

IN THE MATTER between **MICHAEL DUNN**, Applicant, and **CHELSEA KELLY AND TENANTS**, 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 **YELLOWKNIFE, NT.**

BETWEEN:

MICHAEL DUNN

Applicant/Landlord

- and -

CHELSEA KELLY AND TENANTS

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 76(2)(e) of the *Residential Tenancies Act*, the application is dismissed.

DATED at the City of Yellowknife, in the Northwest Territories this 8th day of May, 2013.

Hal Logsdon
Rental Officer

IN THE MATTER between **MICHAEL DUNN**, Applicant, and **CHELSEA KELLY AND TENANTS** , 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:

MICHAEL DUNN

Applicant/Landlord

-and-

CHELSEA KELLY AND TENANTS

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: N/A

Place of the Hearing: N/A

Appearances at Hearing: N/A

Date of Decision: May 8, 2013

REASONS FOR DECISION

The application was filed on May 6, 2013 pursuant to sections 51(2) and 63(4)(a) of the *Residential Tenancies Act*. The applicant sought an order terminating the tenancy agreement for the premises known as 728 Bigelow Crescent and the eviction of the tenants.

Section 76(2) of the *Residential Tenancies Act* sets out the procedures a rental officer may follow after the filing of an application by a landlord or a tenant.

- 76.(2) A rental officer shall review an application made under subsection (1) and may do any one or more of the following:**
- (a) conduct any inquiry or inspection that the rental officer considers necessary;**
 - (b) question any person, by telephone or otherwise, concerning the application;**
 - (c) mediate between a landlord and a tenant to assist them to settle the matter by agreement;**
 - (d) hold a hearing into the matter;**
 - (e) make an order dismissing the application where the rental officer is satisfied that the matter is trivial, frivolous or vexatious, or the application has not been made in good faith.**

After questioning both Ms Kelly and Mr. Dunn I am of the opinion that the application could not possibly succeed as Mr. Dunn is not the landlord of 728 Bigelow Crescent and Ms Kelly is not the tenant. The "tenants" named in the application's style of cause are unknown to Mr. Dunn and are, in fact, parties to a tenancy agreement with Ms Kelly for 728 Bigelow Crescent.

Mr. Dunn claims to jointly own the property with Ms Kelly. In an agreement dated April 18, 2012 he gave Ms Kelly (formerly Dunn) full authority to rent the premises. Ms Kelly entered into

a written tenancy agreement with tenants for a one year term that expired on April 30, 2013 which has now reverted to a monthly tenancy agreement. Mr. Dunn is not a party to that tenancy agreement. Mr Dunn's alleged interest in the land does not make him the landlord.

Only a landlord may terminate a tenancy agreement pursuant to section 51(2) and only a landlord may seek relief pursuant to section 63 of the *Residential Tenancies Act*. Therefore, I find no reason to subject this matter to hearing and pursuant to section 76(2)(e) of the Act, shall dismiss it.

Hal Logsdon
Rental Officer