

IN THE MATTER between **NORTHERN PROPERTY LIMITED PARTNERSHIP**,
Applicant, and **TRAVIS THOMAS**, 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 LIMITED PARTNERSHIP

Applicant/Landlord

- and -

TRAVIS THOMAS

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 43(3)(a) and 43(3)(b) of the *Residential Tenancies Act*, the respondent shall comply with his obligation to not disturb other tenants and not disturb the landlord or other tenants in the future.

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 LIMITED PARTNERSHIP**,
Applicant, and **TRAVIS THOMAS**, 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 LIMITED PARTNERSHIP

Applicant/Landlord

-and-

TRAVIS THOMAS

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
Joanne Koyina, representing the applicant
Travis Thomas, respondent

Date of Decision: October 18, 2004

REASONS FOR DECISION

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 copies of occurrence reports outlining three alleged incidents of disturbance between August 14, 2004 and September 18, 2004. The reports described loud talking and laughter after midnight. The reports note that the tenant was warned of the noise by the security staff.

The applicant served a notice to the respondent on September 22, 2004 referring to the three incidents and requesting that the respondent comply with his obligation to not disturb other tenants. On the same date, the applicant served a notice of early termination on the respondent, seeking vacant possession of the premises on October 1, 2004. The respondent failed to vacate the premises.

The respondent did not dispute the allegations and stated that the disturbances were a result of him permitting friends from out of town to enter the apartment.

A tenant who permits others to enter the rental premises or the residential complex is responsible for their behaviour. A disturbance caused by a person permitted on the premises or in the residential complex by a tenant is deemed to be a disturbance caused by the tenant.

There is no doubt that disturbances have occurred and that the respondent has breached his obligation under the tenancy agreement. Although the security personnel have repeatedly warned the tenant about the disturbances, I find it curious that the landlord's first notice was accompanied by a notice of early termination. In my opinion, the respondent should be given an opportunity to rectify the problem and the tenancy agreement should be allowed to continue, provided there are no more incidents of disturbance.

An order shall issue requiring the respondent to comply with his obligation to not disturb other tenants and to not create any disturbance in the future.

Hal Logsdon
Rental Officer