

IN THE MATTER between **MONICA SCOTTIE**, Applicant, and **GEORGE GREYEYES**, Respondent;

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

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

BETWEEN:

MONICA SCOTTIE

Applicant/Tenant

- and -

GEORGE GREYEYES

Respondent/Landlord

ORDER

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife, in the Northwest Territories this 4th day of September, 2014.

Hal Logsdon
Rental Officer

IN THE MATTER between **MONICA SCOTTIE**, Applicant, and **GEORGE GREYEYES**, 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:

MONICA SCOTTIE

Applicant/Tenant

-and-

GEORGE GREYEYES

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REASONS FOR DECISION

Date of the Hearing: August 6, 2014

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Monica Scottie, applicant

Date of Decision: August 6, 2014

REASONS FOR DECISION

The applicant testified that she had rented the basement of the respondent's premises. The respondent rents the premises from the North Slave Housing Corporation, a provider of subsidized public housing.

Section 6(1) of the *Residential Tenancies Act* limits the jurisdiction of the Act to tenancy agreements and rental premises

6. (1) Subject to this section, this Act applies only to rental premises and to tenancy agreements, notwithstanding any other Act or any agreement or waiver to the contrary.

Section 1(1) defines both tenancy agreement and landlord

"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.

"landlord" includes the owner, or other person permitting occupancy of rental premises, and his or her heirs, assigns, personal representatives and successors in title and a person, other than a tenant occupying rental premises, who is entitled to possession of a residential complex and who attempts to enforce any of the rights of a landlord under a tenancy agreement or this Act, including the right to collect rent.

Since a tenant occupying rental premises can not also be a landlord, the respondent is not a landlord pursuant to the Act, Therefore there is no tenancy agreement in these circumstances and the Act does not apply. Consequently, a rental officer has no jurisdiction to determine this matter and the application must be dismissed.

Hal Logsdon
Rental Officer