

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

KB

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: June 28, 2018

Place of the Hearing: Hay River, Northwest Territories

Appearances at Hearing: AS, representing the applicant
BM, witness for the applicant

KB, respondent
HJH, witness for the respondent

Date of Decision: June 28, 2018

REASONS FOR DECISION

An application to a rental officer made by HRHA on behalf of the NTHC as the applicant/landlord against KB as the respondent/tenant was filed by the Rental Office April 20, 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 May 17, 2018.

The applicant alleged the respondent had repeatedly and unreasonably caused disturbances, had failed to comply with a rental officer order not to cause further disturbances, and failed to comply with a last chance agreement not to cause further disturbances. An order was sought for eviction and compensation for use and occupation of the rental premises.

A hearing was scheduled for June 28, 2018, in Hay River. The Rental Officer appeared by telephone. AS appeared representing the applicant, with BM appearing as a witness for the applicant. KB appeared as respondent, with her mother HJH appearing as a witness for the respondent.

Tenancy agreement

The parties agreed and evidence was presented establishing a residential tenancy agreement between the parties for subsidized public housing commencing August 15, 2017. I am satisfied a valid tenancy agreement is in place in accordance with the *Residential Tenancies Act* (the Act).

Previous orders

Rental Officer Order Number 15913 issued March 21, 2018, required the respondent to pay an outstanding security deposit in the amount of \$200, required the respondent to comply with the obligation not to cause disturbances and not to breach that obligation again, required the

respondent to pay costs of repairs in the amount of \$232, and terminated the tenancy agreement June 30, 2018, unless no further reports of disturbances verified as caused by the respondent or persons the respondent permitted on the rental premises were reported to the applicant.

Termination of the tenancy agreement

The parties agreed and evidence was presented establishing that complaints were received by the applicant regarding no less than 13 separate disturbances between March 26 and June 1, 2018. On April 5, 2018, the respondent entered into a last chance agreement with the applicant. The last chance agreement required that no further disturbances occur or the termination of the tenancy agreement ordered by Rental Officer Order Number 15913 would be enforced for June 30, 2018. Disturbances were reported over April 12th and 13th which were verified by personal observation and video recording as caused by the respondent and her guests. A notice was sent to the respondent April 16, 2018, confirming the termination of the respondent's tenancy on June 30, 2018.

The respondent acknowledged that she is an alcoholic, and the majority of the incidents involved either her own intoxication or the intoxication of her guests. The respondent testified that she could not choose other people's behaviours, but acknowledged her responsibility for their behaviour when they visited her at her residence. The respondent and her mother testified that they have been making arrangements for the respondent to attend a treatment program in British Columbia which she will be prepared to go to within the next month and will be able to leave for within three days of confirming she is ready to go.

I am satisfied the reported disturbances since the last rental officer order was issued were caused by the respondent and/or persons the respondent permitted on the rental premise or residential complex. I find the tenancy agreement between the parties is terminated June 30, 2018, by order of the Rental Officer in accordance with the Act.

Eviction and compensation for use and occupation

The respondent requested additional time to vacate the rental premises in light of her forthcoming departure to attend treatment in British Columbia. The applicant's representative agreed to the request in order to facilitate and encourage the respondent's efforts towards a sober lifestyle. The applicant withdrew the request for compensation for use and occupation of the rental premises. An eviction order will issue for August 15, 2018, to be enforced in the unlikely event that the respondent has not already vacated the rental premises before then.

Order

An order will issue evicting the respondent from the rental premises August 15, 2018.

Adelle Guigon
Rental Officer