

IN THE MATTER between **NPR LIMITED PARTNERSHIP**, Applicant, and **HARRY COY**, 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 -

HARRY COY

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 54(4) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as apartment 205, 42 Con Road, Yellowknife, NT shall be terminated on June 16, 2014 and the respondent shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 21st day of May, 2014.

Hal Logsdon
Rental Officer

IN THE MATTER between **NPR LIMITED PARTNERSHIP**, Applicant, and **HARRY COY**, 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-

HARRY COY

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: May 14, 2014

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Marie Laberge, representing the applicant
Harry Coy, respondent

Date of Decision: May 21, 2014

REASONS FOR DECISION

The applicant alleged that the respondent had repeatedly disturbed other tenants in the residential complex and had endangered other residents. The applicant sought an order terminating the tenancy agreement and evicting the respondent.

The applicant provided six written complaints from another tenant in the building regarding disturbances between June 2011 and May, 2012. The applicant served two written notices on the respondent during 2011 regarding the disturbances asking him to comply with his obligation to not disturb other tenants.

The applicant also provided reports from their security guard from April 21 and 25, 2014 which contained three notations regarding the respondent's apartment. Two notations simply refer to "205 making noise" while the third states, "205 making noise I (sic) ask them to keep they (sic) voice down". No details regarding the type of noise were noted.

An email from the deputy fire chief was also provided in evidence that provided information regarding two incidents when the fire department responded.

March 4, 2014 @ 17:53 Hours - Burnt food - heavy smoke conditions. Frying pan had been removed from the stove. (Ventilation required and occupant removed by RCMP during ventilation as he would not leave on request by fire dept. staff.)

November 29, 2013 @ 21:45 Hours - Burnt food on bottom of pot - no fire situation.

Light smoke in hallway. Uncooperative tenant.

The respondent stated that his late wife, who passed away in September, 2013, was an alcoholic who frequently caused disturbances. He stated that he was a quiet man who kept to himself. With regard to the security reports from April, 2014 the respondent stated that he was watching TV on those occasions and after being informed that the volume was too loud, turned the TV down.

Regarding the fire department incidents, the respondent stated that he was asleep in the bedroom on both occasions and his friends had caused the activation of the smoke alarms by their careless cooking. He stated that he believed they were responsible people but had obviously been mistaken.

It would certainly appear from the evidence that the more serious noise disturbances occurred before the death of the respondent's wife. It would be reasonable to conclude that the incidents of noise disturbance have abated considerably and the few recent occurrences reported by the security guard were minor. However, the report by the deputy fire chief raises serious concerns about risk to other tenants in the building. Two incidents of smoke, activation of the fire protection system and attendance by the fire department in the span of four months is concerning. In my opinion, these incidents jeopardized the safety of other tenants in the residential complex and are sufficient grounds to terminate the tenancy agreement.

An order shall issue terminating the tenancy agreement on June 16, 2014. An eviction order to be effective on June 17, 2014 shall be issued separately.

Hal Logsdon
Rental Officer