

IN THE MATTER between **NTHC**, Applicant, and **HM**, 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:

NTHC

Applicant/Landlord

-and-

HM

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	October 26, 2016
<u>Place of the Hearing:</u>	Fort Providence, Northwest Territories
<u>Appearances at Hearing:</u>	AG, representing the applicant
<u>Date of Decision:</u>	October 26, 2016

REASONS FOR DECISION

An application to a rental officer made by FPHA on behalf of the NTHC as the applicant/landlord against HM as the respondent/tenant was filed by the Rental Office June 16, 2016. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Fort Providence, Northwest Territories. The applicant personally served a copy of the filed application on the respondent August 12, 2016.

The applicant alleged the respondent had repeatedly disturbed other tenants' enjoyment and possession of the residential complex. An order was sought for the tenant to comply with his obligation not to disturb others, termination of the tenancy agreement, and eviction.

A hearing was scheduled for October 26, 2016, in Fort Providence, Northwest Territories. The rental officer appeared by telephone. Ms. AG appeared representing the applicant. Mr. HM was sent notice of the hearing by registered mail deemed served October 14, 2016, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). The respondent did not appear at hearing, nor did anyone appear on his behalf. The hearing proceeded in his absence pursuant to section 80(2) of the Act.

Tenancy agreement

The applicant's representative testified and provided evidence establishing a residential tenancy agreement between the parties for subsidized public housing commencing October 1, 2015. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

Disturbances

The applicant's representative testified to having received multiple complaints between January and June 2016 of disturbances originating from the respondent's rental premises. The respondent was notified in writing several times regarding the matter and cautioned to comply with his obligation not to disturb. Since being served with the application to a rental officer no further disturbances have been reported. The applicant's representative confirmed having spoken with the respondent and that the respondent is aware of the reasons for the application. His behaviour over the last several months attests to his commitment to stem the disruptive behaviour from his premises.

I am satisfied the respondent has repeatedly disturbed the landlord's and other tenants' enjoyment and possession of the rental premises.

Termination of the tenancy agreement and eviction

In consideration of the respondent's recent compliance with his obligations respecting disturbances, the applicant's representative was receptive to termination of the tenancy agreement and eviction being conditional on whether or not any further disturbances were reported. I am in agreement that a conditional termination and eviction order is justified and would be appropriate in this circumstance.

Orders

An order will issue: requiring the respondent to comply with his obligation not to disturb the landlord's or other tenants' enjoyment or possession of the rental premises or residential complex, and not to breach that obligation again; terminating the tenancy agreement January 31, 2017, unless no further disturbances are reported to the applicant; and evicting the respondent from the rental premises February 1, 2017, if the termination of the tenancy agreement becomes effective.

Adelle Guigon
Rental Officer