

IN THE MATTER between **FORT MCPHERSON HOUSING ASSOCIATION**,
Applicant, and **JONI ANDRE**, 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 **FORT MCPHERSON, NT**.

BETWEEN:

FORT MCPHERSON HOUSING ASSOCIATION

Applicant/Landlord

- and -

JONI ANDRE

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 0082 Edward Snowshoe Street, Fort McPherson, NT shall be terminated on September 16, 2002 and the respondent shall vacate the rental premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 21st day of August,
2002.

Hal Logsdon
Rental Officer

IN THE MATTER between **FORT MCPHERSON HOUSING ASSOCIATION**,
Applicant, and **JONI ANDRE**, 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:

FORT MCPHERSON HOUSING ASSOCIATION

Applicant/Landlord

-and-

JONI ANDRE

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: August 20, 2002

Place of the Hearing: Fort McPherson, NT via teleconference

Appearances at Hearing: Susan Blake, representing the applicant
Joni Andre, respondent

Date of Decision: August 20, 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 residential complex. The applicant sought an order terminating the tenancy agreement between the parties.

The applicant submitted several incident reports outlining alleged disturbances reported by the tenant in the adjoining premises. There are two rental premises in the residential complex. After each reported incident, the applicant served a notice on the respondent, warning her that disturbance was a breach of her tenancy agreement and that continued disturbance would result in an application seeking termination of the tenancy agreement. The applicant also provided letters from the tenant in the adjoining premises, describing the incidents. There were three incidents between December 11, 2001 and January 2, 2002. The last incidents were reported on June 28, 2002. The adjoining tenant complained of noise all night for ten days and noted loud music, people fighting and banging. After the last incidents, the applicant served a notice of early termination of the respondent requesting vacant possession on July 15, 2002. The respondent failed to vacate the premises.

The respondent did not dispute the allegations and indicated that she had been attending counselling sessions related to alcohol abuse and planned to attend a treatment centre. She also indicated that her young child was in custody and a hearing was scheduled for October.

From the evidence, it is obvious that there have been repeated disturbances caused by parties and excessive drinking in the respondent's premises. While it is a good sign that the respondent is finally seeking some help, I can not ignore the distress her neighbour continues to endure. I find the respondent has repeatedly disturbed other tenants in the complex 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 September 16, 2002. The respondent shall vacate the rental premises on that date.

Hal Logsdon
Rental Officer