

DECISION AND ORDER

IN THE SMALL CLAIMS COURT OF NOVA SCOTIA
Cite as: Monyoneho v. Causeway Bay, 2004 NSSM 24

BETWEEN:

Name: EVANS MONYONEHO

- APPELLANT

Name: CAUSEWAY BAY

- RESPONDENT

Revised Decision: The text of the original decision has been revised to remove personal identifying information of the parties on August 8, 2007.

DATE OF HEARING: March 22, 2004

DECISION

Appearances: Evans Monyoncho
No one on behalf of Causeway Bay

- [1] Evans Monyoncho seeks an extension of time in which to file a notice of appeal of the decision of the Director of Residential Tenancies. I refuse his application. The Director's order dates from October. Execution was issued in January. This is a very long time to have passed in considering whether an order should be reopened. I am also not satisfied that Mr. Monyoncho has a ground of appeal. He is in the unhappy position of having been let down by his roommate who failed to pay his share of the rent. Leases, however, provide that tenants are jointly and severally liable. Any one tenant may be called upon by the landlord to pay the whole of the amount owing for rent. Mr. Monyoncho, through an appeal, could not expect to require the landlord to pursue his remedy against his roommate. Mr. Monyoncho does, in my view, however, have a claim against the roommate

which may be made through the Small Claims Court.

ORDER

[2] I dismiss the application.

Dated at Halifax, Nova Scotia
this 25th day of March, 2004.

J. WALTER THOMPSON, Q.C.
ADJUDICATOR

Original	Court File
Copy	Claimants(s)
Copy	Defendant(s)