

IN THE MATTER between **NORTHERN PROPERTY LIMITED PARTNERSHIP**,
Applicant, and **JEAN BREAU**, 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 -

JEAN BREAU

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife, in the Northwest Territories this 23rd day of
November, 2007.

Hal Logsdon
Rental Officer

IN THE MATTER between **NORTHERN PROPERTY LIMITED PARTNERSHIP**,
Applicant, and **JEAN BREAU**, 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-

JEAN BREAU

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: November 8, 2007

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Julia O'Brien, representing the applicant
Jean Breau, respondent

Date of Decision: November 8, 2007

REASONS FOR DECISION

The applicant alleged that the respondent had breached the tenancy agreement by seriously impairing the safety of other tenants in the residential complex. The applicant sought an order terminating the tenancy agreement between the parties.

The applicant provided two photographs taken by the security camera which showed two men smoking cigarettes in the hallway of the residential complex. The applicant alleged that the men were guests of the respondent, who permitted them to enter the building. There were no dates on the photographs but the applicant stated that they were taken in mid-September, 2007.

The respondent acknowledged that he knew one of the men but did not think he permitted either of them to enter the building or his premises.

I think it is reasonable to conclude that a house rule has been established by the landlord prohibiting smoking in the hallways. A municipal by law prohibits smoking in public places including common areas of apartment buildings and the hallways contain signage advising tenants of that rule. I don't accept that other tenants' safety was seriously impaired by the act but I can accept that the men in the picture were in breach of the no smoking rule. However I can not find sufficient evidence to conclude that either man pictured was the respondent or anyone that the respondent permitted in the building.

For these reasons, I must dismiss the application.

Hal Logsdon
Rental Officer