

IN THE MATTER between **NPR LIMITED PARTNERSHIP**, Applicant, and **RITA CATHOLIQUE**, Respondent;

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter R-5 (the "Act") and amendments thereto;

AND IN THE MATTER of a Hearing before, **HAL LOGSDON**, Rental Officer, regarding the rental premises at **YELLOWKNIFE, NT**.

BETWEEN:

NPR LIMITED PARTNERSHIP

Applicant/Landlord

- and -

RITA CATHOLIQUE

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

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

DATED at the City of Yellowknife, in the Northwest Territories this 5th day of May, 2011.

Hal Logsdon
Rental Officer

IN THE MATTER between **NPR LIMITED PARTNERSHIP**, Applicant, and **RITA CATHOLIQUE**, 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:

NPR LIMITED PARTNERSHIP

Applicant/Landlord

-and-

RITA CATHOLIQUE

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: April 13, 2011

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Maigan Lefrancois, representing the applicant
Rita Catholique, respondent

Date of Decision: April 13, 2011

REASONS FOR DECISION

The applicant alleged that the respondent 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 and evicting the respondent.

The applicant provided two unsigned letters, both dated March 14, 2011 complaining of noise, intoxicated persons in the hallways, fighting in the hallways and domestic violence, drug use and littering the property. It is apparent that both letters originate from tenants in the same apartment as one states that the writer called the police on March 10 and the other states that "my roommate" called the police on March 10, 2011. Only the one complaint contains any reference to the date or time of the alleged disturbance. The applicant stated that the respondent was sent notices regarding disturbance in late 2010 but none were produced in evidence.

The respondent acknowledged that her daughter had a large party on March 10, 2011 when she was out of town. Although she obviously did not have direct knowledge of the matter she was told on her arrival home that the police had attended the premises and broken up the party. She stated that she suspected it was indeed noisy. The respondent also acknowledged that she and her partner occasionally argue. The respondent disputed any responsibility for the remainder of the alleged incidents stating that she did not permit any of the persons into the building or into her apartment who were accused of fighting in the hallways or creating any disturbance. She stated that she had never littered the property and did not use illicit drugs.

In my opinion, the applicant has not provided sufficient evidence to conclude that the respondent has repeatedly disturbed other tenants. There was obviously a disturbance on March 10, 2011, caused by the respondent's daughter. Therefore, I can conclude that the respondent has breached her obligation to not disturb other tenants but the evidence, in my opinion, falls far short of justifying termination of the tenancy agreement.

An order shall issue requiring the respondent to comply with her obligation to not disturb other tenants in the residential complex and to not create any disturbances in the future.

Hal Logsdon
Rental Officer