

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 section 43(3)(d) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the rental premises known as Unit 2D, 5710 50th Avenue, Yellowknife, NT shall be terminated on October 15, 2002 and the respondent shall vacate the rental premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 14th day of August, 2002.

Hal Logsdon
Rental Officer

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");

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BETWEEN:

YELLOWKNIFE ASSOCIATION OF CONCERNED CITIZENS FOR SENIORS

Applicant/Landlord

-and-

HENRIETTE BEGGUERE

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: August 13, 2002

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Linda Koe, representing the applicant
Evelyn Flesjer, representing the respondent

Date of Decision: August 13, 2002

REASONS FOR DECISION

The applicant alleged that the respondent had repeatedly disturbed other tenants' quiet enjoyment of the rental premises and sought an order terminating the tenancy agreement between the parties. The rental premises is an independent living unit for senior citizens.

A previous order was filed by a rental officer on June 14, 2002 which required that the respondent comply with her obligation to not disturb other tenants. The applicant testified that the disturbances had continued and provided two letters from another tenant specifically outlining incidents of disturbance. As well, the applicant provided a note to file, outlining a further incident reported to the office manager by another tenant. It is clear from the evidence that the disturbances have not abated since the issuance of the previous order.

It is regrettable to have to consider the termination of a tenancy agreement between a senior citizen tenant and a social housing landlord dedicated to the provision of housing to the elderly. However, termination of the tenancy agreement appears to be the only remedy left to ensure that other residents of the complex are not continually disturbed. I can not, in good faith, deprive the other seniors in the complex of their right to quiet enjoyment and security.

The applicant agreed that, in the interest of allowing some time for the respondent and her family to arrange other accommodation, a termination date of October 15, 2002 would be acceptable.

I find the respondent has repeatedly disturbed other tenants' quiet enjoyment of the rental premises and in my opinion, there are sufficient grounds to terminate the tenancy agreement. An order shall be issued terminating the tenancy agreement between the parties on October 15, 2002.

Hal Logsdon
Rental Officer