

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **ELIZABETH LOCKHART**, 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:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

- and -

ELIZABETH LOCKHART

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 14(6)(a) of the *Residential Tenancies Act*, the respondent shall pay the applicant the balance of the required security deposit in the amount of one hundred fifty six dollars and seventy three cents (\$156.73).
2. Pursuant to section 45(4)(a) of the *Residential Tenancies Act*, the respondent shall comply with her obligation to pay for electricity costs in accordance with the tenancy agreement.
3. Pursuant to section 43(3)(b) of the *Residential Tenancies Act*, the respondent shall not disturb other tenants in the residential complex again.

DATED at the City of Yellowknife, in the Northwest Territories this 3rd day of
September, 2003.

Hal Logsdon
Rental Officer

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **ELIZABETH LOCKHART**, 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:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

-and-

ELIZABETH LOCKHART

Respondent/Tenants

REASONS FOR DECISION

Date of the Hearing: September 2, 2003

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Mary George, representing the applicant
Elizabeth Lockhart, respondent
Kari Nielsen, representing the respondent

Date of Decision: September 2, 2003

REASONS FOR DECISION

The applicant alleged that the respondent had breached the tenancy agreement by failing to pay the balance of the required security deposit, failing to pay for electricity and disturbing other tenants' quiet enjoyment of the rental premises. The applicant sought an order requiring the respondent to pay the alleged outstanding deposit, pay for electrical costs and terminating the tenancy agreement between the parties.

The applicant provided a statement of the security deposit indicating that the respondent had paid \$855 and that interest of \$13.27 had been applied to the account. The tenancy agreement, which commenced in February, 2003, requires a deposit of \$1025. The respondent did not dispute the allegations pertaining to the deposit. I find the remaining amount of the deposit due to the landlord to be \$156.73.

The applicant also provided a copy of the current electrical account which indicated a balance due in the amount of \$225.90. The respondent did not dispute the amount owing. I find the amount owing to the electrical distributor to be \$225.90. It is the respondent's obligation to pay that amount to the distributor in accordance with the tenancy agreement.

The applicant provided several complaints received from other tenants in the residential complex. Two of them referred to a loud party on or about August 11, 2003. The respondent did not dispute the evidence, stating that she had a birthday party in the apartment. Other complaints

refer to "not so healthy characters in the hallway" or to persons who do not appear to be guests of the respondent. One complaint does refer to the respondent, alleging that she was "on the back steps and the air was again thick with the same marijuana or crack cocaine smell." The respondent stated that she often went outside to smoke but was not consuming drugs. In my opinion, the evidence does not support the allegations of repeated disturbance, only one loud birthday party. In my opinion, that breach is not sufficient to warrant the termination of the tenancy agreement.

An order shall be issued requiring the respondent to pay the applicant the balance of the security deposit in the amount of \$156.73 and to comply with her obligation to pay for electricity by paying her electrical bills. The order shall also require the respondent to not disturb other tenants in the future.

Hal Logsdon
Rental Officer