

IN THE MATTER between **YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION**, Applicant, and **MONICA GODARD**, 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 **NDILO, NT**.

BETWEEN:

**YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION**

Applicant/Landlord

- and -

**MONICA GODARD**

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 premises known as Unit 13, Ndilo, NT shall be terminated on October 31, 2002 and the respondent shall vacate the rental premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 9th day of October, 2002.

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Hal Logsdon  
Rental Officer

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BETWEEN:

**YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION**

Applicant/Landlord

-and-

**MONICA GODARD**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** October 8, 2002

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

**Appearances at Hearing:** Gerry Cheezie, representing the applicant  
Monica Godard, respondent

**Date of Decision:** October 9, 2002

### **REASONS FOR DECISION**

The applicant alleged that the respondent had breached the tenancy agreement by repeatedly disturbing other tenants' quiet enjoyment of the rental premises. The applicant sought an order terminating the tenancy agreement between the parties.

The applicant indicated that the residential complex consists of two rental premises and provided a copy of a letter from the adjoining tenant outlining frequent alleged incidents of disturbance during the month of August, 2002. The applicant also noted that the respondent was found to have disturbed other tenants previously and was ordered to not disturb other tenants again (Yellowknives Dene First Nation and Monica Godard, File #10-6941, May 17, 2002).

The respondent testified that she was not at home during the week of August 4, 2002 and that the remainder of the alleged incidents were not caused by her. She testified that the noise was caused by children playing games outside late at night.

I note that the letter of complaint describes many incidents as "party" or "big party". The complaining tenant describes "big party" as "lots of people in the house, slemming (sic) doors, running upstairs and downstairs realy (sic) loud, yelling and screaming outside, banging against the outside door, etc." Clearly, the complaining neighbour felt most of the thirteen reported incidents involved persons in the rental premises. It seems unreasonable that the noise of children playing outside, no matter how rambunctious, could be mistaken for a party in the adjoining unit.

I find the respondent breached the tenancy agreement by repeatedly disturbing other tenants. It appears that despite warnings from the landlord and an order from a rental officer, the disturbances have not abated. I see no effective remedy available other than termination of the tenancy agreement.

An order shall be issued terminating the tenancy agreement between the parties of October 31, 2002. The respondent shall vacate the rental premises on that date.

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Hal Logsdon  
Rental Officer