

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **FREDA ANDREW AND RON MACKEINZO**, 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 **YELLOWKNIFE, NT**.

BETWEEN:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

- and -

FREDA ANDREW AND RON MACKEINZO

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 43(3)(a) and 43(3)(b) of the *Residential Tenancies Act*, the respondents shall comply with their obligation to not disturb other tenants and shall not create any disturbances in the future.

DATED at the City of Yellowknife, in the Northwest Territories this 19th day of
December, 2008.

Hal Logsdon
Rental Officer

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **FREDA ANDREW AND RON MACKEINZO**, 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.

BETWEEN:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

-and-

FREDA ANDREW AND RON MACKEINZO

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: November 25, 2008, continued on December 16, 2008

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Jim White, representing the applicant
Freda Andrew, respondents
Rebecca Hall, representing the respondents (November
25, 2008 only)

Date of Decision: December 16, 2008

REASONS FOR DECISION

The applicant alleged that the respondents had breached the tenancy agreement by repeatedly disturbing other tenants in the residential complex and sought an order terminating the tenancy agreement between the parties.

The matter was scheduled for hearing on November 25, 2008. The applicant provided two notices outlining incidents of disturbance in July, 2008 and a written complaint of repeated disturbance from a tenant in the residential complex. The applicant noted that there had been other complaints of disturbance in June and September, 2008. The disturbances consist mainly of loud parties during all hours of the day and night. On at least two of the occasions, the RCMP attended the premises.

The respondent stated that the disturbances were caused by Mr. Mackeinzo and persons he permitted into the premises. She stated that Mr. Mackeinzo had been charged with several criminal offenses and was to appear in court that day.

The applicant sought an adjournment until it could be determined if Mr. Mackeinzo would be found guilty and incarcerated.

The hearing was resumed on December 16, 2008. The parties were aware that Mr. Mackeinzo had received a jail sentence. The applicant noted that the disturbances had ceased and withdrew

the request for termination in favour of an order requiring the respondents to comply with their obligation to not disturb other tenants and to not create any disturbances in the future.

I find the respondents in breach of their obligation to not disturb other tenants in the residential complex. An order shall issue requiring the respondents to comply with their obligation to not disturb other tenants and to not create any disturbances in the future.

Hal Logsdon
Rental Officer