

IN THE MATTER between **Hamlet of Fort Liard Social Housing**, Applicant, and **Jimmy Klondike**, 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 hamlet of Fort Liard in the Northwest Territories**.

BETWEEN:

**HAMLET OF FORT LIARD SOCIAL HOUSING**

Applicant/Landlord

- and -

**JIMMY KLONDIKE**

Respondent/Tenant

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondent must pay to the applicant rental arrears in the amount of \$555.00 (five hundred fifty-five dollars).
2. Pursuant to sections 41(4)(c) and 43(3)(d) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the rental premises known as #829A Barge Landing Road in Fort Liard, Northwest Territories, is terminated May 30, 2014, and the respondent must vacate the rental premises on or before that day.

DATED at the City of Yellowknife in the Northwest Territories this 6th day of May 2014.

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Adelle Guigon  
Deputy Rental Officer

IN THE MATTER between **Hamlet of Fort Liard Social Housing**, Applicant, and  
**Jimmy Klondike**, 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 **Adelle Guigon**, Deputy Rental Officer.

BETWEEN:

**HAMLET OF FORT LIARD SOCIAL HOUSING**

Applicant/Landlord

-and-

**JIMMY KLONDIKE**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** April 25, 2014  
**Place of the Hearing:** Fort Liard, Northwest Territories, via teleconference  
**Appearances at Hearing:** Ellen McLeod, representing the applicant  
**Date of Decision:** April 25, 2014

**REASONS FOR DECISION**

An application to a rental officer made by Hamlet of Fort Liard Social Housing as the applicant/landlord against Jimmy Klondike as the respondent/tenant was filed by the Rental Office March 18, 2014. The application was made regarding a residential tenancy agreement for subsidized public housing for the rental premises known as #829A Barge Landing Road in Fort Liard, Northwest Territories. The applicant served a copy of the filed application package on the respondent by registered mail signed for April 3, 2014.

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

A hearing was scheduled for April 25, 2014. Ms. Ellen McLeod appeared representing the applicant. Mr. Jimmy Klondike was served a notice of attendance by registered mail deemed served April 8, 2014, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Mr. Klondike did not appear at hearing, nor did anyone appear on his behalf. The hearing proceeded in his absence pursuant to section 80(2) of the Act.

Ms. McLeod testified at hearing that Mr. Klondike has been a tenant of the applicant since April 1, 2012. Mr. Klondike is an elder in the community for whom rent in social housing was not applicable until changes to legislation took effect in September 2012, after which Mr. Klondike was charged the minimum assessed rent. Mr. Klondike allowed the assessed rent to accumulate until August 2013 when he made a lump sum payment to bring his account to a zero balance. He has since again allowed the assessed rent to accumulate and, after a \$45 payment made April 11, 2014, now has accumulated rental arrears of \$555.

Throughout the tenancy, on approximately a monthly basis, complaints were received by the applicant from other tenants of the residential complex regarding noise and disturbances coming from Mr. Klondike's rental premises or from guests permitted in the residential complex by Mr. Klondike. Ms. McLeod provided as evidence warning correspondences given to Mr. Klondike regarding the complaints. She was also able to testify to direct knowledge of the complaints and disturbances. The RCMP had been called to assist on several occasions.

Ms. McLeod requested an order for payment of the rental arrears, termination of the tenancy agreement, and eviction. She recognized Mr. Klondike's seniority and regretted the necessity for requesting termination and eviction, balancing it against the need to respond to the disturbance of the other tenants' quiet enjoyment of the residential complex. She further submitted that efforts were being made to encourage Mr. Klondike to reside in Fort Simpson where his wife currently lives in long-term care. As well, there are other choices for residences in Fort Liard for Mr. Klondike.

*Tenancy agreement*

The residential tenancy agreement entered into evidence by the applicant is for subsidized public housing for a fixed term from April 1, 2012, to March 31, 2014, after which it was automatically renewed as a month-to-month tenancy pursuant to section 49(1) of the Act. I am satisfied a valid tenancy agreement is in place.

*Rental arrears*

The lease balance statement entered into evidence by the applicant is the landlord's accounting of monthly assessed rent and payments made. I am satisfied it accurately reflects the respondent's rent account status. Section 7 and Schedule A of the residential tenancy agreement specify the rent is due and payable the first of each month. I find Mr. Klondike has repeatedly failed to pay his rent on time and has accumulated rental arrears in the amount of \$555.

*Disturbances*

Ms. McLeod has testified to receipt of complaints regarding and direct knowledge of numerous disturbances caused by Mr. Klondike or persons permitted in the residential complex by Mr. Klondike throughout his tenancy. Six warning letters have been issued in response to the disturbances, copies of which have been entered into evidence by the applicant. Section 43(1) of the Act requires a tenant not to disturb the landlord's or other tenants' possession or enjoyment of the rental premises or residential complex. I find Mr. Klondike has repeatedly and unreasonably breached this section by disturbing the landlord's and other tenants' possession and enjoyment of the rental premises and residential complex.

*Termination and eviction*

Ms. McLeod's request for termination of the tenancy and eviction is based largely on the repeated disturbances which have occurred throughout the tenancy. Mr. Klondike has been warned several times not to disturb the other tenants again and has been advised in the warnings of the consequences for failing to comply with this obligation. In my opinion, justification for termination of the tenancy and eviction has been made out.

An order will issue requiring Mr. Klondike to pay rental arrears in the amount of \$555, terminating his tenancy agreement May 30, 2014, and evicting Mr. Klondike from the rental premises June 1, 2014. The eviction order will follow under separate cover.

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Adelle Guigon  
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Applicant's file summary dated March 7, 2014
- Exhibit 2: Applicant's tenant occupants/noise disturbance - 2012 correspondence to respondent dated March 29, 2012
- Exhibit 3: Applicant's tenant occupants/second notice - 2012 correspondence to respondent dated April 26, 2012
- Exhibit 4: Applicant's rental arrears correspondence to respondent dated October 24, 2013
- Exhibit 5: Applicant's tenant monthly notice - 2012 correspondence to respondent dated November 13, 2012
- Exhibit 6: Applicant's rental arrears correspondence to respondent dated November 19, 2013
- Exhibit 7: Applicant's rental arrears correspondence to respondent dated December 19, 2013
- Exhibit 8: Applicant's rental arrears correspondence to respondent dated January 6, 2014
- Exhibit 9: Applicant's tenant occupants/noise disturbance - 2013 second notice correspondence to respondent dated March 5, 2013
- Exhibit 10: Applicant's rent payment and arrears payment - 2014 correspondence to respondent dated January 23, 2014
- Exhibit 11: Applicant's reminder notice - 2014 correspondence to respondent dated January 29, 2014
- Exhibit 12: Applicant's rent payment and arrears payment correspondence to respondent dated March 3, 2014
- Exhibit 13: Applicant's noise disturbance - 2013 third notice correspondence to respondent dated September 11, 2013
- Exhibit 14: Applicant's tenant occupants/noise disturbance - 2014 final notice correspondence to respondent dated March 5, 2014
- Exhibit 15: Lease balance statement for rent from April 1, 2012, to March 1, 2014
- Exhibit 16: A/R customer transactions dated March 7, 2014
- Exhibit 17: Residential tenancy agreement fixed term lease dated February 1, 2011
- Exhibit 18: Applicant's updated file summary dated April 23, 2014
- Exhibit 19: Lease balance statement for rent from April 1, 2012, to April 11, 2014
- Exhibit 20: Applicant's tenant occupants/noise disturbance - 2014 final notice correspondence to respondent dated April 1, 2014
- Exhibit 21: E-mail complaint of noise from Genevieve Cockenpot dated April 24, 2014
- Exhibit 22: Correspondence complaint of noise from Kathie Hardisty dated April 23, 2014