

IN THE MATTER between **NORTHERN PROPERTY LIMITED PARTNERSHIP**,
Applicant, and **CANDRA ANTOINE**, 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 -

CANDRA ANTOINE

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 5402 - 52nd Street, Yellowknife, NT shall be terminated on July 31, 2010 and the respondent shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 8th day of July,
2010.

Hal Logsdon
Rental Officer

IN THE MATTER between **NORTHERN PROPERTY LIMITED PARTNERSHIP**,
Applicant, and **CANDRA ANTOINE**, 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-

CANDRA ANTOINE

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: July 7, 2010

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Rosetta Morales, representing the applicant
Daphnie Dryneck, witness for the applicant
Candra Antoine, respondent
Arlene Hache, representing the respondent

Date of Decision: July 8, 2010

REASONS FOR DECISION

The applicant alleged that the respondent had repeatedly disturbed other tenants in the residential complex and sought an order terminating the tenancy agreement between the parties. The applicant served a notice of early termination on the respondent on May 31, 2010 seeking vacant possession of the premises on June 10, 2010. The application was filed on June 14, 2010. The respondent remains in possession.

The applicant's witness is a tenant in the residential complex, occupying a unit above the respondent's apartment. The applicant's witness testified that there was drinking in the respondent's apartment every weekend and loud arguments and fighting late at night. She also complained that there was banging on apartment doors. The applicant's witness stated that she had called the police on several occasions as had other tenants. The applicant provided a list of eight dates from November, 2009 to May, 2010 that the police had attended the premises on complaints of disturbance. The applicant's witness started a petition demanding that the applicant take steps to evict the respondent. The petition was signed by six tenants of the residential complex. Both the applicant and the applicant's witness acknowledged that there had not been any disturbances in the past three or four weeks.

The respondent did not dispute the allegations and provided a written response in evidence. The respondent testified that she did not receive the notice of March 22, 2010 warning her of the disturbance complaints. She stated that she had not been made aware of the disturbance

complaints and would have addressed the problem had she been given some notice. She also stated that none of the tenants had ever confronted her about the disturbances. She noted that she had not been happy living in this residential complex and had applied for another apartment from the applicant but had been refused.

The applicant disputed the respondent's statement that she had not been made aware of the disturbance complaints. The applicant testified that she had spoken to the respondent about the complaints in January, 2010.

The evidence supports the applicant's allegations. I have little doubt that there have been numerous incidents and that a number of tenants in the residential complex have been disturbed by the respondent's behaviour. Tenants would not sign a petition of this sort unless they felt their quiet enjoyment had been disturbed. The number and dates of the police calls convinces me that these disturbances have occurred regularly since the beginning of the respondent's tenancy and have affected numerous tenants. Notwithstanding whether the respondent was verbally warned in January, 2010 or received the March, 2010 notice, she surely must have been aware that she was disturbing others each time the police attended the premises.

The applicant stated that she had no confidence that the disturbances would end, even though there had not been any incidents in several weeks. In my opinion, the applicant should not be subjected to any additional risk of losing good tenants in order to determine if the respondent can continue to live in the premises without causing further disturbance. In my opinion, there are

sufficient grounds to terminate the tenancy agreement.

An order shall issue terminating the tenancy agreement between the applicant and the respondent on July 31, 2010.

Hal Logsdon
Rental Officer