

IN THE MATTER between **Inuvik Housing Authority**, Applicant, and **Frederick Selamio**, 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, **Adelle Guigon**, Deputy Rental Officer, regarding a rental premises within **the town of Inuvik in the Northwest Territories**.

BETWEEN:

**INUVIK HOUSING AUTHORITY**

Applicant/Landlord

- and -

**FREDERICK SELAMIO**

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 regarding the rental premises known as TP6103, 44 Tununuk Place in Inuvik, Northwest Territories, is terminated April 30, 2014, and the respondent must vacate the rental premises on or before that date.
2. Pursuant to section 63(4)(b) of the *Residential Tenancies Act*, the respondent must compensate the applicant for the use and occupation of the rental premises at a rate of \$53.42 for each day he remains in the rental premises after April 30, 2014.

DATED at the City of Yellowknife in the Northwest Territories this 24th day of April 2014.

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Adelle Guigon  
Deputy Rental Officer

IN THE MATTER between **Inuvik Housing Authority**, Applicant, and **Frederick Selamio**, Respondent.

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

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BETWEEN:

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Applicant/Landlord

-and-

**FREDERICK SELAMIO**

Respondent/Tenant

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>April 22, 2014</b>
<b><u>Place of the Hearing:</u></b>	<b>Inuvik, Northwest Territories</b>
<b><u>Appearances at Hearing:</u></b>	<b>Diana Tingmiak, representing the applicant Diane Day, representing the applicant</b>
<b><u>Date of Decision:</u></b>	<b>April 22, 2014</b>

### **REASONS FOR DECISION**

An application to a rental officer made by Inuvik Housing Authority as the applicant/landlord against Frederick Selamio as the respondent/tenant was filed by the Rental Office February 11, 2014. The application was made regarding a residential tenancy agreement for subsidized public housing for the rental premises known as TP6103, 44 Tununuk Place, in Inuvik, Northwest Territories. The applicant served a copy of the filed application package on the respondent by personal service February 20, 2014.

The applicant alleged the respondent had repeatedly and unreasonably disturbed other tenants' and the landlord's quiet enjoyment and possession of the rental premises and residential complex. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for April 22, 2014. Ms. Diana Tingmiak and Ms. Diane Day appeared at hearing representing the applicant. Mr. Frederick Selamio was served with a notice of attendance by personal service April 7, 2014. Neither Mr. Selamio nor anyone representing him appeared at the designated time of the hearing; the hearing proceeded in his absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act). Mr. Selamio appeared after my decision was rendered.

Ms. Tingmiak testified that Mr. Selamio had been a tenant of the applicant in subsidized public housing since April 3, 2012, and had most recently entered into another fixed-term tenancy agreement commencing February 1 to April 30, 2014. In 2013, between January and May, complaints against disturbances coming from Mr. Selamio's unit were received and warning letters were given to him. On May 3, 2013, and notice of termination of tenancy was hand delivered to Mr. Selamio, who appealed to the housing authority board. The board agreed to give Mr. Selamio one final chance to keep his unit on the condition that no further disturbances or appeals to the board occur for one year; Mr. Selamio signed a letter acknowledging this condition. In December another disturbance occurred requiring the attendance of the RCMP, after which a notice of termination of tenancy was delivered to Mr. Selamio. Ms. Tingmiak spoke with Mr. Selamio on December 17<sup>th</sup>, explaining he is responsible for his guests' behaviour, and on her own authority gave Mr. Selamio one more chance only. On February 6, 2014, another fight occurred in Mr. Selamio's unit for which the RCMP were called to attend; a notice

terminating the tenancy was delivered February 7, 2014. A further disturbance consisting of yelling and swearing was reported on April 4, 2014, to which the RCMP were again called.

The residential complex within which Mr. Selamio resides is occupied by elders, of which Mr. Selamio is one. The repeated disturbances coming from Mr. Selamio's residence have caused distress to the other tenants of the complex, to such an extent that Ms. Tingmiak testified they are terrified and do not feel safe with Mr. Selamio residing in the complex. Ms. Tingmiak regrets the necessity, but requested an order terminating the tenancy and evicting Mr. Selamio from the rental premises, as well as an order for compensation for use and occupation post-termination.

#### *Tenancy agreement*

The residential tenancy agreement entered into evidence by the applicant is for subsidized public housing for a fixed-term from February 1 to April 30, 2014. Ms. Tingmiak testified that Mr. Selamio has been a tenant in subsidized public housing since April 3, 2012. I am satisfied a valid tenancy agreement is in place.

#### *Disturbances*

Ms. Tingmiak's testimony regarding the repeated disturbances is supported with documentary evidence, including warning correspondences and termination notices. Section 43(1) of the Act states a tenant shall not disturb the landlord's or other tenant's possession or enjoyment of the rental premises or residential complex; section 43(2) of the Act states a disturbance caused by a person permitted by a tenant to enter the residential complex or rental premises of the tenant is deemed to be a disturbance caused by the tenant. I am satisfied Mr. Selamio has repeatedly breached section 43 of the Act.

Any efforts Mr. Selamio may have made to desist from disturbing his neighbours is not evident. The neighbours' fear for their safety substantiates the justification for termination of the tenancy and eviction of Mr. Selamio from the rental premises.

An order will issue terminating Mr. Selamio's tenancy agreement on April 30, 2014, evicting Mr. Selamio from the rental premises on May 15, 2014, and ordering that Mr. Selamio compensate the landlord for the use and occupation of the rental premises at a rate of \$53.42 for each day he remains in the rental premises after April 30, 2014.

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Adelle Guigon  
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Applicant's first warning correspondence to respondent dated January 9, 2013
- Exhibit 2: Applicant's final warning correspondence to respondent dated February 13, 2013
- Exhibit 3: Applicant's termination notice of fixed term tenancy agreement correspondence to respondent dated May 2, 2013
- Exhibit 4: Applicant's correspondence to respondent dated May 15, 2013
- Exhibit 5: Applicant's termination notice of fixed term tenancy agreement correspondence to respondent dated February 7, 2014
- Exhibit 6: Residential tenancy agreement - fixed term lease dated January 14, 2014
- Exhibit 7: Applicant's information sheet dated April 22, 2014