

IN THE MATTER between **RAYMOND ARNAULT**, Applicant, and **ANDREW CASSAIDY**, Respondent;

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 **HAY RIVER, NT.**

BETWEEN:

**RAYMOND ARNAULT**

Applicant/Tenant

- and -

**ANDREW CASSAIDY**

Respondent/Landlord

**ORDER**

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife, in the Northwest Territories this 12th day of March, 2013.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **RAYMOND ARNAULT**, Applicant, and **ANDREW CASSAIDY**, 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 **Hal Logsdon**, Rental Officer.

BETWEEN:

**RAYMOND ARNAULT**

Applicant/Tenant

-and-

**ANDREW CASSAIDY**

Respondent/Landlord

**REASONS FOR DECISION**

**Date of the Hearing:** March 7, 2013

**Place of the Hearing:** Hay River, NT via teleconference

**Appearances at Hearing:** Raymond Arnault, applicant  
Andrew Cassaidy, respondent

**Date of Decision:** March 12, 2013

### **REASONS FOR DECISION**

The applicant alleged that the respondent had failed to return his security deposit of \$1100 and sought an order requiring the respondent to return the deposit and accrued interest.

The applicant stated that this tenancy agreement commenced in December, 2010 and ended in May 2011. The application was not filed until January 2, 2013 some 18 months after the tenancy agreement was terminated.

Section 68 of the *Residential Tenancies Act* sets a time limitation on the filing of 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.**

Although the Act permits a rental officer to extend this limitation it has been the practice of this tribunal to not do so unless there are good reasons why the application could not have been filed in a timely manner.

The applicant stated that he was incarcerated from August, 2011 to October, 2012 and was therefore unable to proceed with an application. However, I note that he did make an application (file #10-12634, filed on January 18, 2012) for the return of his security deposit during the time of his incarceration. The filed application was returned to him at the correctional centre. The applicant failed to return a confirmation of service on the respondent and a notice was sent to the applicant at the correctional centre advising him that the file would be closed on March 26, 2012

unless the confirmation was received. No confirmation was received and the file was closed on March 27, 2012. A note on the file indicates that the respondent called the rental officer about the matter and advised that he had been provided with the application.

In my opinion, this matter could have easily proceeded based on the previous application had the applicant provided the necessary confirmation of service. I see no reason to extend the statutory limitation and shall dismiss the application.

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Hal Logsdon  
Rental Officer