

IN THE MATTER between **809656 ALBERTA LTD.**, Applicant, and **RONALD MACKENIZO**, 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:

**809656 ALBERTA LTD.**

Applicant/Landlord

- and -

**RONALD MACKENIZO**

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 in the residential complex and shall not create disturbances in the future.

DATED at the City of Yellowknife, in the Northwest Territories this 17th day of May, 2005.

---

Hal Logsdon  
Rental Officer

IN THE MATTER between **809656 ALBERTA LTD.**, Applicant, and **RONALD MACKENIZO**, 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:

**809656 ALBERTA LTD.**

Applicant/Landlord

-and-

**RONALD MACKENIZO**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** May 13, 2005

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

**Appearances at Hearing:** David Beckwith, representing the applicant

**Date of Decision:** May 13, 2005

**REASONS FOR DECISION**

The respondent was served with a Notice of Attendance sent by registered mail to the rental premises. The applicant testified that the respondent was still in possession of the premises and that mail was regularly delivered to the complex. Section 71 of the *Residential Tenancies Act* outlines requirements for service of documents.

- 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 respondent failed to appear at the hearing and the hearing was held in his absence.

The applicant alleged that the respondent had disturbed other tenants in the residential complex and sought an order requiring the respondent to comply with his obligation to not disturb other tenants and to not create any disturbance in the future.

The applicant provided three notices in evidence outlining alleged disturbances between December 9, 2004 and March 24, 2005. All of the notices relate to loud guests and music late at night and state that other tenants in the complex have complained of the disturbance.

The evidence supports the landlord's allegations. I find the respondent in breach of his obligation

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

---

Hal Logsdon  
Rental Officer