

IN THE MATTER between **NTHC**, Applicant, and **JP**, 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 **Janice Laycock**, Deputy Rental Officer,

BETWEEN:

**NORTHWEST TERRITORIES HOUSING COPORATION**

Applicant/Landlord

-and-

**JP**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** March 20, 2019

**Place of the Hearing:** Aklavik, NT

**Appearances at Hearing:** FE and YD representing the Applicant

JP, the Respondent

**Date of Decision:** March 20, 2019

### **REASONS FOR DECISION**

An application to a rental officer made by the AHA on behalf of the NTHC as the Applicant/Landlord against JP as the Respondent/Tenant was filed by the Rental Office January 29, 2019. The application was made regarding a residential tenancy agreement for a rental premises located in Aklavik, Northwest Territories. The filed application was served by registered mail on the Respondent March 4, 2019.

The Applicant claimed that the Respondent had repeatedly disturbed other tenants' possession or enjoyment of the residential complex. An order was sought for remedies in respect of the disturbance, termination and eviction of the tenant.

A hearing was scheduled for March 20, 2019 in Aklavik. Janice Laycock, Deputy Rental Officer appeared by telephone. FE and YD appeared representing the Applicant. The Respondent, JP, appeared at the hearing supported by LR (did not provide testimony).

#### *Tenancy Agreement*

The Applicant's representative testified and evidence was presented establishing a tenancy agreement between the parties for subsidized public housing commencing January 1, 2017. I am satisfied a valid tenancy agreement is in place in accordance with the *Residential Tenancies Act* (the Act).

#### *Disturbances Caused by the Tenant*

The Applicant's representatives testified and evidence was presented relating to numerous complaints about disturbances caused by the tenant or persons permitted into the residence by her. The complaints had been made to the RCMP who visited the residence. According to letters from the Applicant to the Respondent which were included in evidence (November 19, 2018 and November 23, 2018) the RCMP visited the residence seven times from June 16 to November 8, 2018. Included in evidence were notes created by the Applicant's staff detailing the various call-outs by the RCMP. Also included in the evidence was a letter dated November 27, 2018 giving the Respondent notice of termination. In testimony it became clear that the Applicant relied on the RCMP to provide them with information on the disturbances and once so informed acted on those complaints by contacting the Respondent.

In testimony the Respondent denied receiving the letter from November 19, 2018 (Violation of Residential Tenancies Agreement) or the letter of November 27, 2018 (Termination Notice of Indeterminate Tenancy Agreement), although she admitted that there had been disturbances at her residence during this period caused by her, or people she had allowed to enter. The Respondent also provided a letter outlining her situation, apologizing for the disturbances, stating that she was taking steps to treat her addiction and needed to keep her housing.

I am satisfied on the evidence that the Respondent has repeatedly breached her obligation as set out in subsection 43(a) of the *Residential Tenancies Act* to “not disturb the landlord’s or other tenants’ possession or enjoyment of the rental premises or residential complex”. However, based on the Respondent’s testimony that she was making changes in an attempt to eliminate further disturbances, I am willing to give her another chance, conditional on not breaching her obligations again.

#### *Order*

An order will be issued:

- requiring the Respondent to comply with their obligation to not disturb the landlord’s or other tenants’ possession or enjoyment of the rental premises or residential complex, and not to breach their obligation again (p. 43(3)(a) and 43(3)(b)); and
- terminating the tenancy agreement between the parties on June 30, 2019, if there are any further complaints received and verified by the Applicant, relating to disturbances caused by the Respondent or a person permitted by the Respondent to enter the residential complex or premises (p. 43(3)(d) and ss. 83(2)); and
- evicting the Respondent from the rental premises known as unit #145, 387 Alex Gordon Avenue, Aklavik, Northwest Territories on or after July 1, 2019 if the termination of the tenancy agreement becomes effective.

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Janice Laycock  
Deputy Rental Officer