
Identifying Parties to an Order

The Residential Tenancies Act:

- allows a Residential Tenancies Officer to investigate, mediate and issue an order related to a Residential Tenancies dispute;
- provides a process for converting Orders to the Director into Orders of the Small Claims Court that can be enforced by the Sheriff.

Reference:

Residential Tenancies Act: Sections 17, 17A, 17B

Details:

A Residential Tenancy Officer can issue an Order of the Director following a hearing, or as a result of a default of a mediated settlement.

An Order of the Director can be made an Order of the Small Claims Court, and subsequently enforceable by the Sheriff. For a party to have their Small Claims Court Order enforced by the Sheriff, the Order must first be registered with the Personal Property Registry (PPR). Parties to an Order registered at the PPR must be uniquely identified.

A judgement creditor may also want to register their Order with the Registry of Deeds/Land Registration Office in order to attach the judgement to real property owned by a judgement debtor. Parties must also be uniquely identified, including full name, in order to register with the Registry of Deeds/Land Registration Office.

Procedure:

- when preparing for a Residential Tenancies hearing, an Officer must assess whether the parties named on the Application to Director are sufficiently uniquely identified. For instance, the name John MacDonald is not a unique identifier; however, the name Hortence Hawthornthwaite can be considered adequately unique;
- in instances where a party is not uniquely identified on the Application to Director, the Officer will seek more identifying information during the mediation or hearing phase of the process. If parties refuse to provide requested information, the process can continue

without this information;

- Officers are encouraged to collect and include in their decision any of the following information that would help to uniquely identify a party: middle name, birth date, alias, spouse, etc.;
- if identifying information must be included in the Order of the Director, it can be added to the party name section or the reason section. A statement similar to "for greater certainty of identification, the tenant is John MacDonald, date of birth September 19, 1985".