

IN THE MATTER between **NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST**, Applicant, and **MEGAN BOYDE**, 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 REAL ESTATE INVESTMENT TRUST

Applicant/Landlord

- and -

MEGAN BOYDE

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 43(3)(b) of the *Residential Tenancies Act*, the respondent shall not disturb other tenants in the residential complex again.

DATED at the City of Yellowknife, in the Northwest Territories this 20th day of December, 2004.

Hal Logsdon
Rental Officer

IN THE MATTER between **NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST**, Applicant, and **MEGAN BOYDE**, 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 REAL ESTATE INVESTMENT TRUST

Applicant/Landlord

-and-

MEGAN BOYDE

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: December 16, 2004

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Lucy Gillard, representing the applicant
Kevin Trudel, representing the applicant
Jennifer Duncan, representing the respondent
Megan Boyde, respondent

Date of Decision: December 16, 2004

REASONS FOR DECISION

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

The applicant alleged that on the afternoon of October 15, 2004 there was a disturbance in the respondent's premises. The applicant provided a copy of the call out report in evidence which indicated that the landlord first knocked on the door to the premises and asked the occupants to cease the disturbance. The disturbance continued and the police were called and attended the premises. Later in the day, the disturbance arose again and the police were called. The police attended the premises and removed a female occupant.

The respondent acknowledged that there had been a disturbance but that it was caused by her guests and occurred while she was working. She acknowledged that she was responsible for their behaviour, apologized and stated that she had taken measures to ensure it would not happen again. The respondent's representative noted that the respondent had taken measures to remedy the breach as soon as she was aware of the situation and that there was no indication that any other incidents had occurred.

I find the respondent in breach of her obligation to not disturb other tenants in the residential complex. In my opinion, as there is no evidence of other incidents and the respondent appears to have taken measures to ensure no further disturbances of this nature occur, the tenancy should be

permitted to continue. However, should future incidents of disturbance occur, the applicant may seek the remedy of termination.

An order shall issue prohibiting the respondent from disturbing other tenants in the residential complex again.

Hal Logsdon
Rental Officer