

IN THE MATTER between **YELLOWKNIFE ASSOCIATION OF CONCERNED CITIZENS FOR SENIORS**, Applicant, and **HENRIETTE BEGGUERE**, 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:

**YELLOWKNIFE ASSOCIATION OF CONCERNED CITIZENS FOR SENIORS**

Applicant/Landlord

- and -

**HENRIETTE BEGGUERE**

Respondent/Tenant

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to sections 43(3)(a) and 43(3)(b) of the *Residential Tenancies Act*, the respondent shall comply with her obligation to not disturb other tenants and shall not breach that obligation in the future.

DATED at the City of Yellowknife, in the Northwest Territories this 12th day of June, 2002.

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Hal Logsdon  
Rental Officer

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Applicant/Landlord

-and-

**HENRIETTE BEGGUERE**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** June 11, 2002

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

**Appearances at Hearing:** Lynn White, representing the applicant  
Gail Bulgar, witness  
Evelyn Flesjer, representing the respondent  
Vivian McQueen, witness

**Date of Decision:** June 11, 2002

### **REASONS FOR DECISION**

The applicant alleged that the respondent had repeatedly disturbed other tenants in the residential complex and sought an order terminating the tenancy agreement between the parties. The rental premises is a unit in a senior citizens complex intended for independent living. The tenancy agreement commenced in April, 1993. The applicant provided a chronology of alleged disturbances from October, 1993 to April, 2002 most of which were alleged to have occurred in 2000 and 2002. The applicant also provided notices sent to the respondent regarding the alleged incidents, notes to file and one written complaint from another tenant in the complex. Several notes to file documented complaints from other tenants which were received verbally.

The respondent was represented by her daughter, who indicated that her mother was unable to turn away visitors who, for the most part, were the source of the disturbances. Both parties agreed that the disturbances were mostly the result of unacceptable behaviour of the respondent's guests. The witness for the respondent, a social worker, indicated that in her opinion, others were taking advantage of the respondent, verging on abuse. Both the daughter and the respondent's witness indicated that they would try to impress on the respondent, her responsibility for her guests. They also agreed to try to monitor the situation more closely in order to allow the tenancy to continue.

In my opinion, there is sufficient grounds to terminate this tenancy. Section 43(2) of the *Residential Tenancies Act* is quite clear concerning disturbances caused by guests.

- 43.(2) A disturbance caused by a person permitted by a tenant to enter the residential complex or the rental premises of the tenant shall be deemed to be a disturbance caused by the tenant.

The evidence provided by the applicant clearly indicates that many of the alleged disturbances occurred within the premises of the respondent.

I know that the landlord, who provides services exclusively to seniors, does not wish to deprive the respondent of the facilities and services available at the centre unless there are no other options available. In my opinion, the landlord has been extremely tolerant. However, the landlord has a responsibility to other tenants in the complex and is obligated to seek remedies when one tenant is disturbing others. In my opinion, there is still some hope that the respondent will understand the seriousness of the disturbances and take some action to curtail the undesirable activities of her guests. I am encouraged by the pledge of both the respondent's daughter and social worker that additional effort will be made to assist the respondent. It is for this reason only that I feel the tenancy should continue to see if this effort is effective.

An order shall be issued requiring the respondent to comply with her obligation to not disturb other tenants and not breach that obligation again. If there are any future disturbances caused by the respondent, I invite the applicant to make another application seeking termination.

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Hal Logsdon  
Rental Officer