

IN THE MATTER between **JACQUELINE SITTER**, Applicant, and **CENTRE FOR NORTHERN FAMILIES**, 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:

JACQUELINE SITTER

Applicant/Tenant

- and -

CENTRE FOR NORTHERN FAMILIES

Respondent/Landlord

ORDER

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife, in the Northwest Territories this 6th day of February, 2009.

Hal Logsdon
Rental Officer

IN THE MATTER between **JACQUELINE SITTER**, Applicant, and **CENTRE FOR NORTHERN FAMILIES**, 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:

JACQUELINE SITTER

Applicant/Tenant

-and-

CENTRE FOR NORTHERN FAMILIES

Respondent/Landlord

REASONS FOR DECISION

Date of the Hearing: **January 28, 2009**

Place of the Hearing: **Yellowknife, NT**

Appearances at Hearing: **Jacqueline Sitter, applicant**
 Marian Cox, representing the applicant
 Arlene Hache, representing the respondent

Date of Decision: **January 28, 2009**

REASONS FOR DECISION

The respondent provides short-term temporary housing to women under a program called "transitional living". The program is designed as a bridge between accommodation provided by the respondent in their shelter facility and permanent accommodation provided by the private market or public housing program.

The transitional living program was established specifically to provide short-term accommodation where women would acquire certain life skills to enable them to move to and succeed in permanent accommodation in the marketplace or in social housing.

Section 62(2) of the *Residential Tenancies Act* sets out a number of specific types of living accommodation which are exempt from the provisions of the Act. In my opinion, one of these exempts this accommodation provided by the respondent.

- 6.(2) This Act does not apply to**
(e) living accommodation established to temporarily shelter persons in need.

In my opinion, the length of time the accommodation is provided is not the determining factor in this exemption. The accommodation must be offered on a temporary basis. It can not be made available on a permanent basis or made available until such time as the tenant elects to terminate the arrangement. Temporary means not indeterminate or not permanent.

However the mere existence of a tenancy agreement made for a term does not serve to exempt accommodation for the Act unless the accommodation has specifically been *established* to provide temporary accommodation available to persons in need. Market rental accommodation is not established for that purpose. Subsidized public housing is not established to provide temporary accommodation but rather to provide affordable housing to households who can not afford adequate and suitable housing within their financial means. Subsidized public housing is designed to be available as long as the household remains in need. Therefore the intent of the program must also be examined to determine if it is exempt from the provisions of the Act.

The intent of the transitional living program as evidenced by the description of the program and accommodation provided at the hearing as well as the agreement between the applicant and respondent provided in evidence convince me that the accommodation operated by the respondent located at 23 Rycon Trailer Court is exempt from the provisions of the Act. Therefore a rental officer does not have jurisdiction and I must dismiss the application.

Hal Logsdon
Rental Officer