

IN THE MATTER between **NORTHERN PROPERTY LIMITED PARTNERSHIP**,
Applicant, and **ROLAND CONRAD AND MYRA CONRAD**, Respondents;

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 -

ROLAND CONRAD AND MYRA CONRAD

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 43(3)(a) and 43(3)(b) of the *Residential Tenancies Act*, the respondents shall comply with their obligation to not disturb other tenants and shall not create any disturbance in the future.

DATED at the City of Yellowknife, in the Northwest Territories this 14th day of May,
2005.

Hal Logsdon
Rental Officer

IN THE MATTER between **NORTHERN PROPERTY LIMITED PARTNERSHIP**,
Applicant, and **ROLAND CONRAD AND MYRA CONRAD**, Respondents.

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-

ROLAND CONRAD AND MYRA CONRAD

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	May 12, 2005
<u>Place of the Hearing:</u>	Yellowknife, NT
<u>Appearances at Hearing:</u>	Lucy Gillard, representing the applicant
<u>Date of Decision:</u>	May 12, 2005

REASONS FOR DECISION

The applicants were served with Notices of Attendance by registered mail sent to the rental premises. The applicant testified that the respondents were still in possession of the rental premises and that mail was delivered to the premises. Section 71 of the *Residential Tenancies Act* sets out the requirements for service by registered mail.

- 71. (1) Subject to subsection (3), any notice, process or document to be served by or on a landlord, a tenant or the rental officer may be served by personal delivery or by registered mail to the landlord at the address given in the tenancy agreement or mailed to the tenant at the address of the rental premises and to the rental officer at the address of the office of the rental officer.**
- (2) A notice, process or document sent by registered mail shall be deemed to have been served on the 7th day after the date of mailing.**

The respondents failed to appear at the hearing and the hearing was held in their absence.

The applicant alleged that the respondents had breached the tenancy agreement by disturbing other tenants in the residential complex. The applicant stated that since the application was made, there had not been any further disturbance and withdrew the request for the termination of the tenancy agreement. The applicant sought an order requiring the respondents to comply with their obligation to not disturb other tenants and to not create any disturbance in the future.

The applicant provided three incident reports and two notices to the tenants outlining incidents of disturbance.

From the evidence, I am satisfied that some disturbance has occurred. I find the respondents in breach of their obligation to not disturb other tenants. An order shall issue requiring the respondents to comply with their obligation to not disturb other tenants and to not create any disturbance in the future.

Hal Logsdon
Rental Officer