

IN THE MATTER between **PJM**, Applicant, and **HF**, 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 **Adelle Guigon**, Rental Officer, regarding a rental premises located within the **city of Yellowknife in the Northwest Territories**;

BETWEEN:

PJM

Applicant/Tenant

-and-

HF

Respondent/Landlord

REASONS FOR DECISION

Date of the Hearing: August 31, 2022

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: PJM, the Applicant
DC, Counsellor, Tree of Peace Friendship Centre, for the Applicant

Date of Decision: August 31, 2022

REASONS FOR DECISION

An application to a rental officer made by PJM as the Applicant/Tenant against HF as the Respondent/Landlord was filed by the Rental Office June 29, 2022. The application was made regarding a residential tenancy agreement for a rental premises located in Yellowknife, Northwest Territories. The filed application was served on the Respondent by registered mail signed for July 4, 2022.

The Applicant alleged the Respondent had failed to comply with their obligation to maintain the rental premises in accordance with section 30 of the *Residential Tenancies Act* (the Act), and had failed to deal with abandoned personal property at the end of the tenancy in accordance with section 64 of the Act. An order was sought for compensation for the improperly disposed of personal property.

A hearing was held August 31, 2022, by three-way teleconference. PJM appeared as the Applicant with DC appearing to assist him. HF was served with notice of the hearing by registered mail, signed for July 4, 2022. No one appeared to represent the Respondent at the hearing. The hearing proceeded in the Respondent's absence pursuant to subsection 80(2) of the Act.

Application denied

It was quickly established at the hearing that the Applicant's tenancy agreement with HF was in fact a premises provided as part of HF's transitional housing program. Paragraph 6(2)(e) of the Act exempts living accommodation established to temporarily shelter persons in need, of which transitional housing is now recognized as being. As such, regardless of whether the Applicant has a justifiable claim, the agreement for shelter that he had with the Respondent falls outside of the Rental Officer's jurisdiction to consider. Consequently, the Applicant's application must be denied.

Dated at the city of Yellowknife in the Northwest Territories this 9th day of September 2022.

Adelle Guigon
Rental Officer