

IN THE MATTER between **FORT MCPHERSON HOUSING ASSOCIATION**,
Applicant, and **WAYNE GREENLAND AND BELLA GREENLAND**, 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 **FORT MCPHERSON, NT.**

BETWEEN:

FORT MCPHERSON HOUSING ASSOCIATION

Applicant/Landlord

- and -

WAYNE GREENLAND AND BELLA GREENLAND

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 46(2)(a) and 46(2)(b) of the *Residential Tenancies Act*, the respondents shall comply with their obligation to not carry on illegal activities in the rental premises and shall not breach that obligation in the future.

DATED at the City of Yellowknife, in the Northwest Territories this 27th day of June, 2002.

Hal Logsdon
Rental Officer

IN THE MATTER between **FORT MCPHERSON HOUSING ASSOCIATION**,
Applicant, and **WAYNE GREENLAND AND BELLA GREENLAND**, 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.

BETWEEN:

FORT MCPHERSON HOUSING ASSOCIATION

Applicant/Landlord

-and-

WAYNE GREENLAND AND BELLA GREENLAND

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: June 27, 2002

Place of the Hearing: Fort McPherson, NT via teleconference

Appearances at Hearing: Betty Firth, representing the applicant
Shirley Wilson, representing the applicant
Bella Greenland, respondent
Wayne Greenland, respondent
Dorothy Matthews, representing the respondents

Date of Decision: June 27, 2002

REASONS FOR DECISION

The applicant alleged that the respondents had breached the tenancy agreement by carrying on illegal activities in the rental premises. The applicant provided copies of court documents which indicated that Bella Greenland was convicted of selling liquor on April 18, 2002. A letter from the arresting officer indicated that the offence took place in the rental premises.

The respondent did not dispute the allegations.

Section 46 of the *Residential Tenancies Act* sets out the tenant's obligation and the remedies a rental officer may consider.

46. (1) A tenant shall not carry on or permit to be carried on any criminal activity or do or permit the doing of any criminal act in the rental premises or in the residential complex.
- (2) Where, on the application of a landlord, a rental officer determines that a tenant has breached the obligation imposed by subsection (1) and that the landlord or another tenant of the residential complex has been adversely affected, or is likely to be adversely affected by a continuation or repetition of the breach, the rental officer may make an order
 - (a) requiring the tenant to comply with the tenant's obligation;
 - (b) requiring the tenant to not breach the tenant's obligation again; or
 - (c) terminating the tenancy on the date specified in the order and ordering the tenant to vacate the rental premises on that date.

The rental unit is a single family dwelling. Therefore, there were no other tenants in the building to be affected by the activities of the respondents. Presumably, the landlord suffered some loss of rent revenue as the rental premises are social housing and the rent is calculated on household income.

One assumes the respondents did not report the portion of their income earned through the illegal activity. I find the respondents breached their obligation to not carry on illegal activities in the rental premises. In my opinion, the activity did not adversely affect the landlord to the extent a termination of the tenancy agreement is justified. An order shall be issued for the respondents to comply with their obligation to not carry on illegal activities in the rental premises and to not breach that obligation again.

Hal Logsdon
Rental Officer