

IN THE MATTER between **809656 ALBERTA LTD.**, Applicant, and **REAL LABELLE AND ERICA MAHER**, 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 **YELLOWKNIFE, NT.**

BETWEEN:

809656 ALBERTA LTD.

Applicant/Landlord

- and -

REAL LABELLE AND ERICA MAHER

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 43(3)(b) of the *Residential Tenancies Act*, the respondents shall not disturb other tenants' quiet enjoyment of the premises again.

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

Hal Logsdon
Rental Officer

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809656 ALBERTA LTD.

Applicant/Landlord

-and-

REAL LABELLE AND ERICA MAHER

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: May 13, 2003

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Trena Scott, representing the applicant
Real Labelle respondent

Date of Decision: May 13, 2003

REASONS FOR DECISION

The applicant alleged that the respondents had repeatedly disturbed other tenants in the residential complex and sought an order terminating the tenancy agreement between the parties.

The applicant has served four notices on the tenant during the period from July, 2002 to April, 2003 regarding alleged disturbance. Two of these involve alleged fighting with another tenant in the hallway, one involves an apparent domestic dispute in the premises and another general noise from the premises. One of the notices is undated.

The respondent noted that the respondent, Erica Maher, no longer lives in the premises. He also stated that the tenant in Apartment 109 had been continuously banging on his door trying to instigate a fight. The two fights in the hallway were, according to the respondent, started by the tenant in Apartment 109. He noted that the police had advised him to stay in his apartment if the other tenant banged on his door and to make a complaint to the police or the landlord.

Provided the respondent heeds the advice of the police, there should be no further disturbance. In my opinion, the tenancy should be allowed to continue to permit the respondent to demonstrate that he can maintain a quiet lifestyle. An order requiring the respondent to not disturb other tenants again shall be issued.

If the respondent continues to disturb despite this order, there will be no other remedy available

except to terminate the tenancy agreement. Should further disturbance occur, the landlord may make a future application seeking termination of the tenancy agreement.

Hal Logsdon
Rental Officer