

IN THE MATTER between **GBH HOLDINGS LTD.**, Applicant, and **KATHLEEN MANGELANA**, 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:

GBH HOLDINGS LTD.

Applicant/Landlord

- and -

KATHLEEN MANGELANA

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife, in the Northwest Territories this 3rd day of July, 2014.

Hal Logsdon
Rental Officer

IN THE MATTER between **GBH HOLDINGS LTD.**, Applicant, and **KATHLEEN MANGELANA**, 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:

GBH HOLDINGS LTD.

Applicant/Landlord

-and-

KATHLEEN MANGELANA

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: June 17, 2014

Place of the Hearing: Inuvik, NT

Appearances at Hearing: Greg Murphy, representing the applicant (by telephone)
Kathleen Mangelana, respondent
Roslyn Rogers, witness for the respondent
Daniel Rogers, witness for the respondent

Date of Decision: June 17, 2014

REASONS FOR DECISION

The applicant alleged that the respondent had breached the *Residential Tenancies Act* by repeatedly disturbing the landlord or other tenants in the residential complex. The applicant served the respondent with a notice of early termination pursuant to section 54(1)(a) of the *Residential Tenancies Act* on April 23, 2014 seeking vacant possession of the premises on May 31, 2014 and filed the application on May 5, 2014. The respondent remains in possession of the rental premises. The applicant sought an order terminating the tenancy agreement.

The applicant provided a notice dated February 28, 2014 stating that a complaint had been received regarding an intoxicated person being let into the building by the respondent. The applicant's representative, who is the resident manager of the building, stated that it is against the house rules to admit intoxicated persons into the building. The respondent acknowledged that she did admit an intoxicated person into the building and allowed them to stay in her apartment but denied that he had caused any disturbance. The applicant acknowledged that there had been no disturbance or complaints from other tenants.

Another notice, dated April 8, 2014 alleged that children permitted in the building by the respondent that night were hanging out in the hallways and holding the outside door open. The notice stated that when he tried to speak to the respondent about this she closed the door in his face. The respondent stated that her 7-year old grandson had used the intercom buzzer to be allowed in the building at about 10:30 PM and he and two other boys proceeded directly to her

apartment after entering. She disputed that they had lingered in the hallway or disturbed anyone. The respondent stated that the resident manager was constantly harassing her and watching her every move.

A tenant has a right to permit anyone they wish in their apartment at any time of day or night. A landlord has no right to restrict that privilege. However, if a guest of a tenant creates any disturbance it is deemed to be a disturbance caused by the tenant and a breach of section 43 of the Act. I can find no credible evidence that either one of these incidents disturbed other tenants in the building. Perhaps the resident manager was offended that the respondent failed to respect his rule about intoxicated persons, but the rule is neither reasonable nor enforceable.

The application is dismissed.

Hal Logsdon
Rental Officer