

IN THE MATTER between **NORTHERN PROPERTY LIMITED PARTNERSHIP**,
Applicant, and **GERALDINE ATIGIKYOAK**, 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 -

GERALDINE ATIGIKYOAK

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 26th day of May,
2006.

Hal Logsdon
Rental Officer

IN THE MATTER between **NORTHERN PROPERTY LIMITED PARTNERSHIP**,
Applicant, and **GERALDINE ATIGIKYOAK**, 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-

GERALDINE ATIGIKYOAK

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: May 23, 2006

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Sharon Hysert, representing the applicant
Geraldine Atigiky oak, respondent
Tina Mercado, witness for the respondent

Date of Decision: May 25, 2006

REASONS FOR DECISION

The respondent's name was incorrectly spelled on the application. The order shall reflect the correct spelling of her name.

The applicant alleged that the respondent had repeatedly disturbed other tenants in the residential complex. The applicant served a notice of early termination on the respondent on May 2, 2006 seeking vacant possession on May 12, 2006. The respondent remains in possession. The applicant sought an order terminating the tenancy agreement between the parties.

The applicant provided several written complaints from another tenant in the building briefly outlining four alleged disturbances between January 6, 2006 and May 1, 2006. The applicant also provided two reports from on-call staff or security personnel regarding complaints received.

There do not appear to be any written notices to the respondent regarding the alleged disturbances other than a notice of the landlord's intention to file an application to a rental officer seeking termination and a notice of early termination. Both are dated May 2, 2006. The applicant testified however, that she had spoken to the respondent on several occasions concerning the complaints and the respondent had told her they were caused by other tenants.

The respondent did not dispute the two incidents of noise which were reported in January, 2006. She denied that the complaint regarding children running in the halls related to her children who were not permitted to play in the halls. She alleged that two other tenants regularly permitted

their children to play in the halls.

The respondent denied being involved in a fight near the entrance to the building on May 1, 2006 or permitting either of the parties involved in the fight into the building. She stated that her children, a babysitter and another woman were occupying the apartment on May 1, 2006 and that she was not at home and did not return to the apartment until the next day. The landlord's maintenance staff attended the building after a neighbour's complaint was received but reported no disturbance. Although the applicant claims that the altercation by the entrance door involved a man from the respondent's apartment, I find no evidence to indicate that he was permitted into the building by the respondent or anyone who was in the respondent's apartment that evening. It is important to note that no one at the hearing had any direct knowledge of any of the alleged disturbances in May. There is only the written report of the neighbour who describes "Disturbances, Banging, Loud Shouting, etc...Coming from Apartment 207", yet the applicant's representative stated that the disturbance actually took place by the entrance to the building.

The respondent also denied knocking on her neighbour's door that same night, stating that she was not at home. The respondent stated that she believed that one of the women in her apartment injured her leg and sent the respondent's daughter next door to ask that an ambulance and the police be summoned as there was no telephone in the respondent's apartment. The neighbour reported the respondent knocking on her door late that night yet the respondent testified that she was not there and that a child may have knocked on the neighbour's door, seeking assistance.

Another alleged incident involved a woman who was sleeping in the hallway in February, 2006. The security report indicates that the police were summoned and the woman indicated that she lived in the respondent's apartment. The report indicates that the police knew that the woman did not live with the respondent but took her to the respondent's apartment. The respondent testified that she permitted the woman to enter her apartment at that time provided she did not create a problem. She denied letting her into the building or into her apartment earlier that evening. There is no evidence that the respondent permitted the woman found sleeping in the hall to enter the building. There is no evidence of disturbance after the respondent permitted her to enter her apartment.

On another occasion in April, 2006, a tenant complained of noise coming from the respondent's apartment. When the maintenance staff attended the building they reported no noise.

I am satisfied that several disturbances occurred in January, 2006. By the respondent's admission, there were two disturbances that month. In my opinion, the evidence does not support the later allegations. In my opinion, the tenancy should be permitted to continue provided there are no future disturbances. An order shall issue requiring the respondent to comply with her obligation to not disturb other tenants and to not create any disturbance in the future. Should this order be breached, the applicant may file another application seeking termination.

Hal Logsdon
Rental Officer