

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

BO

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: May 29, 2018

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: AS, representing the applicant

Date of Decision: May 29, 2018

REASONS FOR DECISION

An application to a rental officer made by HRHA on behalf of the NTHC as the applicant/landlord against BO as the respondent/tenant was filed by the Rental Office January 19, 2018. 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 February 21, 2018.

The applicant alleged the respondent had repeatedly and unreasonably disturbed the landlord's and other tenants' enjoyment and possession of the rental premises and residential complex. An order was sought for termination of the tenancy agreement and eviction.

A hearing was scheduled for May 29, 2018, by three-way teleconference. AS appeared representing the applicant. BO was personally served with notice of the hearing on February 21, 2018. 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 provided evidence establishing a residential tenancy agreement between the parties for subsidized public housing commencing July 1, 2017. 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 the respondent and persons the respondent has permitted at the rental premises have repeatedly caused unreasonable disturbances throughout the relatively short tenancy. Since the respondent moved into the premises, the applicant has received no less than eight complaints from neighbouring tenants regarding disturbances in the nature of extremely loud music, noise, fighting, and partying, to an extent often requiring RCMP attendance. The applicant's representative has personally witnessed the obnoxiously loud music playing at the rental premises, to the level that it caused the walls to shake and it could be heard and felt in his vehicle from 100 feet away.

The applicant's representative received confirmation from the local RCMP detachment that they have received 18 actionable calls regarding disturbances at the respondent's rental premises since the respondent moved in.

On April 23, 2018, the respondent entered into a 'last-chance' agreement with the applicant not to cause any further disturbances and to comply with his obligations in that regard. Within days of signing the agreement additional complaints were received notifying the applicant that the disturbances had continued as bad as previously. The disturbances have continued on a regular basis to date.

Given the excessively unreasonable nature of the disturbances and the unrelenting repetitiveness of the occurrences, and given that the respondent has been repeatedly warned about the behaviour and then immediately failed to comply with an agreement to cease the disturbances, I am satisfied that termination of the tenancy agreement and eviction are justified.

Order

An order will issue terminating the tenancy agreement June 15, 2018, and evicting the respondent from the rental premises June 16, 2018.

Adelle Guigon
Rental Officer