

IN THE MATTER between **Gordon R. Murray**, Applicant, and **Northern Properties RIET**, 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, **Adelle Guigon**, Deputy Rental Officer, regarding a rental premises located within the **city of Yellowknife in the Northwest Territories**.

BETWEEN:

GORDON R. MURRAY

Applicant/Tenant

- and -

NORTHERN PROPERTIES RIET

Respondent/Landlord

ORDER

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife in the Northwest Territories this 19th day of May 2015.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Gordon R. Murray**, Applicant, and **Northern Properties RIET**, Respondent.

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BETWEEN:

GORDON R. MURRAY

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REASONS FOR DECISION

<u>Date of the Hearing:</u>	April 15, 2015
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories
<u>Appearances at Hearing:</u>	Gordon R. Murray, applicant Metslal Mesgun, representing the respondent
<u>Date of Decision:</u>	April 15, 2015

REASONS FOR DECISION

An application to a rental officer made by Gordon R. Murray as the applicant/tenant against Northern Properties RIET as the respondent/landlord was filed by the Rental Office March 3, 2015. The application was made regarding the use of a parking stall for the rental premises known as #8, 5023 - 48 Street, Hudson House, in Yellowknife, Northwest Territories. The applicant personally served a copy of the filed application on the respondent March 3, 2015.

The applicant complained of a failure of the landlord to effectively communicate with the tenant responsible for the parking stall from which the applicant's vehicle was towed. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for April 15, 2015, in Yellowknife, Northwest Territories. Mr. Gordon R. Murray appeared as applicant. Ms. Metslal Mesgun appeared representing the respondent.

Mr. Murray did not submit any evidence to support his claim, either with the application or at hearing. He did permit the parties present to view photographs and video that he had taken of the parking lot. Mr. Murray's intent with taking the photographs was to establish the location of the parking stall his vehicle was parked in, however, they were inconclusive and no copies were provided for the record.

Ms. Mesgun submitted a copy of Mr. Murray's tenancy agreement, an email dated April 1, 2015, to herself from Tracy Heslep – who is the landlord's move out coordinator, and a written submission dated March 12, 2015, from Dominic Debogorski – who is an employee of Age Automotive.

Mr. Murray complained that he had had the permission of the tenants of apartment #8 Hudson House to park his second vehicle in their parking stall and that it had been parked there for several months prior to the landlord towing the vehicle without notice. Mr. Murray's complaint largely stemmed from what he perceived as the landlord's failure to effectively communicate with the tenants of apartment #8 to inquire after the vehicle parked in their stall before towing it.

The tenancy agreement entered into evidence by Ms. Mesgun establishes Mr. Murray's rental premises as #24 Hudson House, to which Mr. Murray did not dispute. The email from Ms. Heslep indicates Mr. Murray's vehicle – a Toyota Corolla – was parked in stall #9 Hudson House (not #8) and did not have any plates on it. Apartment #9 had been vacant since December 2013 and new tenants were scheduled to move in March 1, 2015, who required their assigned parking stall. As the owner of the vehicle could not be established either from the licence plate (there not being one) or from the tenants occupying apartment #9 (there not being any at the time), the landlord posted an orange-coloured sticker on the vehicle warning the owner that the vehicle would be towed on or about February 28, 2015, if the owner did not remove the vehicle by then. The written submission from Mr. Debogorski confirms that he attended the Hudson House parking lot on February 28, 2015, and towed two vehicles from the parking lot; both vehicles had orange-coloured notices on them and one was the Toyota Corolla. Mr. Debogorski further confirmed that both vehicles appeared to have been parked since the fall "because of all the snow on top of them."

The primary reason for dismissal of this application lies with the parking stall the towed vehicle was alleged to have been parked in. Mr. Murray claims his vehicle was parked in stall #8. The landlord claims Mr. Murray's vehicle was parked in stall #9. Neither parking stall is Mr. Murray's as he resides in apartment #24. The application of complaint is effectively not Mr. Murray's to make. It lies with the tenant for the parking stall in question to file a complaint.

With respect to Mr. Murray's complaint regarding the landlord's failure to communicate with their tenants, I have no authority to tell the landlord how to manage customer service as long as they are in compliance with the *Residential Tenancies Act*. In this case, from the landlord's perspective, the vehicle in question was parked in a stall for a rental premises that was unoccupied at the time and as such there were no tenants for them to communicate with regarding removal of the vehicle. They gave the owner of that vehicle 10 days' notice to remove the vehicle by placing the notice on the vehicle, as was their only reasonable option under the circumstances. There was no reliable evidence before me to contradict which parking stall the landlord identifies the vehicle being parked in. Regardless, as previously stated, neither parking stall #8 nor #9 was Mr. Murray's to park his vehicle in.

This application is dismissed.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Lease dated August 30, 2011

Exhibit 2: Email from Tracy Heslep to Metslal Mesgun dated April 1, 2015

Exhibit 3: Written submission from Dominic Debogorski, Age Automotives, dated March 12, 2015