

IN THE MATTER between **AKLAVIK HOUSING ASSOCIATION**, Applicant, and **STEVEN MOORE**, 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 **AKLAVIK, NT**.

BETWEEN:

**AKLAVIK HOUSING ASSOCIATION**

Applicant/Landlord

- and -

**STEVEN MOORE**

Respondent/Tenant

**ORDER**

IT IS HEREBY ORDERED:

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

DATED at the City of Yellowknife, in the Northwest Territories this 7th day of November, 2003.

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Hal Logsdon  
Rental Officer

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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:

**AKLAVIK HOUSING ASSOCIATION**

Applicant/Landlord

-and-

**STEVEN MOORE**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** November 7, 2003

**Place of the Hearing:** Aklavik, NT via teleconference

**Appearances at Hearing:** Flora Elanik, representing the applicant

**Date of Decision:** November 7, 2003

**REASONS FOR DECISION**

The respondent was served with a Notice of Attendance on October 25, 2003 but failed to appear at the hearing. The hearing was held in his 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 three written notices to the respondent alleging disturbances. The notices contained little or no detail concerning the nature or severity of the disturbances or the date on which they occurred. The applicant stated that she had no direct knowledge of the alleged incidents but stated that the notices were generated after complaints were received from other tenants. She assumed that they were sent due to noisy parties.

I am satisfied that some degree of disturbance has occurred. It is not likely that other tenants would repeatedly complain of noise if there was none. However, in my opinion, there is insufficient evidence to ascertain whether the disturbances were severe enough to warrant termination of the tenancy agreement. The applicant's request for an order terminating the tenancy agreement is therefore denied but an order requiring the respondent to not disturb in the future will issue.

Should there be any future disturbances, the landlord may file another application seeking termination of the tenancy agreement and requiring the tenant to vacate the premises.

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Hal Logsdon  
Rental Officer