FOR DECISION**

The respondents were served with Notices of Attendance sent by registered mail and confirmed delivered. The respondents failed to appear at the hearing and the hearing was held in their absence.

The tenancy agreement between the parties was terminated on June 23, 2009 when the applicant entered into a new tenancy agreement for the premises with Ms Washie as sole tenant. That tenancy agreement was terminated shortly thereafter. The applicant sought leave to extend the time limitation for applications and an order requiring the respondents to pay rent arrears.

Sections 68(1) and 68(3) set out the time limitation on applications.

- 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.**
- 68. (3) A rental officer may extend the time for the making of an application to the rental officer, whether or not the time for making the application to a rental officer has expired, where the rental officer is of the opinion that it would not be unfair to do so.**

Although there was a repayment agreement made with Ms Washie in March, 2010 (nine months after the tenancy agreement ended) Ms Washie ceased making any payments in April, 2010. Mr Russell has made one payment of \$300 in July, 2012.

It has been the practice of this tribunal to extend the time limitation for the making of an

application if the applicant could have had a reasonable expectation that the dispute would have been resolved without recourse to legal action. In my opinion, such an expectation in this matter would have been unwarranted. It is clear that the applicant simply hasn't pursued collection of this debt to any degree and has let the time run out.

The applicant's request for leave to extend the time limitation is denied and the application shall be dismissed.

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Hal Logsdon  
Rental Officer