

IN THE MATTER between **FORT PROVIDENCE HOUSING ASSOCIATION**,  
Applicant, and **BEVERLY BOUVIER**, 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 **FORT PROVIDENCE, NT**.

BETWEEN:

**FORT PROVIDENCE HOUSING ASSOCIATION**

Applicant/Landlord

- and -

**BEVERLY BOUVIER**

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 Unit 4, Lot 46 North, Fort Providence, NT shall be terminated on September 30, 2004 and the respondent shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 16th day of  
September, 2004.

---

Hal Logsdon  
Rental Officer

IN THE MATTER between **FORT PROVIDENCE HOUSING ASSOCIATION**,  
Applicant, and **BEVERLY BOUVIER**, 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:

**FORT PROVIDENCE HOUSING ASSOCIATION**

Applicant/Landlord

-and-

**BEVERLY BOUVIER**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** September 16, 2004

**Place of the Hearing:** Fort Providence, NT via teleconference

**Appearances at Hearing:** Loretta Landry, representing the applicant  
Vicki Marcellais, representing the applicant  
Beverly Bouvier, respondent

**Date of Decision:** September 16, 2004

### **REASONS FOR DECISION**

The applicant alleged that the respondent had breached the tenancy agreement by repeatedly disturbing other tenants in the residential complex and sought an order terminating the tenancy agreement between the parties.

The applicant testified that she had direct knowledge of most of alleged incidents of disturbance as she was a tenant in the complex. The applicant provided three letters from the head landlord outlining four incidents from June 4, 2004 to July 29, 2004. The incidents involved loud parties, fighting, and young people creating disturbances in the apartment. The applicant testified that one other disturbance had taken place since the application was filed. It involved a number of young persons creating noise in the apartment. The applicant stated that when the incident was reported, the respondent was at her mother's house and returned to the premises to deal with the matter.

The respondent testified that the incident which occurred on June 6, 2004 involved her sister. She stated that she had not let her sister into the building and had not permitted her in her apartment.

Section 43 of the *Residential Tenancies Act* obligates a tenant to not disturb other tenants.

- 43. (1) A tenant shall not disturb the landlord's or other tenants' possession or enjoyment of the rental premises or residential complex.**
- (2) A disturbance caused by a person permitted by a tenant to enter the residential complex or the rental premises of the tenant shall be deemed to be a disturbance caused by the tenant.**

In my opinion all of the incidents with the exception of the one which occurred on June 6, 2004 constitute disturbances and a breach of the Act. One in particular resulted in the police being called and arrests being made. The persistent disturbance since this tenancy commenced in May, 2004 has, no doubt, been a source of aggravation to other tenants in the complex. There are five other premises in this complex. The tenant has received both verbal and written warnings concerning the incidents but they appear to have had little effect. In my opinion there are sufficient grounds to terminate the tenancy agreement and termination is the only remedy which will ensure that other tenants are no longer disturbed.

An order shall issue terminating the tenancy agreement between the parties on September 30, 2004 and requiring that the respondent vacate the premises on that date.

---

Hal Logsdon  
Rental Officer