

IN THE MATTER between **SHAWN TAYLOR**, Applicant, and **HARVEY WALSH**, Respondent;

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

AND IN THE MATTER of a Hearing before, **HAL LOGSDON**, Rental Officer, regarding the rental premises at **YELLOWKNIFE, NT.**

BETWEEN:

SHAWN TAYLOR

Applicant/Tenant

- and -

HARVEY WALSH

Respondent/Landlord

INTERIM ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 66(b) of the *Residential Tenancies Act*, the respondent shall release the applicant's personal possessions to him at his request without charge.
2. The applicant is granted leave to seek further remedy should the personal possessions be destroyed, damaged or missing.

DATED at the City of Yellowknife, in the Northwest Territories this 18th day of December, 2012.

Hal Logsdon
Rental Officer

IN THE MATTER between **SHAWN TAYLOR**, Applicant, and **HARVEY WALSH**, 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.

BETWEEN:

SHAWN TAYLOR

Applicant/Tenant

-and-

HARVEY WALSH

Respondent/Landlord

REASONS FOR DECISION

Date of the Hearing: December 13, 2012

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Shawn Taylor, applicant

Date of Decision: December 13, 2012

REASONS FOR DECISION

The respondent was served with a Notice of Attendance sent by registered mail and confirmed delivered. The respondent notified the rental officer prior to the hearing and made arrangements to appear by telephone because he was going to be out of town. The respondent failed to appear by telephone and the hearing was held in his absence.

The applicant alleged that the respondent had disturbed his possession of the premises and seized his personal property. The applicant sought an order requiring the respondent to return his personal possessions.

The applicant testified that he had rented a room from the respondent since December, 2011 and paid \$750/month for rent. The applicant testified that he fell into arrears in October, 2012 and the respondent changed the locks on November 9, 2012 preventing his occupancy. He stated that he has tried to contact the respondent with no success.

Sections 25 and 34 of the *Residential Tenancies Act* prohibit a landlord from changing the locks or disturbing a tenant's possession of the rental premises. Section 3 of the Act prohibits distraint.

I find the respondent in breach of section 25 and 34 of the *Residential Tenancies Act*. The landlord has no right to retain the personal possessions of the applicant and shall be ordered to return them to the applicant at no charge at the applicant's request.

The order shall be interim and the applicant is granted leave to continue with this application on his notice and seek compensation for loss if any of the goods have been destroyed, damaged or are missing.

Hal Logsdon
Rental Officer