

IN THE MATTER between **NWT COMMUNITY SERVICES CORPORATION**,
Applicant, and **THERESA MARTIN**, 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 **YELLOWKNIFE, NT**.

BETWEEN:

NWT COMMUNITY SERVICES CORPORATION

Applicant/Landlord

- and -

THERESA MARTIN

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 43(3)(a) of the *Residential Tenancies Act*, the respondent shall comply with her obligation to not disturb other tenants.

DATED at the City of Yellowknife, in the Northwest Territories this 16th day of January,
2003.

Hal Logsdon
Rental Officer

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NWT COMMUNITY SERVICES CORPORATION

Applicant/Landlord

-and-

THERESA MARTIN

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: January 14, 2003

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Gail Leonardis, representing the applicant

Date of Decision: January 14, 2003

REASONS FOR DECISION

The respondent was served with a Notice of Attendance on December 19, 2002 but failed to appear at the hearing. The hearing was heard in her absence.

The applicant alleged that the respondent had breached the tenancy agreement by disturbing other tenants in the residential complex and sought an order terminating the tenancy agreement between the parties. The applicant provided numerous reports outlining incidents of disturbance as well as notices to the respondent regarding incidents. It would appear that the respondent's son has been involved in many of the incidents and that the landlord has assisted the tenant on a number of occasions in preventing his access to the building or removing him from the respondent's apartment.

I also note that most of the documented disturbances are not recent. Only one report or notice regarding disturbance relates to 2002 (November 22, 2002). One report in December, 2002 notes that the respondent sought assistance in removing her son from the apartment but clearly notes that there was no disturbance. From my review of the evidence, it appears that there has been a significant abatement of the disturbance. In my opinion, the tenancy should be allowed to continue.

I wish to point out to the respondent that disturbances caused by her guests are her responsibility. I shall issue an order requiring the respondent to comply with her obligation to not disturb other

tenants. Should there be future disturbances, the landlord may make another application seeking termination.

Hal Logsdon
Rental Officer