

IN THE MATTER between **TEPEE HOUSING ASSOCIATION**, Applicant, and
ROSALIE ROBERT, 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 **INUVIK, NT**.

BETWEEN:

TEPEE HOUSING ASSOCIATION

Applicant/Landlord

- and -

ROSALIE ROBERT

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 Apartment #109, 195 Mackenzie Road, Inuvik, NT shall be terminated on September 23, 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
September, 2002.

Hal Logsdon
Rental Officer

IN THE MATTER between **TEPEE HOUSING ASSOCIATION**, Applicant, and
ROSALIE ROBERT, 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.

BETWEEN:

TEPEE HOUSING ASSOCIATION

Applicant/Landlord

-and-

ROSALIE ROBERT

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: September 9, 2002

Place of the Hearing: Inuvik, NT via teleconference

Appearances at Hearing: James Firth, representing the applicant
Rosalie Robert, respondent

Date of Decision: September 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 and sought an order terminating the tenancy agreement between the parties. Although not outlined in the application, filed June 29, 2002, the applicant also alleged that the tenant had failed to pay rent for the months of June, July, August and September, 2002. The applicant provided three letters of complaint from other tenants in the residential complex outlining alleged incidents of disturbance. The applicant sent a notice to the respondent on May 16, 2002 warning the respondent that further incidents of disturbance would not be tolerated.

The respondent did not dispute that numerous disturbances had occurred but indicated that many of the incidents were caused by unwanted guests and her former spouse. She indicated that her spouse was no longer living in the rental premises and that the last incident on August 31, 2002 was the result of an argument over the removal of his possessions. The respondent also indicated that she planned to attend an alcohol treatment program.

I am not prepared to deal with the allegations of rent arrears for two reasons. First, the allegations were not contained in the original application. Second, the premises are subsidized public housing and the applicant provided no evidence of the amount of rent owing or any information which would enable me to determine that amount. The applicant is free to make a future application in this matter.

In the matter of the alleged disturbances, I find the respondent repeatedly disturbed other tenants. From the evidence provided it is apparent that many of the incidents took place in the premises of the respondent, indicating that the disturbing party was either the respondent or persons she permitted in the premises. There is nothing that leads me to believe that the disturbances have abated. I am particularly concerned with the violent nature of some of the incidents and the indication from other tenants that they feared the behaviour of the respondent, her spouse and guests. The respondent has had ample time since the notice of warning was served on her in May to take action to eliminate these disturbances. In my opinion, given the nature and persistence of the disturbances, termination of the tenancy agreement is the only remedy which will ensure the other tenants of the residential complex enjoy the quiet and security they are entitled to.

An order shall be issued terminating the tenancy agreement between the parties on September 23, 2002. The respondent shall vacate the rental premises on that date.

Hal Logsdon
Rental Officer