

IN THE MATTER between **NORTHERN PROPERTY REIT**, Applicant, and **AGNES CHRISTENSON**, 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 **YELLOWKNIFE, NT**.

BETWEEN:

NORTHERN PROPERTY REIT

Applicant/Landlord

- and -

AGNES CHRISTENSON

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 22, 5023 - 48th Street, Yellowknife, NT shall be terminated on October 29, 2004 and the respondent shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 18th day of October, 2004.

Hal Logsdon
Rental Officer

IN THE MATTER between **NORTHERN PROPERTY REIT**, Applicant, and **AGNES CHRISTENSON**, 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:

NORTHERN PROPERTY REIT

Applicant/Landlord

-and-

AGNES CHRISTENSON

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: **October 14, 2004**

Place of the Hearing: **Yellowknife, NT**

Appearances at Hearing: **Lucy Gillard, representing the applicant**

Date of Decision: **October 18, 2004**

REASONS FOR DECISION

The respondent was served with a Notice of Attendance on October 2, 2004 but failed to appear at the hearing. The hearing was held in their absence.

The applicant alleged that the respondent had repeatedly disturbed other tenants in the residential complex and sought an order terminating the tenancy agreement between the parties. The applicant provided occurrence reports outlining seven alleged incidents of disturbance between July and September, 2004. The applicant also provided two notices served on the respondent outlining alleged incidents in August, 2003 and April, 2004. The applicant served a written notice on the respondent on August 17, 2004 referring to the incidents in July and August of that year and requesting the respondent to comply with her obligation to not disturb other tenants.

The applicant served a notice of early termination on the respondent on September 10, 2004 seeking vacant possession on September 21, 2004. The respondent failed to vacate the premises.

In my opinion, there are sufficient grounds to terminate the tenancy agreement. Although two of the reported incidents do not appear to be serious in nature, the remainder have clearly been disturbing to other tenants. Despite the warnings from security staff and the written notice in August, the disturbances have continued. There does not appear to be any remedy available to ensure that other tenants are not disturbed other than termination of the tenancy agreement.

An order shall issue terminating the tenancy agreement on October 29, 2004 and requiring the respondent to vacate the premises on that date.

Hal Logsdon
Rental Officer