

IN THE MATTER between **NTHC**, Applicant, and **DC and ES**, 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-

DC and ES

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	September 28, 2016
<u>Place of the Hearing:</u>	Hay River, Northwest Territories
<u>Appearances at Hearing:</u>	AS, representing the applicant
<u>Date of Decision:</u>	September 28, 2016

REASONS FOR DECISION

An application to a rental officer made by HRHA on behalf of the NTHC as the applicant/landlord against DC and ES as the respondents/tenants was filed by the Rental Office June 23, 2016. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premise located in Hay River, Northwest Territories. The applicant personally served a copy of the filed application on the respondents July 18, 2016.

The applicant alleged the respondents had repeatedly disturbed the landlord's and other tenants' enjoyment and possession of the rental premises and residential complex. An order was sought for the respondents to comply with their obligation not to disturb the landlord's or other tenants' enjoyment or possession of the rental premises and residential complex, and for the respondents not to breach that obligation again.

A hearing was scheduled for September 28, 2016, in Hay River, Northwest Territories. The rental officer appeared by telephone. Mr. AS appeared representing the applicant. Mr. DC and Ms. ES were served notices of the hearing by registered mail signed for September 16, 2016. Neither of the respondents appeared at hearing, nor did anyone appear on their behalf. The hearing proceeded in their absence pursuant to section 80(2) of the *Residential Tenancies Act* (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 January 1, 2016. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

Disturbances

The applicant's representative testified and provided evidence establishing that the respondents had caused disturbances resulting in six complaints and five written warnings being issued between January 25 and June 3, 2016. Since being served with the filed application to a rental officer, no further disturbances have been reported.

I am satisfied the respondents have failed to comply with their obligation not to cause disturbances. 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 or residential complex, and not to breach that obligation again.

Adelle Guigon
Rental Officer