

IN THE MATTER between **NORTHERN PROPERTY LIMITED PARTNERSHIP**,
Applicant, and **KEVIN KODZIN**, 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:

NORTHERN PROPERTY LIMITED PARTNERSHIP

Applicant/Landlord

- and -

KEVIN KODZIN

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 any disturbances in the future.

DATED at the City of Yellowknife, in the Northwest Territories this 12th day of July,
2005.

Hal Logsdon
Rental Officer

IN THE MATTER between **NORTHERN PROPERTY LIMITED PARTNERSHIP**,
Applicant, and **KEVIN KODZIN**, Respondent.

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

NORTHERN PROPERTY LIMITED PARTNERSHIP

Applicant/Landlord

-and-

KEVIN KODZIN

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: July 7, 2005

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Sharon Hysert, representing the applicant
Kevin Kodzin, respondent (by telephone)

Date of Decision: July 7, 2005

REASONS FOR DECISION

The applicant alleged that the respondent had breached the tenancy agreement by repeatedly disturbing other tenants in the residential complex. The applicant served a notice of early termination on the respondent on June 8, 2005 seeking vacant possession of the premises on June 18, 2005. The respondent filed an application to a rental officer on June 13, 2005 seeking an order terminating the tenancy agreement. The respondent remains in possession of the premises.

The applicant outlined two alleged incidents of disturbance. The first occurred on April 15, 2005 when five persons were seen entering the residential complex at 1:03 AM. When asked where they were going, one explained that she had a key to her brother's apartment (the respondent's premises). They were told to keep quiet.

The second incident occurred on June 8, 2005 and involved a noisy party. Another tenant in the residential complex complained at 6:00AM and the police attended the premises. The report indicates the party subsided when the police arrived.

The respondent did not dispute the allegations.

Despite the notice sent to the respondent outlining the April 15, 2005 incident and describing it as "loud noise coming from the unit", there is no indication in the summary report that the security guard attended the premises or encountered any noise. The party on June 8, 2005 is a

different matter. The evidence supports significant disturbance on that occasion.

I find the respondent in breach of his obligation to not disturb other tenants. In my opinion, the tenancy agreement should be permitted to continue provided the respondent does not continue to disturb his neighbours. 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.

Hal Logsdon
Rental Officer