

IN THE MATTER between **THA**, Applicant, and **CA**, 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:

THA

Applicant/Landlord

-and-

CA

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: November 21, 2019

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: JK, representing the Applicant

Date of Decision: December 9, 2019

REASONS FOR DECISION

An application to a rental officer made by THA as the Applicant/Landlord against CA as the Respondent/Tenant was filed by the Rental Office October 21, 2019. The application was made regarding a residential tenancy agreement for a rental premises located in Inuvik, Northwest Territories. The filed application was served on the Respondent by registered mail signed for November 8, 2019.

The Applicant alleged the Respondent had repeatedly and unreasonably caused disturbances, had permitted illegal activities to occur in the rental premises and residential complex, and had failed to vacate the rental premises after being given written notice to terminate the tenancy agreement. An order was sought for termination of the tenancy agreement and eviction.

A hearing was scheduled for November 21, 2019, by three-way teleconference. JK appeared representing the Applicant. CA was served notice of the hearing by registered mail signed for November 8, 2019. The Respondent did not appear at the hearing, nor did anyone appear on the Respondent's behalf. The hearing proceeded in the Respondent's absence pursuant to subsection 80(2) of the *Residential Tenancies Act* (the Act).

Tenancy agreement

Evidence was presented establishing a residential tenancy agreement between the parties for subsidized public housing commencing February 1, 2017. I am satisfied a valid tenancy agreement was in place in accordance with the Act.

Disturbances

Evidence was presented establishing repeated disturbances originating from the Respondent and her guests in the nature of yelling, fighting, partying, drug-related activities, and high traffic at all hours. Security video footage and observations by the building caretaker and other tenants in the building support a reasonable suspicion of drug trafficking occurring in the residential complex by persons attending the Respondent's rental premises, and of the Respondent having shared the keys to the building and her apartment with some of her guests.

I am satisfied the Respondent and persons the Respondent has permitted into the residential complex have repeatedly and unreasonably caused disturbances which interfered with the Landlord's and other Tenants' possession and enjoyment of the rental premises and residential complex. I am also satisfied on a balance of probabilities that the Respondent permitted illegal activities to occur in the residential complex.

Termination of the tenancy agreement

The Respondent was personally served on August 30, 2019, with written notice by the Applicant terminating the tenancy agreement on September 30, 2019, due to the repeated and unreasonable disturbances and the illegal activities. Section 51(5) of the Act provides for a subsidized public housing Landlord to terminate a tenancy agreement by giving the Tenant at least 30 days' written notice for the last day of a period of the tenancy.

I am satisfied the tenancy agreement between the parties was terminated September 30, 2019, in accordance with section 51(5) of the Act. An order will issue to confirm that termination date.

Eviction

As of the hearing date, the Respondent remained in occupancy of the rental premises. The Applicant's representative testified that the Respondent has been "slowly moving out" and getting rid of stuff, but remains in possession of the rental premises.

Given my finding that the tenancy agreement has been terminated in accordance with the Act, and being satisfied that the Respondent remains in occupancy of the rental premises, I am satisfied an eviction order is justified.

Orders

An order will issue terminating the tenancy agreement September 30, 2019, and evicting the Respondent from the rental premises December 15, 2019.

Adelle Guigon
Rental Officer