

IN THE MATTER between **NORTHERN PROPERTY LIMITED PARTNERSHIP**,  
Applicant, and **HELEN TAYLOR**, 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 -

**HELEN TAYLOR**

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 her obligation to not disturb other tenants and not create any disturbance in the future.

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

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Hal Logsdon  
Rental Officer

IN THE MATTER between **NORTHERN PROPERTY LIMITED PARTNERSHIP**,  
Applicant, and **HELEN TAYLOR**, 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:

**NORTHERN PROPERTY LIMITED PARTNERSHIP**

Applicant/Landlord

-and-

**HELEN TAYLOR**

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

**Date of Decision:** July 7, 2005

**REASONS FOR DECISION**

The respondent was served with a Notice of Attendance on June 26, 2005, but failed to appear at the hearing. The hearing was held in her absence.

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 seeking vacant possession on June 20, 2005. The respondent failed to vacate the premises and the applicant now seeks an order terminating the tenancy agreement.

The applicant outlined three alleged incidents of disturbance between April 9 and May 4, 2005. All involved loud arguments between occupants of the apartment after midnight and on each occasion the respondent was warned verbally or in writing.

The applicant described the respondent as a long term tenant and stated that the disturbances were caused primarily by her son who did not reside with her. The applicant stated that she would rather not terminate the tenancy agreement and suggested that an order requiring the respondent to comply with her obligation to not disturb might encourage her to take appropriate action to eliminate future disturbances.

Section 43 of the *Residential Tenancies Act* outlines a tenant's obligation to not disturb other tenants.

**43. (1) A tenant shall not disturb the landlord's or other tenants' possession or enjoyment of the rental premises or residential complex.**

**(2) A disturbance caused by a person permitted by a tenant to enter the residential complex or the rental premises of the tenant shall be deemed to be a disturbance caused by the tenant.**

The respondent is therefore responsible for her son's behaviour when she permits him entry to the building. If he causes any disturbance, it is deemed to be a disturbance caused by the tenant and an available remedy to the landlord is termination of the tenancy agreement.

I find the respondent in breach of her obligation to not disturb other tenants but agree with the applicant that, given the circumstances, termination may not be necessary. However, the respondent should understand that if disturbances continue, termination will be the only remaining remedy. Other tenants in the residential complex have a right to quiet enjoyment and the landlord has an obligation to take effective action against offending tenants. An order shall issue requiring the respondent to comply with her obligation to not disturb other tenants and to not create any disturbances in the future.

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Hal Logsdon  
Rental Officer