

IN THE MATTER between **KATHRYN CARRIERE**, Applicant, and **UNION OF NORTHERN WORKERS**, 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:

**KATHRYN CARRIERE**

Applicant/Tenant

- and -

**UNION OF NORTHERN WORKERS**

Respondent/Landlord

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to section 30(4)(a) of the *Residential Tenancies Act*, the respondent shall comply with their obligation to provide a reasonable parking area to the applicant by removing snow from the parking lot during the winter months as required.
2. Pursuant to section 30(4)(c) of the *Residential Tenancies Act*, the respondent shall provide access to the premises from 52nd Street via a temporary walkway on the west side of the building until the walkway on the east side of the building is repaired.

DATED at the City of Yellowknife, in the Northwest Territories this 17th day of January, 2012.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **KATHRYN CARRIERE**, Applicant, and **UNION OF NORTHERN WORKERS**, 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:

**KATHRYN CARRIERE**

Applicant/Tenant

-and-

**UNION OF NORTHERN WORKERS**

Respondent/Landlord

**REASONS FOR DECISION**

**Date of the Hearing:** January 11, 2012

**Place of the Hearing:** Yellowknife, NT

**Appearances at Hearing:** Kathryn Carriere, applicant  
Matthew Smillie, representing the respondent

**Date of Decision:** January 17, 2012

### **REASONS FOR DECISION**

The applicant stated that the normal access to her apartment had been closed due to construction and sought an order requiring the respondent to establish an alternate walkway. The applicant also stated that the parking lot is not regularly cleared of snow. She sought an order requiring the respondent to comply with this obligation.

The tenancy agreement between the parties obligates the landlord to provide parking during the term of the tenancy.

The premises are located on 52nd Street and contain a number of apartments at the rear of the building. Although the entrances to the apartments can be accessed from an alley in the rear of the building, the landlord has also provided a walkway along the east side of the building to the apartment entrances. The walkway is lighted and provides a direct route from 52nd Street to the apartment entrances. The walkway has been closed for safety reasons due to construction on the building next door. Tenants are now required to use the alley or cut through the adjoining property via an unimproved foot path to access their apartments.

The applicant submits that the alternate routes are dangerous as they are unlighted and often have large vehicles parked there. She suggested that a walkway on the west side of the building would provide better and safer access until the normal access walkway was back in service. She submits that the alternate walkway could easily be created by cutting a gate in the existing fence which

defines the north boundary of the parking lot.

The respondent acknowledged their obligation to clear snow from the parking lot and stated that they have already made arrangements to have the lot plowed. The respondent was concerned that the walkway proposed by the applicant would subject vehicles in the parking lot to an increased risk of vandalism and noted that they have had previous incidents. The respondent also noted that the west side of the building and parking lot were gravel and that keeping a path clear of snow may be difficult, subjecting the landlord to an increased liability risk.

Although not specifically set out as a "facility" in the *Residential Tenancies Act*, I believe that the walkway meets that definition. Section 30 obligates the landlord to maintain services and facilities and sets out that any reduction is deemed to be a breach. Certainly, the access that tenants have now is inferior to the former walkway now out of commission. The respondent's suggestion for an alternate walkway is, in my opinion, a reasonable one. It would provide comparable access at a minimum of cost and ensure the safety of all tenants.

In my opinion, the proposal does not significantly increase the likelihood of vandalism or the landlord's liability. It seems to me that persons intent on doing damage to vehicles in the parking lot are more likely to enter from the dark alley than from the lighted and more frequented 52nd Street. Surely, a gravel pathway can be cleared of snow as effectively as the gravel parking area and would not present any more of a hazard than the parking lot. The landlord could easily install a gate on the northeast corner of the parking area and clear a path from there. When the

normal walkway is repaired, the gate can simply be locked and the temporary walkway decommissioned.

In my opinion, section 30 of the *Residential Tenancies Act* applies to both issues and it is reasonable to issue an order requiring the respondent to create a temporary walkway on the east side of the building and to comply with their obligation to keep the parking lot clear of snow.

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Hal Logsdon  
Rental Officer