

IN THE MATTER between **HAY RIVER HOUSING AUTHORITY**, Applicant, and **REGINA MOSES**, 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 **HAY RIVER, NT**.

BETWEEN:

**HAY RIVER HOUSING AUTHORITY**

Applicant/Landlord

- and -

**REGINA MOSES**

Respondent/Tenant

**ORDER**

IT IS HEREBY ORDERED:

1. 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 22nd day of April, 2004.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **HAY RIVER HOUSING AUTHORITY**, Applicant, and **REGINA MOSES**, 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:

**HAY RIVER HOUSING AUTHORITY**

Applicant/Landlord

-and-

**REGINA MOSES**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** April 22, 2004

**Place of the Hearing:** Hay River, NT

**Appearances at Hearing:** Rose Brown, representing the applicant  
Regina Moses, respondent  
Ann Gill, representing the respondent

**Date of Decision:** April 22, 2004

**REASONS FOR DECISION**

The applicant alleged that the respondent 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 two reports outlining alleged incidents of disturbance between December 15, 2003 and February 20, 2004. The applicant served the respondent two warning letters after the incidents occurred and the respondent was served a notice of early termination on March 1, 2004 seeking vacant possession on March 11, 2004. The respondent failed to vacated the premises.

The respondent testified that she didn't think the allegations were true but explained that she had stopped taking her regular medication and may not recall the incidents. She also stated that she was not in the apartment when one of the incidents was alleged to have occurred. The respondent stated that she had resumed her medication.

The applicant testified that no significant disturbances had occurred since the last reported incident in February.

The incidents appear to be directly related to the respondent's medical condition which is currently being treated. As there have been no further incidents since the medication was

resumed, in my opinion, the tenancy agreement should be allowed to continue. I am satisfied, from the evidence, that some degree of disturbance has occurred in the past and that the respondent has breached her obligation to not disturb other tenants. An order shall issue requiring the respondent to not disturb other tenants in the future.

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Hal Logsdon  
Rental Officer