

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **KIMBERLEY ONGAHAK**, 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:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

- and -

KIMBERLEY ONGAHAK

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 43(3)(d) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as Apartment 224, 5603 - 51A Avenue, Yellowknife, NT shall be terminated on June 9, 2005 and the respondent shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 31st day of May,
2005.

Hal Logsdon
Rental Officer

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **KIMBERLEY ONGAHAK**, Respondent.

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter
R-5 (the "Act");

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BETWEEN:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

-and-

KIMBERLEY ONGAHAK

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: May 30, 2005
Place of the Hearing: Yellowknife, NT
Appearances at Hearing: Mary George, representing the applicant
Date of Decision: May 30, 2005

REASONS FOR DECISION

The respondent was served with a Notice of Attendance on May 14, 2005 but failed to appear at the hearing. The hearing was held in her absence.

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. A previous order (File #10-7785, filed on March 25, 2004) required the respondent to not disturb other tenants or the landlord in the future.

The applicant provided notices and letters of complaint in evidence which outlined five incidents of disturbance between November 20, 2004 and May 26, 2005. On two occasions the police attended the premises. The frequency of incidents appears to have increased. Three incidents occurred in May, 2005. The evidence indicates that the respondent has been made aware of the disturbances, either by the police or by security personnel.

The evidence suggests that despite the previous order and numerous warnings since the order was issued, the respondent continues to disturb other tenants in the building. In my opinion, there is no available remedy, other than termination of the tenancy, that will ensure other tenants in the complex enjoy quiet possession.

I find the respondent in breach of her obligation to not disturb other tenants. An order shall issue

terminating the tenancy agreement on June 9, 2005 and requiring the respondent to vacate the premises on that date.

Hal Logsdon
Rental Officer