

IN THE MATTER between **NTHC**, Applicant, and **WB**, 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-

WB

Respondent/Tenant

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 WB, respondent
<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 WB as the respondent/tenant was filed by the Rental Office June 23, 2016. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Hay River, Northwest Territories. The applicant personally served a copy of the filed application on the respondent July 6, 2016.

The applicant alleged the respondent had disturbed the landlord's and other tenants' enjoyment and possession of the rental premises and residential complex, and had compromised the safety of others in the residential complex. An order was sought for 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 for the respondent 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. WB appeared as respondent.

Tenancy agreement

The parties agreed and evidence was presented establishing a residential tenancy agreement between them for subsidized public housing commencing October 15, 2015. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the *Residential Tenancies Act* (the Act).

Disturbances

The applicant's representative testified and provided evidence establishing that the respondent had repeatedly disturbed others' enjoyment and possession of the residential complex. On three separate occasions during the tenancy the respondent passed out while cooking, causing the food to burn and extensive amounts of smoke to set the fire alarms off. These acts compromised the safety of other occupants of the residential complex, as well as the respondent, and created a situation substantially likely to cause damage to the property.

The respondent did not dispute the allegations, accepting responsibility for the disturbances. He admitted to having an alcohol addiction for which he is seeking help. The respondent was scheduled to start a treatment program the day of the hearing and stated his commitment to change.

I am satisfied the respondent has repeatedly caused disturbances to the landlord's and other tenants' enjoyment and possession of the rental premises and residential complex which have created a concern for their safety. In light of the respondent's acceptance of responsibility for the issues raised and his commitment to effect change, 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.

Adelle Guigon
Rental Officer