

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

JH

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: March 21, 2018

Place of the Hearing: Hay River, Northwest Territories

Appearances at Hearing: AS, representing the applicant

Date of Decision: March 21, 2018

REASONS FOR DECISION

An application to a rental officer made by HRHA on behalf of the NTHC as the applicant/landlord against JH as the respondent/tenant was filed by the Rental Office November 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 personally served on the respondent December 7, 2017.

The applicant alleged the respondent had repeatedly caused disturbances. An order was sought for the respondent to comply with her 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.

A hearing was scheduled for March 21, 2018, in Hay River. The Rental Officer appeared by telephone. AS appeared representing the applicant. JH was personally served notice of the hearing December 7, 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 September 30, 2012. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Disturbances

The applicant's representative testified and presented evidence of complaints received from other tenants regarding disturbances coming from the respondent's premises. Four incidents have occurred since August 2017 involving late-evening to early-morning yelling, screaming, and arguing which all resulted in RCMP attendance.

The applicant stated that the disturbances have occurred when the respondent's on-again/off-again common-law partner has been drinking. He becomes violent with the respondent. The respondent has promised not to permit her former partner to come to the premises, but it appears she finds herself in a cycle she cannot break. There are no issues when the respondent's former partner is not around, but the respondent remains responsible for the tenancy and the actions of persons she permits in the premises.

The applicant's representative reiterated they were not seeking termination of the tenancy agreement at this time, but would like the order to comply with the obligation not to cause disturbances in order to reinforce with the respondent her responsibilities and perhaps motivate her to deny access to those who might cause problems for her.

I am satisfied that disturbances have occurred for which the respondent is responsible. I find the respondent has repeatedly failed to comply with her obligation not to cause disturbances or permit disturbances to be caused which interfere with the landlord's or other tenants' enjoyment or possession of the rental premises or residential complex.

Orders

An order will issue requiring the respondent to comply with her 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