

IN THE MATTER between **MPM**, Applicant, and **KC**, 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:

MPM

Applicant/Landlord

-and-

KC

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: February 5, 2019

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: JB, representing the Applicant
KC, Respondent

Date of Decision: February 5, 2019

REASONS FOR DECISION

An application to a rental officer made by MPM as the Applicant/Landlord against KC as the Respondent/Tenant was filed by the Rental Office December 5, 2018. The application was made regarding a residential tenancy agreement for a rental premises located in Yellowknife, Northwest Territories. The filed application was served on the Respondent by email deemed received December 20, 2018, pursuant to subsection 4(4) of the *Residential Tenancies Regulations* (the Regulations).

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

A hearing was scheduled for February 5, 2019, in Yellowknife. JB appeared representing the Applicant. KC appeared as Respondent.

Tenancy agreement

The parties agreed and evidence was presented establishing a residential tenancy agreement between them commencing October 1, 2018. I am satisfied a valid tenancy agreement is in place in accordance with the *Residential Tenancies Act* (the Act).

Disturbances

The Applicant's representative testified that between October 15 and November 29, 2018, the Landlord had received multiple complaints from neighbouring tenants of repeated disturbances occurring at all hours of the day and night. The nature of the disturbances were: children constantly running around, loud music, partying, thumping and banging, and fights. RCMP were reported as attending on at least two occasions of fighting and violence occurring.

However, since the filing of the application to a rental officer, the Applicant has not received any further complaints involving the Respondent's rental premises. The Applicant and Respondent have had some communication, and the Applicant's representative expressed satisfaction with the positive results. Consequently, the Applicant withdrew their request for termination of the tenancy agreement and eviction, and instead requested an order that the Respondent comply with his obligation not to cause disturbances and not to breach that obligation again.

The Respondent did not dispute responsibility for the disturbances that occurred during the referenced time period. It appears he himself may not have been present for many of the incidents, but he has since worked with his family to resolve the issues.

I am satisfied that the disturbances have occurred which interfered with the Landlord's and other tenants' enjoyment of the rental premises and residential complex. I am satisfied that the Respondent and other occupants in the rental premises are responsible for causing those disturbances. I find the Respondent has failed to comply with his obligation not to disturb the Landlord's and other tenants' enjoyment of the rental premises and residential complex.

Order

An order will issue requiring the Respondent to comply with the obligation not to disturb the Landlord's and other tenants' enjoyment and possession of the rental premises and residential complex, and not to breach that obligation again.

Adelle Guigon
Rental Officer