

IN THE MATTER between **N.W.T. COMMUNITY SERVICES CORPORATION**,
Applicant, and **DAN WILSON**, 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:

N.W.T. COMMUNITY SERVICES CORPORATION

Applicant/Landlord

- and -

DAN WILSON

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 his obligation to not disturb the landlord or other tenants and shall not breach that obligation again.

DATED at the City of Yellowknife, in the Northwest Territories this 26th day of January,
2007.

Hal Logsdon
Rental Officer

IN THE MATTER between **N.W.T. COMMUNITY SERVICES CORPORATION**,
Applicant, and **DAN WILSON**, Respondent.

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter
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AND IN THE MATTER of a Hearing before **Hal Logsdon**, Rental Officer.

BETWEEN:

N.W.T. COMMUNITY SERVICES CORPORATION

Applicant/Landlord

-and-

DAN WILSON

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: January 18, 2007

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Gail Leonardis, representing the applicant
Dan Wilson, respondent
John LeMouel, representing the respondent

Date of Decision: January 18, 2007

REASONS FOR DECISION

The applicant alleged that the respondent had breached the tenancy agreement by repeatedly disturbing the landlord's security personnel and sought an order terminating the tenancy agreement between the parties.

The applicant provided 10 occurrence reports submitted by security personnel outlining incidents between April and December, 2006.

The respondent disputed that the incidents were disturbing in nature. Both the respondent and his representative described the respondent's comments and exchanges with the security personnel as friendly conversation. They conceded that the frequency of the comments might have irritated the security personnel but did not think they should be considered disturbances pursuant to section 43 of the *Residential Tenancies Act*.

The applicant acknowledged that any single incident between the parties would not normally be considered disturbing but the repeated and frequent comments of the respondent, after being warned both verbally and in writing to cease, was disturbing.

The applicant has described the respondent's behaviour as a nuisance. The respondent's representative stated that at worst the respondent had become a pest. Although I found one of the

respondent's remarks to have a distasteful racial connotation, most are, in my opinion, a nuisance and serve to make a pest of the respondent. The security personnel clearly do not enjoy the respondent's persistent visits to their office or his remarks and have advised him of that. The respondent apparently has not clearly understood that his repeated presence and chit-chat interferes with the duties of the security personnel and is not welcomed. In my opinion, the frequency of the behaviour makes it a disturbance.

The respondent has previously been ordered to not disturb other tenants. In my opinion, this behaviour must cease in order for the tenancy agreement to continue. Because I am hopeful that the respondent is now aware that his behaviour is disturbing to the landlord, I am not going to order the termination of the tenancy agreement. However should the respondent continue this behaviour or engage in other disturbing behaviour, the applicant may file a future application requesting termination.

An order shall issue requiring the respondent to comply with his obligation to not disturb the landlord or other tenants and to not breach that obligation again.

Hal Logsdon
Rental Officer