

IN THE MATTER between **NWT COMMUNITY SERVICES CORPORATION**,  
Applicant, and **ANNA KENNY**, 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 -

**ANNA KENNY**

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 premises known as Apartment 1009, 5004-54 Street, Yellowknife, NT shall be terminated on February 28, 2003 and the respondent shall vacate the rental premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 15th day of January,  
2003.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **NWT COMMUNITY SERVICES CORPORATION**,  
Applicant, and **ANNA KENNY**, 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:

**NWT COMMUNITY SERVICES CORPORATION**

Applicant/Landlord

-and-

**ANNA KENNY**

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  
Anna Kenny, respondent  
Sophie Dennis, representing the respondent

**Date of Decision:** January 14, 2003

**REASONS FOR DECISION**

The applicant alleged that following an order by the rental officer requiring the respondent to comply with her obligation to not disturb other tenants, the respondent continued to repeatedly disturb other tenants' quiet enjoyment of the rental premises and residential complex.

The order requiring the respondent to comply with her obligation to not disturb other tenants was filed on November 21, 2002. The applicant provided four incident reports completed by the security staff outlining alleged incidents of disturbance between November 24, 2002 and January 7, 2003. On two of the occasions, police were called. On two occasions other tenants called security to complain of noise. One incident involved persons in the hallway by the respondent's apartment. In my opinion there is insufficient evidence to conclude that the offending parties on that occasion were permitted in the complex by the respondent.

The respondent indicated that she had been diagnosed with a alcohol related illness and would be seeking treatment for the condition. She indicated that the condition contributed to the problems related to the disturbances.

While I appreciate the respondent's intention to address the root cause of the problem, I see no reduction in the frequency of incidents since she was ordered to comply with her obligation to not disturb others. In fact, the disturbances have continued unabated. Other tenants have tolerated disturbances caused by the respondent for a number of months. In my opinion, they should not be

subjected to the possibility of further disturbances in order to see if the respondent's objectionable behaviour will finally improve. In my opinion, there are sufficient grounds to terminate the tenancy agreement and an order shall be issued terminating the agreement between the parties on February 28, 2003. The respondent shall vacate the premises on that date.

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Hal Logsdon  
Rental Officer