

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

PL

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	January 30, 2018
<u>Place of the Hearing:</u>	Hay River, Northwest Territories
<u>Appearances at Hearing:</u>	AS, representing the applicant
<u>Date of Decision:</u>	January 30, 2018

REASONS FOR DECISION

An application to a rental officer made by HRHA on behalf of the NTHC as the applicant/landlord against PL as the respondent/tenant was filed by the Rental Office October 24, 2017. The application was made regarding a residential tenancy agreement for a rental premises located in Hay River, Northwest Territories. The filed application was served on the respondent by registered mail signed for December 22, 2017.

The applicant alleged the respondent had caused disturbances. An order was sought for the respondent to comply with his obligation not to cause disturbances and not to breach that obligation again.

A hearing was scheduled for January 30, 2018, in Hay River. AS appeared representing the applicant. PL was served notice of the hearing by registered mail signed for December 22, 2017. The respondent did not appear at the hearing, nor did anyone appear on the respondent's behalf. The hearing proceeded in the respondent's absence pursuant to subsection 80(2) of the *Residential Tenancies Act* (the Act).

Tenancy agreement

The applicant's representative testified and evidence was presented establishing a residential tenancy agreement between the parties for subsidized public housing commencing July 1, 2016. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Disturbances

The applicant's representative testified and provided evidence establishing that between August and October 2017 the applicant received multiple complaints of at least three periods of disturbances originating from the respondent's rental premise. The disturbances consisted of yelling, arguing, partying, and other excessive noises. Since filing of the application to a rental officer there have been no further complaints of disturbances.

The applicant's representative acknowledged that the respondent himself is not generally the problem, rather it is the respondent's friends and ex-girlfriend who instigate the substantive disturbances. He reiterated the applicant was simply looking for the respondent to take responsibility for ensuring his guests do not behave in manners that disturb other tenants' and the landlord's enjoyment or possession of the rental premises or residential complex.

Subsection 43(2) of the Act holds the tenant responsible for the actions of persons he permits into his rental premises or the residential complex.

I find the respondent responsible for disturbing the landlord's and other tenants' enjoyment or possession of the rental premises or residential complex.

Order

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 requiring the respondent not to breach that obligation again.

Adelle Guigon
Rental Officer