

IN THE MATTER between **KELLY MARTIN AND TERRY MARTIN**, Applicants,
and **SEAN DALTON**, 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:

KELLY MARTIN AND TERRY MARTIN

Applicants/Tenants

- and -

SEAN DALTON

Respondent/Landlord

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 66(a) of the *Residential Tenancies Act*, the respondent shall pay compensation to the applicants for improper disposal of abandoned personal property in the amount of fifty dollars (\$50.00).

DATED at the City of Yellowknife, in the Northwest Territories this 11th day of June,
2014.

Hal Logsdon
Rental Officer

IN THE MATTER between **KELLY MARTIN AND TERRY MARTIN**, Applicants,
and **SEAN DALTON**, 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:

KELLY MARTIN AND TERRY MARTIN

Applicants/Tenants

-and-

SEAN DALTON

Respondent/Landlord

REASONS FOR DECISION

Date of the Hearing: April 24, 2014

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Kelly Martin, applicant
Sean Dalton, respondent

Date of Decision: June 11, 2014

REASONS FOR DECISION

The applicants alleged that the respondent improperly disposed of property which was left in the rental premises and sought an order requiring the respondent to pay compensation for the value of the property.

The applicant testified that they had given notice to terminate the tenancy agreement on October 31, 2013 and were in the process of moving out when the premises were destroyed by fire on October 16, 2013. The applicant stated that only a few items remained in the premises and provided a list of items and her estimate of their value.

Vacuum cleaner	\$100
Dart board	40
Clothing rack	50
Cleaning supplies	30

The applicant stated that they were not permitted to enter the property due to an investigation of the fire. The applicant stated that the condition of the goods left in the premises was unknown to her, however the clothing rack was on the porch and visible after the fire and she observed that it was not damaged. A picture of the clothing rack on the porch was provided in evidence but it was obviously taken prior to the fire. The remains of the building was torn down and taken to the dump on March 17, 2014.

The respondent provided photographs of the interior of the premises which indicated extensive damage. He stated that he considered all of the applicants' property to be worthless. None of the

photographs depicted any of the personal property of the applicants.

The tenancy agreement between the parties was frustrated due to the fire and therefore terminated on October 16, 2013. Section 64 of the *Residential Tenancies Act* sets out the obligations of the landlord if any personal property is left in the premises after termination. Section 64(2) permits a landlord to dispose of items which are worthless or unsafe or unsanitary to store.

- 64. (1) Unless a landlord and tenant have made a specific agreement providing for the storage of personal property, where a tenant leaves personal property in a rental premises or residential complex that the tenant has vacated or abandoned, the landlord may remove the personal property and, on removal, shall store and dispose of the personal property in accordance with this section.**
- (2) Where a landlord has good reason to believe that an item of personal property removed under subsection (1)**
- (a) would be unsanitary or unsafe to store, or**
 - (b) is worthless,**
- the landlord may dispose of the item.**

The applicant's only direct knowledge of the condition of the personal goods relates to the clothing rack. Her observation suggests that it was not worthless, and its location on the porch and sturdy, non-flammable construction would indicate that it survived the fire in a reasonable condition. The remainder of the possessions most likely did not fare as well. The photographs of the interior suggest that they would have been rendered worthless.

In my opinion the clothing rack should have been removed and stored by the respondent in accordance with section 64 of the Act. The respondent's decision to destroy any remaining possessions was not unreasonable. I find the compensation of \$50 to be reasonable.

An order shall issue requiring the respondent to pay the applicants compensation of \$50.

Hal Logsdon
Rental Officer