

IN THE MATTER between **NTHC**, Applicant, and **JA and MM**, Respondents.

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:

NTHC

Applicant/Landlord

-and-

JA and MM

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: September 27, 2016

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: BB, representing the applicant
CO, representing the applicant

Date of Decision: September 27, 2016

REASONS FOR DECISION

An application to a rental officer made by YHA on behalf of the NTHC as the applicant/landlord against JA and MM as the respondents/tenants was filed by the Rental Office August 29, 2016. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Yellowknife, Northwest Territories. The applicant personally served a copy of the filed application on the respondents September 2, 2016.

The applicant alleged the respondents had repeatedly and unreasonably disturbed other tenants' enjoyment and possession of the residential complex. An order was sought for termination of the tenancy agreement and eviction.

A hearing was scheduled for September 27, 2016, in Yellowknife, Northwest Territories. Mr. BB and Mr. CO appeared representing the applicant. Mr. JA and Ms. MM were sent notices of the hearing by registered mail deemed served September 16, 2016, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Attempts to contact them at the telephone number provided were unsuccessful due to the number no longer being in service. An email address was not provided. Neither of the respondents appeared at the hearing, nor did anyone appear on their behalf. The hearing proceeded in their absence pursuant to section 80(2) of the Act.

Tenancy agreement

The applicant's representatives testified and provided evidence establishing a residential tenancy agreement between the parties for subsidized public housing commencing March 18, 2016. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Disturbances

The applicant's representatives provided evidence in the form of nine written complaints of the respondents causing multiple significant disturbances between June 14 and August 15, 2016. The disturbances consisted of partying, yelling, fighting, and threatening actions at all times of the day throughout the tenancy to date. The incidents have occurred both inside and outside the respondents' rental premises. Several incidents required the RCMP's attendance. Conversations with the complainants since August 15th have confirmed that the partying has continued to date, but have lately been restricted to inside the respondents' rental premises.

The rental premises and residential complex are comprised of several four-plexes and townhouses in a crescent, with a general purpose playground. The applicant's representatives confirmed that the complaints they have been receiving have been from tenants who have experienced the disturbances from both the near and far ends of the complex, speaking to the noise level and amount of disruption. Many tenants have written of the violent exhibitions that have occurred which have raised concerns for parents with respect to ensuring their children's safety when they play at the playground. Other tenants are afraid to approach the respondents directly for fear of retribution.

I am satisfied the respondents have repeatedly and unreasonably disturbed the landlord's and other tenants' enjoyment and possession of the rental premises and residential complex.

Termination of the tenancy agreement and eviction

In light of the seriousness of the disturbances and their repetitive occurrences I am satisfied termination of the tenancy and eviction are justified. However, considering the disturbances appear to have diminished in nature over the last few weeks, the applicant's representatives agreed a short-term conditional termination and eviction order would be acceptable dependent on whether or not any further formal complaints are reported to the landlord.

Orders

An order will issue requiring the respondents to comply with their obligation not to disturb the landlord's or other tenants' enjoyment or possession of the rental premises, not to breach that obligation again, terminating their tenancy agreement October 31, 2016, unless no further disturbances are reported to the landlord, and evicting the respondents from the rental premises November 1, 2016, if the termination of the tenancy becomes effective.

Adelle Guigon
Rental Officer