

Residential Tenancies Tribunal

Applications: 2022 No. 0772 NL

Decision 22-0772-00

Jaclyn Casler
Adjudicator

Introduction

1. The hearing was called at 11:05 AM on 10 November 2022 via teleconference.
2. The applicant, [REDACTED] participated in the hearing, as did [REDACTED] [REDACTED] as the authorized representative for the respondent, [REDACTED] [REDACTED]. [REDACTED] is the Executive Director.
3. An affidavit of service was not provided by [REDACTED], however, [REDACTED] testified that she was willing and ready to participate in the proceedings.
4. The applicant and respondent signed a “Rental Agreement” (A#1) permitting the applicant to reside at the residential premises of [REDACTED] for a period of 18 months. Monthly rent in the amount of \$600.00 has been paid since the agreement was signed on 01 March 2022 and a security deposit in the amount of \$372.00 was collected.
5. The applicant applied for dispute resolution to determine validity of a termination notice that she was issued on 01 September 2022 (A#2). Prior to assessing this notice, I had to first determine if the rental agreement between the applicant and respondent is within the jurisdiction of the *Residential Tenancies Act (2018)*. In support of my doing so, the respondent submitted a copy of the Second Stage Housing Policy for [REDACTED] (A#3).
6. According to the first paragraph of the **Admission** section of this document:

“Any women with children leaving a transition house may be permitted to go into Second Stage Housing. Priority will be given to those women who are residents of [REDACTED].”

See page 5 in A#3

7. Consequently, I find that the *Residential Tenancies Act (2018)* does not apply to this dispute since the residential premises made available by the respondent are not available to the general population. Rather, the residential premises are only available to clients of their shelter, or other similar establishments in the Province of Newfoundland and Labrador and so I find them to be outside of my jurisdiction in accordance with Residential Tenancies Policy 01-005 Exempted Living Accommodations. I specifically find that the residential premises made available by the respondent are exempted from the *Residential Tenancies Act (2018)*, as per sections 3(4)(d) and 3(4)(G) of the Act which read as follows:

3 Application of Act

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(4) *This Act does not apply to:*

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(d) *living accommodation provided to temporarily shelter persons in need;*

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(g) *living accommodation provided on a transient basis by a religious, charitable or non-profit organization for the purpose for which it is established;*

Decision

8. This matter falls outside of the jurisdiction of the Residential Tenancies Tribunal.

9. This application is dismissed.

14 November 2022

Date

Jaclyn Casler
Residential Tenancies Tribunal