

IN THE MATTER between **DENISE YASSIE**, Applicant, and **YELLOWKNIFE HOUSING AUTHORITY**, 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, regarding the rental premises at **YELLOWKNIFE, NT**.

BETWEEN:

DENISE YASSIE

Applicant

- and -

YELLOWKNIFE HOUSING AUTHORITY

Respondent

ORDER

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife, in the Northwest Territories this 20th day of December, 2004.

Hal Logsdon
Rental Officer

IN THE MATTER between **DENISE YASSIE**, Applicant, and **YELLOWKNIFE HOUSING AUTHORITY**, Respondent.

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BETWEEN:

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Applicant

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REASONS FOR DECISION

Date of the Hearing: December 14, 2004

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Arlene Hache, representing the applicant
Mary George, representing the respondent

Date of Decision: December 14, 2004

REASONS FOR DECISION

The applicant's mother and the respondent were parties to a tenancy agreement for 113G Lanky Court in Yellowknife, NT. Following the death of her mother, the respondent permitted the applicant to occupy the premises for approximately two months. Neither party claimed that a tenancy agreement was formed and no rent was charged.

In November, 2004, the respondent demanded \$1793.86 from the respondent for electrical charges and repairs of damages to the premises. Apparently the landlord, a provider of subsidized public housing, deemed the applicant ineligible for public housing, claiming she owed monies to a housing authority. The applicant sought a determination as to her responsibility for the charges.

The *Residential Tenancies Act* defines "tenant" and "tenancy agreement" as follows:

"tenant" means a person who pays rent in return for the right to occupy rental premises and his or her heirs, assigns and personal representatives.

"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.

Section 6 of the Act limits its application to rental premises and tenancy agreements;

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.

I do not disagree with the parties that the applicant is not a tenant. Given that fact, a tenancy agreement between the parties can not exist. The Act has no jurisdiction without a tenancy agreement and consequently a rental officer has no jurisdiction to determine a matter such as this one. For this reason, I must dismiss the application.

Hal Logsdon
Rental Officer