

IN THE MATTER between **LR and GB**, Applicants, and **GB and CR**, 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:

**LR and GB**

Applicants/Landlords

-and-

**GB and CR**

Respondents/Tenants

**REASONS FOR DECISION**

**Date of the Hearing:**           **October 3, 2017**

**Place of the Hearing:**       **Behchoko, Northwest Territories**

**Appearances at Hearing:**   **LR, applicant**  
   **GB, applicant**  
   **GB, respondent**

**Date of Decision:**           **October 3, 2017**

### **REASONS FOR DECISION**

An application to a rental officer made by LR and GB as the applicants/landlords against GB and CR as the respondents/tenants was filed by the Rental Office August 1, 2017. The application was made regarding a residential tenancy agreement for a rental premises located in Behchoko, Northwest Territories. The filed application was personally served on the respondents August 19, 2017.

The applicant alleged the respondents had repeatedly disturbed other tenants' enjoyment and possession of the rental premises, had repeatedly failed to pay rent, and had accumulated rental arrears. An order was sought for payment of the rental arrears, termination of the tenancy agreement, and eviction.

A hearing was scheduled for October 3, 2017, in Behchoko. LR and GB appeared by telephone as applicants. GB appeared as respondent and on behalf of CR.

#### *Tenancy agreement*

The parties agreed and evidence was presented establishing a residential tenancy agreement between them commencing November 10, 2015. I am satisfied a valid tenancy agreement is in place in accordance with the *Residential Tenancies Act* (the Act).

#### *Disturbances*

The residential complex is a duplex. The applicants testified and provided evidence of disturbances caused by the respondents occurring on an irregular basis which interfered with the neighbouring tenant's possession and enjoyment of the rental premises. More often than not, the disturbances would wake the neighbouring tenant in the middle of the night. The last such occurrence was reported on September 12, 2017. The respondent did not dispute either that the disturbances occurred or that they were responsible for them. I find the respondents have repeatedly disturbed the other tenant's enjoyment and possession of the rental premises and residential complex.

*Rental arrears*

The applicants testified that the respondent had failed to pay the rent for July, August, September, and now October, 2017. The rent was established at \$1,500 per month. The respondent did not dispute the accuracy of the landlord's accounting of accumulated rental arrears, acknowledging the debt and accepting responsibility for it. I find the respondents have repeatedly failed to pay their rent when due and have accumulated rental arrears in the amount of \$6,000.

*Termination of the tenancy agreement and eviction*

The applicants reiterated their request for an order to terminate the tenancy agreement in consideration of both disturbances and the respondents' repeated failure to pay their rent. The respondent agreed that termination of the tenancy agreement and eviction was appropriate. In consideration of the circumstances, I am satisfied that termination of the tenancy agreement and eviction are justified.

*Orders*

An order will issue:

- requiring the respondents to pay rental arrears in the amount of \$6,000;
- terminating the tenancy agreement October 31, 2017;
- evicting the respondents from the rental premises November 1, 2017; and
- requiring the respondents to pay compensation for use and occupation of the rental premises at a rate of \$49.32 for each day they remain in the rental premises after October 31, 2017.

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Adelle Guigon  
Rental Officer