

IN THE MATTER between **NTCSC**, Applicant, and **TC and TH**, Respondents.

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:

NTCSC

Applicant/Landlord

-and-

TC and TH

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	January 14, 2019
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories
<u>Appearances at Hearing:</u>	GL, representing the Applicant TC, Respondent
<u>Date of Decision:</u>	January 14, 2019

REASONS FOR DECISION

An application to a rental officer made by NTCSC as the Applicant/Landlord against TC and TH as the Respondents/Tenants was filed by the Rental Office January 4, 2019. The application was made regarding a residential tenancy agreement for a rental premises located in Yellowknife, Northwest Territories. The filed application was personally served on the Respondents January 10, 2019.

The Applicant alleged the Respondents had caused further disturbances since the last rental officer order was issued and had consequently failed to comply with a rental officer order to cause no further disturbances. An order was sought to terminate the tenancy agreement and evict the Respondents as soon as possible.

An expedited hearing was granted and scheduled for January 14, 2019, in Yellowknife. GL appeared representing the Applicant. TC appeared as Respondent and on behalf of TH, who is currently serving a custodial sentence.

Tenancy agreement

A valid tenancy agreement was previously found to be in place between the parties for subsidized housing commencing April 1, 2015.

Previous order

Rental Officer Order Number 16269 issued December 11, 2018, required the Respondents to comply with their obligation not to cause disturbances and not to breach that obligation again, terminated the tenancy agreement March 31, 2019, unless no further disturbances were reported, and evicted the Respondents from the rental premises April 1, 2019, if the termination of the tenancy agreement became effective.

Disturbances

The Applicant's representative testified and provided evidence in the form of security incident reports and security video surveillance of disturbances occurring between December 15 and 29, 2018. Most of the disturbances were reported as being very loud talking and noise coming from the Respondents' rental premises late at night and early in the morning (during quiet hours). The disturbance generating the urgency of the application to a rental officer occurred December 29, 2018, early in the morning and involved a fight and assault in the course of forcibly evicting a guest from the Respondents' rental premises. The fight resulted in the evicted person purposely leaving tracks of blood along the hallway walls as she left the building.

The Respondent did not dispute the allegations that were made regarding the disturbances. She testified that after the December 29th incident, she told the other two guests who were there that she did not want them coming around anymore. The Applicant's representative testified that she had in fact also instructed the security guards not to permit those two persons into the building again after the December 29th incident. The parties agreed that no further disturbances have occurred since the December 29th incident.

I am satisfied the Respondent is responsible for the disturbances which occurred between December 15 and 29, 2018. I find the Respondent has failed to comply with the obligation not to cause disturbances, and failed to comply with the rental officer order not to breach that obligation again.

Termination of the tenancy agreement and eviction

The Applicant's representative expressed concern for the safety of the other tenants in the residential complex following the incident of December 29, 2018. She did, however, acknowledge that the lack of disturbances since that incident is mitigating and as a result the Applicant would be satisfied with new conditional termination and eviction orders dependent on no further disturbances occurring but for an earlier date than the previous rental officer order. The Respondent understood the request and the consequences for failing to comply, and agreed to the terms. I am satisfied termination of the tenancy agreement and eviction are justified for an earlier date than previously ordered, and that the agreed upon conditional orders are reasonable in the circumstances.

Orders

An order will issue:

- requiring the Respondents to comply with their obligation not to disturb or permit their guests to disturb the landlord's or other tenants' enjoyment or possession of the rental premises, and not to breach that obligation again (p. 43(3)(a), p. 43(3)(b));
- terminating the tenancy agreement February 15, 2019, unless no further disturbances verified as being caused by the Respondent or persons permitted on the rental premises or residential complex by the Respondent are reported to the Applicant (p. 43(3)(d), ss. 83(2)); and
- evicting the Respondents from the rental premises February 16, 2019, if the termination of the tenancy agreement becomes effective (p. 63(4)(a), ss. 83(2)).

Adelle Guigon
Rental Officer