

IN THE MATTER between **AO**, Applicant, and **MN**, 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**, Rental Officer,

BETWEEN:

AO

Applicant/Landlord

-and-

MN

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: August 18, 2016

Place of the Hearing: Inuvik, Northwest Territories

Appearances at Hearing: LB, representing the applicant
MN, respondent

Date of Decision: August 18, 2016, and September 29, 2016

REASONS FOR DECISION

An application to a rental officer made by AO as the applicant/landlord against MN as the respondent/tenant was filed by the Rental Office June 3, 2016. The application was made regarding a residential tenancy agreement for a rental premises located in Inuvik, Northwest Territories. The applicant personally served a copy of the filed application on the respondent June 22, 2016.

The applicant alleged the respondent had repeatedly failed to pay rent on time, the respondent had accumulated rental arrears, and the respondent had repeatedly caused disturbances. An order was sought for payment of the rental arrears, that future rent be paid on time, that the respondent comply with her obligation not to disturb the landlord's or other tenants' enjoyment or possession of the rental premises, termination of the tenancy agreement, and eviction.

A hearing was scheduled for August 18, 2016, in Inuvik, Northwest Territories. The rental officer appeared by telephone. Ms. LB appeared representing the applicant. Ms. MN appeared as respondent.

Tenancy agreement

The parties agreed and evidence was presented establishing a residential tenancy agreement between them commencing August 1, 2015. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the *Residential Tenancies Act* (the Act).

Rental arrears

The parties agreed the respondent had been repeatedly late paying the full amount of her rent and had accumulated rental arrears to date in the amount of \$4,850. I find the respondent has repeatedly failed to pay the full amount of rent when due and has accumulated rental arrears in the amount of \$4,850.

Disturbances

The applicant's representative testified to multiple disturbances occurring from the respondent's premises throughout the tenancy. The majority of the disturbances have involved excessively loud music and partying at unreasonable hours. Attempts have been made by both verbal and written notices to resolve the matter. The respondent acknowledged the disturbances and accepted responsibility for them. She expressed gratitude for the landlord's patience and chances given to her. The respondent has been endeavouring not to have late visitors anymore, and to change her lifestyle. The applicant's representative argued that the respondent has made the same promises before regarding ceasing disturbances and changing her lifestyle and has yet to follow through. The applicant's representative is directly affected by the respondent's behaviour as she resides in the next door rental premises. Additionally, the applicant's representative has been verbally abused by the respondent on some occasions when she has approached the respondent about noise disturbances. The respondent did not dispute this allegation.

I am satisfied the respondent is responsible for multiple noise-related disturbances. I find the respondent has repeatedly and unreasonably failed to comply with her obligation not to disturb the landlord's or other tenants' possession and enjoyment of the rental premises.

Termination of the tenancy agreement and eviction

I reserved my decision regarding the termination of the tenancy agreement and eviction in order to further consider the evidence and testimony presented. On September 12, 2016, I received a copy of a notice given to the respondent by the applicant's representative regarding further disturbances which occurred since the August 18th hearing. I afforded the respondent until September 28th to submit a written response to the notice prior to rendering a decision on this matter. The respondent made no reply.

In consideration of the repeated failure to pay rent, substantial amount of accumulated rental arrears, and repeated and unreasonable disturbances which do not appear to be diminishing, I am satisfied termination of the tenancy agreement and eviction are justified. In the interest of affording the respondent a last chance opportunity to resolve all of these issues, I am satisfied conditional termination and eviction dependent on the respondent's payment of her October rent on time and committing no further disturbances is reasonable.

Orders

An order will issue requiring the respondent to pay rental arrears in the amount of \$4,850; to pay her future rent on time; to comply with her obligation not to disturb others and not breach that obligation again; terminating her tenancy agreement October 31, 2016, unless the rent for October is paid on time and no further disturbances occur; evicting her from the rental premises November 1, 2016, if the termination becomes effective; and requiring her to pay compensation for use and occupation at a rate of \$64.11 for each day she remains in the rental premises after October 31, 2016, if the termination becomes effective.

Adelle Guigon
Rental Officer