

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,  
and **EDWARD LESSARD**, 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 -

**EDWARD LESSARD**

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 and not create any disturbances in the future.

DATED at the City of Yellowknife, in the Northwest Territories this 22nd day of June,  
2005.

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Hal Logsdon  
Rental Officer

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and **EDWARD LESSARD**, Respondent.

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter  
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BETWEEN:

**YELLOWKNIFE HOUSING AUTHORITY**

Applicant/Landlord

-and-

**EDWARD LESSARD**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:**                      **June 14, 2005**

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

**Appearances at Hearing:**                **Mary George, representing the applicant**

**Date of Decision:**                        **June 14, 2005**

**REASONS FOR DECISION**

The respondent was served with a Notice of Attendance by registered mail sent to the rental premises. The respondent failed to attend the hearing and the hearing was held in his 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. The applicant provided letters from a resident of the complex, the head landlord, an apartment sitter and a government department on behalf of their tenant alleging that the respondent has been selling liquor from the premises. The complainants state that the traffic related to the alleged activity is disturbing other tenants' quiet enjoyment. All of the letters were written on April 28, 2005. The application was filed on May 3, 2005.

There is no evidence that any disturbances have occurred since the application was filed.

There is no evidence that the applicant has made the respondent aware that his activity is disturbing other tenants. No notices have been sent to the respondent nor has the respondent been contacted since the April complaints were received. The applicant stated that some time ago, they had spoken to the respondent regarding disturbances and the activity seemed to cease. The applicant stated that they had difficulty contacting the respondent and it appeared that he may have been out of town for an extended period.

In my opinion, a disturbing tenant deserves some form of notice that his activities are disturbing others. A visit, phone call or written notice should suffice to warn the offending tenant and permit them to take whatever action is necessary to avoid further disturbance. While I am convinced from the evidence presented that there has been some level of disturbance caused by the activities of the respondent, I do not think the tenancy agreement should be terminated without giving him an opportunity to do what is necessary to avoid any future disturbance. This order shall serve as such notice.

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

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Hal Logsdon  
Rental Officer