

IN THE MATTER between **NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST**, Applicant, and **MOHAMMED AHMED AND ABDULLAH OHMAR**, Respondents;

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 REAL ESTATE INVESTMENT TRUST**

Applicant/Landlord

- and -

**MOHAMMED AHMED AND ABDULLAH OHMAR**

Respondents/Tenants

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to sections 43(3)(a) and 43(3)(b) of the *Residential Tenancies Act*, the respondents shall comply with their obligation to not disturb other tenants in the residential complex and shall not create any disturbance in the future.

DATED at the City of Yellowknife, in the Northwest Territories this 25th day of August, 2005.

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Hal Logsdon  
Rental Officer

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**NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST**

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-and-

**MOHAMMED AHMED AND ABDULLAH OHMAR**

Respondents/Tenants

**REASONS FOR DECISION**

**Date of the Hearing:** August 23, 2005

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

**Appearances at Hearing:** Krista Cooper, representing the applicant  
Sharon Hysert, representing the applicant

**Date of Decision:** August 23, 2005

**REASONS FOR DECISION**

The respondents were served with Notices of Attendance on August 13, 2005, but failed to appear at the hearing. The hearing was held in their absence.

The applicant alleged that the respondents had repeatedly disturbed other tenants' quiet enjoyment of the premises and sought an order terminating the tenancy agreement between the parties. The applicant served a notice of early termination on the respondents seeking vacant possession of the premises on July 28, 2004. The respondents failed to vacate the premises.

The applicant provided incident reports which outlined five incidents of alleged disturbance between April 1 and July 19, 2005. Most involved loud noises, yelling and screaming late at night. On two occasions the police were summoned to the premises. Other tenants have been complaining to the landlord about the disturbances. The applicant stated that the respondents met with the landlord on July 21, 2005 after they received the notice of early termination and stated they would take steps to ensure the disturbances ceased if they could be allowed to continue the tenancy. The applicant has elected to continue with the application and seek termination. The applicant did state, however, that there have been no disturbances since the meeting between the parties took place.

In my opinion, disturbance is one of the most serious tenant breaches as it offends not only the landlord but other tenants in the residential complex as well. Unless the disturbing tenant ceases

the offending behaviour, the only effective remedy is termination of the tenancy agreement and the removal of the offending tenant. In this matter, it appears that the disturbing behaviour has abated, albeit for only a short period of time. In my opinion, the tenancy should be allowed to continue, provided there are no further disturbances of any sort. Should the disturbance continue, the landlord may make an application to terminate the tenancy agreement.

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

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Hal Logsdon  
Rental Officer