

IN THE MATTER between **Y.Z.**, Applicant, and **C.R.**, 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 **Hal Logsdon**, Rental Officer,

BETWEEN:

**Y.Z.**

Applicant/Landlord

-and-

**C.R.**

Respondent/Tenant

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>August 22, 2018</b>
<b><u>Place of the Hearing:</u></b>	<b>Hay River, NT via teleconference</b>
<b><u>Appearances at Hearing:</u></b>	<b>A.S., representing the applicant A.G., witness for the applicant C.R., respondent T.C., representing the respondent</b>
<b><u>Date of Decision:</u></b>	<b>August 22, 2018</b>

### **REASONS FOR DECISION**

The rental premises are part of a residential complex for seniors. It is operated as subsidized public housing.

The applicant alleged that the respondent had breached the tenancy agreement by disturbing other tenants in the residential complex and sought an order requiring the respondent to comply with the obligation to not create disturbance and to not breach that obligation again.

There have been numerous notices provided to the respondent concerning disturbances caused by his barking dog and permitting his dog to run off-lease on the property. However, it appears that issues concerning the dog have mostly been resolved. The applicant alleged that the respondent was involved in an altercation with another tenant in mid-May, 2018 which significantly disturbed the other tenant and her family.

A.G. testified that the respondent was involved in a heated confrontation with her mother, a tenant in the residential complex, involving a garden at the complex. A.G. testified that the respondent intended to undertake some landscaping at the residential complex and intended to disturb her mother's plants and flower boxes. A.G. and her husband dug up some plants and moved the flower boxes and A.G. testified that the respondent was aggressive and insulting to her mother. She also alleged that the respondent had stood by her mother's window the next day in a threatening manner but acknowledged that she had no direct knowledge of that event.

T.C. stated that he was present during the altercation. He acknowledged that the incident became heated but felt that it was due, in part, by a misunderstanding by A.G.'s mother about the intentions of the respondent. He felt both parties should share the blame for escalating the incident. T.C. stated he had heard about the alleged incident on the following day but had no direct knowledge of the event.

I am of the opinion that A.G.'s mother and her daughter may have misinterpreted what the respondent intended to do with regard to her flowers and flower boxes and that the confrontation between them was fuelled, in part by A.G.'s mother. However, I find the respondent's behaviour to be unacceptable. It is indeed unfortunate that the action of the respondent, intended to create a better common living space for both parties, resulted in such conflict and ugly behaviour. I cannot find the respondent without blame. His behaviour was unacceptable.

In my opinion, the respondent breached his obligation to not disturb other tenants in the residential complex. An order shall issue requiring him to comply with this obligation and to not breach the obligation in the future.

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Hal Logsdon  
Rental Officer