

IN THE MATTER between **IAN MATHERS O/A THIRD MILLENNIUM**, Applicant,
and **ROLAND HIESINGER**, 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:

IAN MATHERS O/A THIRD MILLENNIUM

Applicant/Landlord

- and -

ROLAND HIESINGER

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife, in the Northwest Territories this 19th day of April,
2006.

Hal Logsdon
Rental Officer

IN THE MATTER between **IAN MATHERS O/A THIRD MILLENNIUM**, Applicant,
and **ROLAND HIESINGER**, Respondent.

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

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BETWEEN:

IAN MATHERS O/A THIRD MILLENNIUM

Applicant/Landlord

-and-

ROLAND HIESINGER

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	April 11, 2006
<u>Place of the Hearing:</u>	Yellowknife, NT
<u>Appearances at Hearing:</u>	Ian Mathers, applicant
<u>Date of Decision:</u>	April 18, 2006

REASONS FOR DECISION

The respondent was served with a Notice of Attendance on March 30, 2006, but failed to appear at the hearing. The hearing was held in his absence.

The applicant alleged that the respondent damaged a door in the residential complex and failed to pay the full amount of rent. The applicant sought an order requiring the respondent to pay repair costs and the alleged rent arrears.

Before considering the allegations in this matter, it is necessary to determine if the premises are exempt from the provisions of the *Residential Tenancies Act*. Although the rental officer has heard a previous matter filed by the applicant, the nature of the residential complex has changed significantly since that time.

The premises in question are part of a residential complex described as a camp which was specifically developed and approved by the municipality as temporary accommodation. In October, 2005 the City of Yellowknife Municipal Services Committee recommended renewal of the applicant's development permit stating,

"The purpose of the facility is to provide temporary accommodations for persons employed on construction and industrial projects in Yellowknife. The accommodations have also been used for short term stays for people associated with YWCA and the Salvation Army."

The development permit was renewed pursuant to the municipality's *Temporary Accommodations Policy*.

The applicant stated that the respondent had been referred through the *Income Support Program*, which had paid \$750 of the \$800 monthly rent.

Sections 6(2)(a) and 6(2)(e) set out two types of premises which are excluded from the provisions of the *Residential Tenancies Act*.

6(2)(a) transient living accommodation provided in a hotel, motel, tourist establishment, hostel or other similar accommodation;

6(2)(e) living accommodation established to temporarily shelter persons in need;

The Concise Oxford Dictionary offers one definition of transient as "a temporary visitor, worker, etc." In my opinion the stated purpose of the residential complex to provide accommodation to transient workers and to provide short term accommodation to clients of social agencies meets the definitions contained in sections 6(2)(a) and 6(2)(e). The specific premises in question, in my opinion are exempt from the provisions of the Act pursuant to section 6(2)(e).

Accordingly, the rental officer has no jurisdiction in this matter and the application shall be dismissed.

Hal Logsdon
Rental Officer