

IN THE MATTER between **NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST**, Applicant, and **RICHARD CHARLO AND LEANNE TAKAZO**, 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 -

RICHARD CHARLO AND LEANNE TAKAZO

Respondents/Tenants

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 101, 1000 Gitzel Street, Yellowknife, NT shall be terminated on September 30, 2005 and the respondents shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 13th day of September, 2005.

Hal Logsdon
Rental Officer

IN THE MATTER between **NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST**, Applicant, and **RICHARD CHARLO AND LEANNE TAKAZO**, 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.

BETWEEN:

NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST

Applicant/Landlord

-and-

RICHARD CHARLO AND LEANNE TAKAZO

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: September 8, 2005

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Sharon Hysert, representing the applicant
Richard Charlo, respondent (by telephone)

Date of Decision: September 13, 2005

REASONS FOR DECISION

The applicant alleged that the respondents had breached the tenancy agreement by repeatedly disturbing other tenants in the residential complex and sought an order terminating the tenancy agreement between the parties.

The applicant outlined three alleged disturbances which took place in June and July, 2005. The applicant stated that all of the disturbances were reported by other tenants in the complex and involved loud noise. The most recent incident took place on July 30, 2005 and involved fighting. The police attended the premises and were forced to break the door to the premises in order to enter. The applicant testified that three other tenants had terminated their tenancy agreements, citing disturbances in Apartment 101 as the reason. The applicant served a notice of early termination on the respondents seeking vacant possession on August 12, 2005. The respondents remain in possession.

The respondent stated that he wasn't sure if he was home on the dates of the incidents in June and stated that both he and Ms Takazo were asleep when the police broke the door and entered the premises. He stated that his brother had been visiting earlier but was asked to leave and that they had consumed a few beer. The respondent complained about other tenants making noise and the lack of security in the building. He stated that he was willing to pay for the damages done.

I find the respondents in breach of their obligation to not disturb other tenants. It is difficult to

believe that the police would break down a door to enter an apartment without reasonable cause. Other tenants and the security patrol reported an assault prior to the police being called. Mr. Charlo may not have been at home during the June incidents but someone was. The incident reports note that an occupant was contacted and told to cease the disturbances.

The landlord claims they have lost tenants because of the respondents' behaviour. Other tenants are being disturbed. The respondents have been sent numerous notices but they appear to have had little effect. The respondent stated that they normally ignored notices from the landlord and threw them out. In my opinion, there are sufficient grounds to terminate this tenancy agreement.

An order shall issue terminating the tenancy agreement between the parties on September 30, 2005 and requiring the respondents to vacate the premises on that date.

Hal Logsdon
Rental Officer