

IN THE MATTER between **SHELTER CANADIAN PROPERTIES LTD.**, Applicant,
and **CORRIE B. SIEMENS AND SHELTON L. HAWKER**, 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:

SHELTER CANADIAN PROPERTIES LTD.

Applicant/Landlord

- and -

CORRIE B. SIEMENS AND SHELTON L. HAWKER

Respondents/Tenants

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 312, 200 Beck Court, Yellowknife, NT shall be terminated at 12:00 noon on May 31, 2004 and the respondents shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 26th day of May,
2004.

Hal Logsdon
Rental Officer

IN THE MATTER between **SHELTER CANADIAN PROPERTIES LTD.**, Applicant,
and **CORRIE B. SIEMENS AND SHELTON L. HAWKER**, Respondents.

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter
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SHELTER CANADIAN PROPERTIES LTD.

Applicant/Landlord

-and-

CORRIE B. SIEMENS AND SHELTON L. HAWKER

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: May 25, 2004

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Vince Dixon, representing the applicant

Date of Decision: May 25, 2004

REASONS FOR DECISION

The respondents were served with Notice of Attendance on May 18, 2004 but failed to appear at the hearing. The hearing was held in their absence. Ms. Siemens contacted the rental officer by phone on the day of the hearing and indicated that she intended to vacate the rental premises on May 31, 2004.

The applicant alleged that the respondents had breached the tenancy agreement by disturbing other tenants' quiet enjoyment of the residential complex. The applicant served the respondents with a notice of early termination on May 8, 2004 seeking vacant possession of the premises on May 19, 2004. The applicant later advised the respondent that the date of possession would be revised to May 31, 2004.

The applicant outlined four specific incidents of disturbance from January 3, 2004 to May 7, 2004 and testified that there had been other complaints which had not been documented. On one occasion the police attended the premises. Following each incident the tenants were served with a notice warning them to not disturb in the future.

I find the respondents in breach of their obligation to not disturb other tenants in the residential complex. From the evidence provided it appears that despite warnings, the respondents have failed to take any corrective measures and other tenants continue to be disturbed. In my opinion, there are sufficient grounds to terminate the tenancy agreement by order in accordance with the

landlords notice of termination.

An order shall issue terminating the tenancy agreement on May 31, 2004. The respondents shall vacate the premises at 12:00 noon, May 31, 2004.

Hal Logsdon
Rental Officer