

IN THE MATTER between **Wael Ali Rafat**, Applicant, and **Abdella Mohammed**, 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 **Inuvik, NT**.

BETWEEN:

Wael Ali Rafat

Applicant/Landlord

- and -

Abdella Mohammed

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. The application is dismissed

DATED at the City of Yellowknife, in the Northwest Territories this 16th day of April, 2003.

Hal Logsdon
Rental Officer

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REASONS FOR DECISION

Date of the Hearing: April 11, 2003

Place of the Hearing: Inuvik, NT via videoconference

Appearances at Hearing: Wael Ali Rafat, applicant
Abdella Mohammed, respondent

Date of Decision: April 11, 2003

REASONS FOR DECISION

The applicant alleged that the respondent had failed to pay rent and sought an order requiring the respondent to pay the alleged rent arrears and terminating the tenancy agreement.

The respondent argued that the agreement was not a tenancy agreement and disputed the allegations that payments were outstanding.

The written agreement is made between the applicant and Blue Ice EMS Ltd. Clause three of the agreement states, "The tenant may use the above named premises for a staff house and residence (business purpose) and for no other purpose." The respondent stated that Blue Ice EMS Ltd. provided ambulance services and that he occupied the premises.

Notwithstanding that the respondent is not the tenant named in the agreement, in my opinion, the agreement between the parties is not a tenancy agreement as defined in the *Residential Tenancies Act*. The Act defines tenancy agreement as follows:

"tenancy agreement means an agreement between a landlord and a tenant for the right to occupy rental premises, whether written, oral or implied, including renewals of such an agreement."

The agreement between the parties does not give Blue Ice EMS Ltd. the right to occupy the premises but rather the right to use the premises for accommodation for their staff. As the

Residential Tenancies Act applies only to rental premises and to tenancy agreements, a rental officer does not have jurisdiction in this matter. The application is accordingly dismissed.

Hal Logsdon
Rental Officer