

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **GLADYS KING AND DAVID CHALIFOUX**, Respondents;

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 -

GLADYS KING AND DAVID CHALIFOUX

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 43(3)(a) of the *Residential Tenancies Act*, the respondents shall comply with their obligation to not disturb other tenants in the residential complex.

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

Hal Logsdon
Rental Officer

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and **GLADYS KING AND DAVID CHALIFOUX**, Respondents.

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BETWEEN:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

-and-

GLADYS KING AND DAVID CHALIFOUX

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: October 8, 2002

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Angela Keppel, representing the applicant
Gladys King, respondent
David Chalifoux, respondent

Date of Decision: October 8, 2002

REASONS FOR DECISION

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

The applicant provided several letters of complaint written by three other tenants who reside in the residential complex. Most of the alleged incidents appear to be arguments which arose between the respondents and their neighbours. Many appear to originate from incidents between their children. The respondents denied that the arguments ever got out of hand and provided written responses which were filled with counter-accusations against the complaining neighbours.

Section 43 of the *Residential Tenancies Act* sets out a tenant's obligation regarding quiet enjoyment.

43(1) A tenant shall not disturb the landlord's or other tenants' possession or quiet enjoyment of the rental premises or residential complex.

In my opinion, few of the reported incidents resulted in the disturbance of other tenants' quiet enjoyment. I suspect some of the arguments escalated because neither party would call an end to it by walking away or closing the door. The complaining neighbours have threatened to report the respondents to the Department of Social Services and the respondents have threatened to report their neighbours to the landlord. Both parties have summoned the police as a result of their

disputes. In my opinion, the landlord, who is a provider of social housing, could possibly eliminate this problem by offering other accommodation to the respondents away from the complaining families.

I do find that the respondents have caused some degree of disturbance but do not find sufficient grounds to terminate the tenancy agreement. I sincerely hope the respondents will take steps to avoid further argument with their neighbours regardless of the circumstances and therefore avoid any further complaints which could result in the termination of their tenancy agreement.

An order shall be issued requiring the respondents to comply with their obligation to not disturb other tenants' quiet enjoyment of the rental premises.

Hal Logsdon
Rental Officer