

IN THE MATTER between **NPR LIMITED PARTNERSHIP**, Applicant, and **TARA LEE CARPENTER**, 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 **INUVIK, NT**.

BETWEEN:

NPR LIMITED PARTNERSHIP

Applicant/Landlord

- and -

TARA LEE CARPENTER

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 Apartment 16, 20 Tununuk Drive, Inuvik, NT shall be terminated on September 13, 2013 and the respondent shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 4th day of September, 2013.

Hal Logsdon
Rental Officer

IN THE MATTER between **NPR LIMITED PARTNERSHIP**, Applicant, and **TARA LEE CARPENTER**, 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-

TARA LEE CARPENTER

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: August 28, 2013

Place of the Hearing: Inuvik, NT

Appearances at Hearing: Bright Lubansa, representing the applicant
Tara Lee Carpenter, respondent

Date of Decision: August 28, 2013

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 and evicting the respondent.

The applicant testified that there was a large party in the respondent's apartment on June 2, 2012 late at night and into the early morning. The RCMP attended the premises. The applicant also testified that on January 31, 2013 there was another large party in the respondent's apartment during which the fire alarm was pulled. The applicant testified that another party occurred on February 3, 2013 which lasted until 4-5 AM during which there was some damage done to the building. The applicant testified that there was another large party in the premises which lasted throughout the weekend of April 6-7 involving intoxicated guests. The RCMP attended the premises that weekend. The applicant testified that the last incident occurred on June 23, 2013 when a large party in the respondent's apartment resulted in significant damage, including a door that was broken off the hinges. The applicant stated that there had not been any incidents of disturbance since June 23, 2013.

The applicant stated that he had verbally warned the respondent after each incident and had provided several written notices concerning the disturbances. Copies of the notices were not provided at the hearing.

The respondent did not dispute the allegations but referred to a letter she had written to the landlord outlining the events of June 23, 2013. In the letter, she acknowledges that she was

drinking with several persons in her apartment in the afternoon. She later left the apartment and went to another unit in the building to drink some more. She was later ejected from that apartment and returned to her own premises. The police attended her apartment and arrested her leaving her guests in the apartment. When she returned she found persons still in the apartment and tried to eject them. In the process of trying to eject the unwanted guest, her door was broken down.

The respondent stated that she was trying to eliminate the disturbances. She acknowledged that the landlord had provided her with ample warnings about the possible consequences of continued disturbances. She stated that she lived alone and although she had family in Inuvik, would most likely become homeless if evicted. The applicant stated that he felt the respondent had been given ample opportunity to address the problem but had failed to do so.

I find the respondent in breach of her obligation to not disturb other tenants. In my opinion, there are sufficient grounds to terminate the tenancy agreement. The residential complex is composed of 28 apartments. Other tenants in the building are entitled to quiet enjoyment and although others in the building may also create disturbance, as the respondent noted, she is certainly a significant contributor.

An order shall issue terminating the tenancy agreement on September 13, 2013. An eviction order to be effective on September 16, 2013 shall be issued separately.

Hal Logsdon
Rental Officer