

IN THE MATTER between **FORT SMITH HOUSING AUTHORITY**, Applicant, and **ROSIE DAVIS**, 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 **FORT SMITH, NT**.

BETWEEN:

FORT SMITH HOUSING AUTHORITY

Applicant/Landlord

- and -

ROSIE DAVIS

Respondent/Tenant

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 Unit #0069-18, 60 Breynat Street, Fort Smith, NT shall be terminated on October 28, 2005 and the respondent shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 29th day of September, 2005.

Hal Logsdon
Rental Officer

IN THE MATTER between **FORT SMITH HOUSING AUTHORITY**, Applicant, and **ROSIE DAVIS**, Respondent.

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter R-5 (the "Act");

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BETWEEN:

FORT SMITH HOUSING AUTHORITY

Applicant/Landlord

-and-

ROSIE DAVIS

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: September 29, 2005

Place of the Hearing: Fort Smith, NT via teleconference

Appearances at Hearing: Kim McArthur, representing the applicant

Date of Decision: September 29, 2005

REASONS FOR DECISION

The respondent was served with a Notice of Attendance on September 15, 2005, but failed to appear at the hearing. The hearing was held in her absence.

The applicant alleged that the respondent had jeopardized the safety of other tenants in the residential complex and sought an order terminating the tenancy agreement. The premises are located in a seniors facility operated as subsidized public housing.

The applicant alleged that on August 2, 2005, the resident caretaker of the building entered the respondent's apartment because the smoke alarm had been activated. The caretaker discovered an unattended frying pan on the stove and the respondent passed out on the bed. The applicant testified that the respondent had disturbed other tenants on numerous occasions due to her alcohol abuse. A notice of early termination was served on the respondent seeking vacant possession on August 26, 2005. The respondent failed to vacate the premises.

The applicant stated that steps had been taken to accommodate the respondent in the Northern Lights Special Care Facility where she would receive additional care and oversight. The hearing was adjourned to permit the rental officer to consult with the social worker assigned to the respondent.

Ms. Susan Webster advised the rental officer that the respondent has been accepted at the

Northern Lights Facility based on her ability to pay and that the respondent has the financial capacity to pay the fees. She noted that the Housing Authority and the Department of Health and Social Services had been working cooperatively to find appropriate accommodation and care for the respondent and believed a move to the Northern Lights Facility could occur in several weeks.

I find the respondent in breach of her obligation to not disturb other tenants. Terminating this tenancy is reasonable given the respondent has other, more suitable accommodation available to her. An order shall issue terminating the tenancy agreement on October 28, 2005 and requiring the respondent to vacate the premises on that date.

Hal Logsdon
Rental Officer