

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Elizabeth Semple**, 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:

**NPR LIMITED PARTNERSHIP**

Applicant/Landlord

- and -

**ELIZABETH SEMPLE**

Respondent/Tenant

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to section 43(3)(a) of the *Residential Tenancies Act*, the respondent must comply with her obligation not to disturb the landlord's or other tenants' possession or enjoyment of the rental premises or residential complex.

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 **NPR Limited Partnership**, Applicant, and **Elizabeth Semple**, 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:

**NPR LIMITED PARTNERSHIP**

Applicant/Landlord

-and-

**Elizabeth Semple**

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>Bright Lubansa, representing the applicant Aru Vashisht, representing the applicant Elizabeth Semple, respondent</b>
<b><u>Date of Decision:</u></b>	<b>April 22, 2014</b>

### **REASONS FOR DECISION**

An application to a rental officer made by NPR Limited Partnership as the applicant/landlord against Elizabeth Semple as the respondent/tenant was filed by the Rental Office February 11, 2014. The application was made regarding a residential tenancy agreement for the rental premises known as #202, 20 Bootlake Road, in Inuvik, Northwest Territories. The applicant served a copy of the filed application package on the respondent by e-mail deemed served February 27, 2014, pursuant to section 4(4) of the *Residential Tenancies Regulations* (the Regulations).

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

A hearing was scheduled for April 22, 2014. Mr. Bright Lubansa and Ms. Aru Vashisht appeared at hearing representing the applicant. Ms. Elizabeth Semple appeared at hearing representing herself as the respondent.

Mr. Lubansa testified that originally the applicant was requesting an order for payment of rental arrears, termination of the tenancy agreement, and eviction. Since the filing of the application, however, Ms. Semple has paid her rental arrears and no further complaints have been received regarding verifiable disturbances from the rental premises since February 4, 2014. Both parties acknowledged the disturbances which occurred were caused by Ms. Semple's adult son, who has been living with her, but occurred during periods that Ms. Semple was not present. Ms. Semple has spoken with her son regarding the disturbances and the possible consequences to her should they continue. Mr. Lubansa withdrew the applicant's request for an order for payment of the rental arrears, termination of the tenancy, and eviction, and requested instead an order only that Ms. Semple comply with her obligation not to disturb others' enjoyment of the residential complex.

#### *Tenancy agreement*

The lease agreement entered into evidence by the applicant is for a fixed-term tenancy starting November 1, 2013, to October 31, 2014. Ms. Semple did not dispute the lease agreement. I am satisfied a valid tenancy agreement is in place.

*Disturbances*

The applicant has provided into evidence memos and correspondences regarding disturbances which have occurred between December 23, 2014, and February 4, 2014. Ms. Semple did not dispute these disturbances occurred, although she did reiterate they were caused by her adult son in her absence.

Section 43(1) of the *Residential Tenancies Act* (the Act) states a tenant shall not disturb the landlord's or other tenants' possession or enjoyment of the rental premises or residential complex. Section 43(2) of the Act deems a disturbance caused by a person permitted by a tenant to enter the residential complex or the rental premises of the as a disturbance caused by the tenant. Ms. Semple confirmed her adult son was living with her in the rental premises with her consent. I find Ms. Semple has breached her obligation not to disturb the landlords' or other tenants' possession or enjoyment of the rental premises or residential complex and an order will issue requiring her to comply with this obligation.

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Adelle Guigon  
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Lease agreement made November 4, 2013
- Exhibit 2: Resident ledger dated January 17, 2014
- Exhibit 3: Applicant's final warning correspondence to respondent dated February 5, 2014
- Exhibit 4: Applicant's memo information dated February 4, 2014
- Exhibit 5: Applicant's memo information dated January 17, 2014
- Exhibit 6: Resident ledger dated April 22, 2014
- Exhibit 7: Applicant's memo information dated April 17, 2014
- Exhibit 8: Respondent's noise correspondence to applicant dated January 24, 2014
- Exhibit 9: Applicant's outstanding balance correspondence to respondent dated January 16, 2014
- Exhibit 10: Applicant's memo information dated January 3, 2014
- Exhibit 11: Applicant's memo information dated January 2, 2014
- Exhibit 12: Applicant's memo information dated January 2, 2014
- Exhibit 13: Tenant complaint to respondent dated December 23, 2013
- Exhibit 14: Applicant's eviction notice to respondent dated December 6, 2014