

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **JAMES MCLEOD**, 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 HOUSING AUTHORITY

Applicant/Landlord

- and -

JAMES MCLEOD

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 43(3)(a) of the *Residential Tenancies Act*, the respondent shall comply with his obligation to not disturb other tenants' quiet enjoyment of the premises.

DATED at the City of Yellowknife, in the Northwest Territories this 15th day of August,
2002.

Hal Logsdon
Rental Officer

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and **JAMES MCLEOD**, Respondent.

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BETWEEN:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

-and-

JAMES MCLEOD

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: August 13, 2002

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Angela Keppel, representing the applicant
James McLeod, respondent

Date of Decision: August 13, 2002

REASONS FOR DECISION

The applicant alleged that the respondent had breached the tenancy agreement by repeatedly disturbing other tenants' quiet enjoyment of the premises and endangering the safety of other tenants. The applicant sought an order terminating the tenancy agreement between the parties. The premises is an apartment in a senior citizens independent living facility.

The applicant provided four incident reports prepared by the Yellowknife Fire Department outlining similar incidents between July, 2001 and June, 2002. In each case the smoke detector in the rental premises set off the master alarm causing the fire department to respond. In each case the smoke was produced by food burning in the oven or on the stove burner and left unattended by the respondent. Some reports note that the respondent was intoxicated.

The Yellowknife Fire Department in a letter to Guy Langois, a staff member of the applicant, suggests that cooking privileges be limited to prevent further incidents. The applicant stated that following the receipt of this letter, the circuit breaker to the stove was removed, making the stove in the respondent's premises inoperable. The applicant noted that no further incidents had occurred since that time.

The respondent did not dispute the allegations except to deny that alcohol was a factor. He stated that the incidents were all fairly recent and that he had been suffering from the flu when they occurred. He stated that he would like to have his cooking privileges reinstated as he enjoyed

cooking and was a competent cook.

The applicant noted that there were cooking facilities in a common area of the complex and arrangements might be made to provide the respondent with access to the facilities with supervision. Although this is a somewhat unusual solution, the parties agreed to accept it and I believe it has some merit. Having said that, I must impress on the respondent that his negligence has caused not only disturbance but, in my opinion, seriously endangered other tenants. If incidents of this nature should continue, termination of the tenancy agreement would appear to be the only remaining remedy.

I find the respondent breached the tenancy agreement by repeatedly disturbing other tenants in the complex. In my opinion, the tenancy agreement should continue but the cooking privileges may be restricted to cooking in the common kitchen with reasonable supervision. Should there be any future incidents of disturbance, the applicant may make a future application seeking termination of the tenancy agreement. An order shall be issued requiring the respondent to comply with his obligation to not disturb other tenants in the future.

Hal Logsdon
Rental Officer