

IN THE MATTER between **HAY RIVER HOUSING AUTHORITY**, Applicant, and **RACHEL MARTEL**, 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 **HAY RIVER, NT**.

BETWEEN:

**HAY RIVER HOUSING AUTHORITY**

Applicant/Landlord

- and -

**RACHEL MARTEL**

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 55 Woodland Drive, Hay River, NT shall be terminated on January 10, 2008 and the respondent shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 11th day of December, 2007.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **HAY RIVER HOUSING AUTHORITY**, Applicant, and **RACHEL MARTEL**, 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:

**HAY RIVER HOUSING AUTHORITY**

Applicant/Landlord

-and-

**RACHEL MARTEL**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** December 11, 2007

**Place of the Hearing:** Hay River, NT via teleconference

**Appearances at Hearing:** Willa-Jean Conroy, representing the applicant  
Rachel Martel, respondent

**Date of Decision:** December 11, 2007

**REASONS FOR DECISION**

The applicant alleged that the respondent has repeatedly and unreasonably disturbed other tenants and sought an order terminating the tenancy agreement between the parties. The applicant served a notice of early termination on the respondent on November 13, 2007 seeking vacant possession of the premises on November 30, 2007. The respondent remains in possession of the premises. The premises are subsidized public housing.

The tenancy agreement between the parties commenced on March 1, 2000. The applicant provided numerous notices in evidence regarding disturbances dating back to May, 2000. Many of the notices outlined parties at the premises, and disturbances allegedly caused by the respondent's children. The premises are a single family dwelling and many of the adjoining houses are occupied by tenants of the applicant. The applicant testified that many of the complaints came from other tenants.

The respondent denied several of the alleged incidents. The respondent stated that some of the reported incidents mistakenly assumed her children were involved and others exaggerated the incident. The applicant stated that the last reported incident, on November 21, 2007 involved an assault on her and her screaming was a call for help. The respondent stated that she did not receive some of the notices sent to her regarding the disturbances.

The volume of complaints concerning disturbances convinces me that the respondent has

repeatedly and unreasonably disturbed other tenants and most likely many others in the vicinity of her house. Even if I discount or ignore some of the alleged incidents, there are so many of them throughout the tenancy, that I can not conclude that the respondent has not repeatedly and unreasonably disturbed other tenants. I must also consider that the respondent has received repeated warnings concerning the disturbances. The applicant has been diligent in this regard and there is no possibility that the respondent has been unaware that her behaviour is disturbing to others. It is also clear from the evidence that despite the warnings and notices, the disturbances have not abated. In fact, they appear to be more frequent than ever. For these reasons, I do not believe that there are any remedies available, other than termination, that will provide relief to the landlord and other tenants.

An order shall issue terminating the tenancy agreement on January 10, 2008 and requiring the respondent to vacate the premises on that date.

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Hal Logsdon  
Rental Officer