

IN THE MATTER between **N.W.T. COMMUNITY SERVICES CORPORATION**,
Applicant, and **DANIEL WILSON**, 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:

N.W.T. COMMUNITY SERVICES CORPORATION

Applicant/Landlord

- and -

DANIEL WILSON

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 43(3)(a) of the *Residential Tenancies Act* the respondent shall comply with his obligation to not disturb other tenants in the residential complex.

DATED at the City of Yellowknife, in the Northwest Territories this 29th day of March,
2005.

Hal Logsdon
Rental Officer

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N.W.T. COMMUNITY SERVICES CORPORATION

Applicant/Landlord

-and-

DANIEL WILSON

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: March 21, 2005

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Gail Leonardis, representing the applicant
Arlene Hache, representing the respondent
Daniel Wilson, respondent

Date of Decision: March 21, 2005

REASONS FOR DECISION

The applicant alleged that the respondent had breached the tenancy agreement by repeatedly disturbing the quiet enjoyment of other tenants in the residential complex. The applicant served a notice of early termination on the respondent on February 23, 2005 seeking vacant possession of the premises on March 5, 2005. The respondent remains in possession.

The applicant provided numerous occurrence reports created by security personnel outlining alleged incidents of disturbance. The reports span a period of time from December 11, 2004 to March 5, 2005. The applicant noted that the incident which led to the issuance of the early termination notice occurred on February 22, 2005 when the respondent allegedly assaulted the security guard. The respondent has been charged in connection with that incident.

The respondent denied being involved in one alleged incident, stating that he was at the hospital at the time of the incident. He also denied assaulting the security guard. The respondent stated that most of the incidents involved another person and that he did not always permit her in the premises.

It is evident from the review of the reports that a woman, known to the respondent, is involved in most of the incidents. In many of the reports, it is not clear how the woman entered the building and it is evident that she was not in the respondent's premises. With regard to the alleged assault, I have only the report of the security guard and the testimony of the respondent. On the balance

of evidence, I can not conclude that an assault took place. In at least one incident however, it is clear that the applicant was arguing loudly with woman in the hallway. Whether he let her into the building on that occasion or not, he was involved in the loud disturbance.

I find the respondent in breach of his obligation to not disturb other tenants. In my opinion, there are not sufficient grounds to terminate the tenancy agreement between the parties. An order shall issue requiring the applicant to comply with his obligation to not disturb other tenants in the residential complex.

Hal Logsdon
Rental Officer