

IN THE MATTER between **PRENTISS ABBOTT**, Applicant, and **SARAH WIGHT**, 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, regarding the rental premises at **YELLOWKNIFE, NT**.

BETWEEN:

PRENTISS ABBOTT

Applicant/Tenant

- and -

SARAH WIGHT

Respondent/Landlord

ORDER

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife, in the Northwest Territories this 26th day of March, 2008.

Hal Logsdon
Rental Officer

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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:

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-and-

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Respondent/Landlord

REASONS FOR DECISION

Date of the Hearing: March 18, 2008

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: None

Date of Decision: March 18, 2008

REASONS FOR DECISION

The application was filed on February 6, 2008. The applicant alleged that he had entered into a tenancy agreement with the respondent and the respondent had prevented him from taking occupancy of the rental premises. Both applicant and respondent were anxious to have the matter resolved and agreed verbally on February 12, 2008 to attend a hearing on February 13, 2008. Due to the timing of the hearing, no notices were served on either party. Immediately prior to the hearing, the applicant called the rental officer and stated he was unable to attend. The hearing was cancelled.

When the application was filed, the applicant did not provide an address for himself, stating he had no permanent address. The matter was scheduled for March 18, 2008 and notices prepared for both parties. The respondent's Notice of Attendance was sent by registered mail. The respondent contacted the Rental Office and requested that she appear by phone and provided a contact telephone number. The applicant was contacted by phone on numerous occasions and told he could pick up the notice at the Rental Office. As well, an E-mail was sent to him advising him that the notice was to be picked up at the Rental Office and that failure to appear at the hearing would result in the dismissal of the application. The applicant failed to pick up the notice or to appear at the hearing. The respondent's witnesses appeared at the hearing but were excused. The matter was dismissed without contacting the respondent.

Section 76(2) permits a rental officer to refuse to continue any proceeding where the matter is

trivial, frivolous or vexatious.

76(2) A rental officer may refuse to accept any application or to continue any proceeding where, in the opinion of the rental officer, the matter is trivial, frivolous, vexatious or has not been initiated in good faith and issue an order to that effect.

Extraordinary measures were taken to resolve this matter quickly but the applicant failed to take the opportunity to attend an expedited hearing. The applicant provided no means of serving him, yet refused to come to the Rental Office to be personally served with the Notice of Attendance. In my opinion, the applicant had little or no intention of proceeding with this matter and appears to have continued with it only to aggravate and inconvenience the respondent. Consequently, I shall refuse to continue with the matter and dismiss the application.

Hal Logsdon
Rental Officer