

IN THE MATTER between **TUKTOYAKTUK HOUSING ASSOCIATION**,  
Applicant, and **FREDDIE GRUBEN AND BERTHA GRUBEN**, Respondents;

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 **TUKTOYAKTUK, NT**.

BETWEEN:

**TUKTOYAKTUK HOUSING ASSOCIATION**

Applicant/Landlord

- and -

**FREDDIE GRUBEN AND BERTHA GRUBEN**

Respondents/Tenants

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to section 45(4)(a) of the *Residential Tenancies Act* the respondents shall comply with their obligation to not engage in the trafficking of illicit substances in the rental premises.
2. Pursuant to section 45(4)(b) of the *Residential Tenancies Act*, the respondents shall not breach their obligation to not engage in the trafficking of illicit substances in the rental premises again.

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

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Hal Logsdon  
Rental Officer

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-and-

**FREDDIE GRUBEN AND BERTHA GRUBEN**

Respondents/Tenants

**REASONS FOR DECISION**

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

**Place of the Hearing:** Tuktoyaktuk, NT via teleconference

**Appearances at Hearing:** Lucille Pokiak, representing the applicant  
Freddie Gruben, respondent  
Dolly Felix, representing the respondents

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

### **REASONS FOR DECISION**

The applicant alleged that the respondents had breached section 46 of the *Residential Tenancies Act* by engaging in the trafficking of marijuana in the rental premises. The applicant sought an order requiring the respondents to comply with the obligations set out under section 46 and to not breach those obligations again.

The applicant provided a letter from the RCMP detachment in the community indicating that Mr. Gruben had been convicted of possession of marijuana for the purposes of trafficking pursuant to section 5(2) of the *Controlled Drugs and Substances Act*.

The respondent did not dispute the allegations.

I note that section 46 of the *Residential Tenancies Act* refers only to criminal activities. Mr. Gruben's offence is not contained in the *Criminal Code*. Therefore, in my opinion, the respondents have not breached section 46 of the *Residential Tenancies Act*. However the respondents have breached article 20 of the tenancy agreement.

**20. Additional Obligations - Illegal/Criminal Activities**

If a Tenant or an occupant of the premises is bootlegging or trafficking in an illicit substance, or conspiring or attempting, or aiding, abetting or counselling another person, to bootleg or to traffic in an illicit substance in the rental premises or the residential complex, then this will be cause for terminating this agreement.

I find the respondents in breach of their obligations set out in Article 20 of the tenancy agreement. An order shall issue requiring them to comply with those obligations and to not breach them in the future.

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Hal Logsdon  
Rental Officer