

IN THE MATTER between **809656 ALBERTA LTD.**, Applicant, and **JULIE BISCAYE**, 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:

809656 ALBERTA LTD.

Applicant/Landlord

- and -

JULIE BISCAYE

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 Apartment 207, 42 Con Road, Yellowknife, NT shall be terminated on March 10, 2006 and the respondent shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 28th day of February, 2006.

Hal Logsdon
Rental Officer

IN THE MATTER between **809656 ALBERTA LTD.**, Applicant, and **JULIE BISCAYE**, 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:

809656 ALBERTA LTD.

Applicant/Landlord

-and-

JULIE BISCAYE

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: February 28, 2006

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Leslie McManaman, representing the applicant
George Burt, witness for the applicant
Steven Froude, witness for the applicant

Date of Decision: February 28, 2006

REASONS FOR DECISION

The respondent was served with a Notice of Attendance on February 18, 2006, but failed to appear at the hearing. The hearing was held in her absence.

The applicant alleged that the respondent had repeatedly disturbed other tenants in the residential complex and sought an order terminating the tenancy agreement between the parties.

The applicant provided copies of notices outlining five incidents of disturbance between November 26, 2005 and February 24, 2006. Several incidents involved loud parties and noise. Another involved the respondents daughter who, along with another person, allegedly broke a window in the lobby. The applicant also called two witnesses who were tenants in the complex. Both witnesses testified that the respondent had repeatedly disturbed them by having loud guests and parties at all hours of the day and night. The applicant testified that the respondent had been warned on numerous occasions both verbally and in writing but the disturbances have continued.

I find the respondent in breach of her obligation to not disturb other tenants. In my opinion, there are sufficient grounds to terminate this tenancy agreement. I note that despite the numerous warnings and notices, the disturbances have not diminished. It would appear that the only effective remedy to ensure the other tenants in the complex are not disturbed in the future is termination of the tenancy agreement.

An order shall issue terminating the tenancy agreement on March 10, 2006 and requiring respondent to vacate the premises on that date.

Hal Logsdon
Rental Officer