

IN THE MATTER between **HAY RIVER HOUSING AUTHORITY**, Applicant, and
WALTER SELAMIO, 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 -

WALTER SELAMIO

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 306, 46 Woodland Drive, Hay River, NT shall be terminated on June 30, 2004 and the respondent shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 4th day of June,
2004.

Hal Logsdon
Rental Officer

IN THE MATTER between **HAY RIVER HOUSING AUTHORITY**, Applicant, and **WALTER SELAMIO**, Respondent.

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter R-5 (the "Act");

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BETWEEN:

HAY RIVER HOUSING AUTHORITY

Applicant/Landlord

-and-

WALTER SELAMIO

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: June 4, 2004

Place of the Hearing: Hay River, NT via teleconference

Appearances at Hearing: Rose Brown, representing the applicant
Brenda Mcauley, witness for the applicant
Walter Selamio, respondent

Date of Decision: June 4, 2004

REASONS FOR DECISION

The applicant alleged that the respondent had repeatedly disturbed other tenants' quiet enjoyment of the rental premises. The applicant served a notice of early termination on the respondent on May 4, 2004 seeking vacant possession of the premises on May 18, 2004. The respondent failed to vacate the premises and the respondent now seeks an order terminating the tenancy agreement.

The applicant provided copies of notices and notes to file outlining alleged 12 incidents of disturbance from April, 1999 to April, 2004. The resident superintendent of the building appeared as a witness and testified that she had personally witnessed many of the incidents and had received numerous complaints from other tenants in the building. The building is a large apartment complex.

The respondent denied one incident, however it was not one which was documented with the application. The respondent did not dispute any of the evidence provided by the applicant and stated that he intended to seek medical help for an alcohol problem. He also stated that he had tried to seek help previously but had been unable to see a doctor. He asked for another chance cease the disturbances.

The evidence indicates that the disturbances are not a new problem. The incidents appear to have increased in frequency. The landlord has warned the tenant on numerous occasions but the warnings and notices appear to have had no effect. In my opinion, the respondent has had ample

opportunity to seek help to eliminate the disturbing behaviour. Other tenants in the building deserve the right to reasonable peace and quiet and it appears that termination of the respondent's tenancy agreement is the only way the landlord will be able to provide such an environment.

I find the respondent in breach of his obligation to not disturb other tenants and find sufficient grounds to terminate the tenancy agreement. An order shall issue terminating the tenancy agreement on June 30, 2004. The respondent shall vacate the premises on that date.

Hal Logsdon
Rental Officer