

IN THE MATTER between **YKDPM**, Applicant, and **TL**, 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**, Rental Officer,

BETWEEN:

YKDPM

Applicant/Landlord

-and-

TL

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: June 10, 2020, and June 30, 2020

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: CW, representing the Applicant

Date of Decision: June 30, 2020

REASONS FOR DECISION

An application to a rental officer made by YKDPM as the Applicant/Landlord against TL as the Respondent/Tenant was filed by the Rental Office April 28, 2020. 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 Respondent on May 11, 2020.

The Applicant claimed that the Respondent had caused numerous disturbances in the rental premises and an order was sought for termination and eviction.

A hearing was held June 10, 2020, by three-way teleconference. Both parties were provided notice of the hearing. Janice Laycock, Rental Officer, and CW, representative for the Applicant, appeared at the hearing. No one appeared for the Respondent. As the Respondent had received notice by personal service on May 11, 2020, the hearing proceeded in their absence under section 80(2) of the *Residential Tenancies Act* (the Act).

At the hearing I requested further evidence to support the Applicant's claims. The hearing was scheduled to resume on June 30, 2020, by three-way teleconference. Both parties were provided notice of the new hearing date. Janice Laycock, Rental Officer, and CW, representative for the Applicant, appeared at the hearing. No one appeared for the Respondent. As the Respondent had received notice of the hearing date by registered mail delivered on June 18, 2020, the hearing proceeded in their absence.

Tenancy agreement

Evidence was presented establishing a tenancy agreement between the parties beginning October 1, 2019, and continuing month to month. I am satisfied that a valid tenancy agreement is in place in accordance with the Act.

Disturbances

The Applicant provided evidence and testimony of repeated disturbances at the rental premises caused by either the Respondent or someone the Respondent had permitted to enter the residential complex or rental premises. Provided in the evidence was a record of disturbances starting in February 2020 and continuing until June 2020.

The disturbances included the following:

- Feb 17, 2020 - tenants called to report someone broke the back window and entered the building into the Respondent's unit.
- Feb 20, 2020 - a tenant gave notice to move out because of disturbances from the Respondent's unit.
- March 3, 2020 - a tenant reported a man from the Respondent's unit followed her into her unit; she was scared, gave notice and moved out.
- March 25, 2020 - a tenant complained about loud music from the Respondent's unit.
- April 16, 2020 - Respondent pulled the fire alarm prior to 5:00 a.m. and broke it; when the Applicant talked to the Respondent she apologized but had no explanation for why she did it.
- May 1, 2020 - a tenant reported people using drugs in the hallway around the Respondent's unit and they were not allowed to pass.
- May 3, 2020 - two tenants complained about loud music and screaming coming from the Respondent's unit; RCMP attended.
- May 4, 2020 - a tenant complained about men sleeping in the laundry room; when confronted they went into the Respondent's unit.
- May 11, 2020 - tenants complained about loud music and screaming coming from the Respondent's unit, and that three men came out of the Respondent's unit and smoked drugs in the stairwell.
- June 1, 2020 - three tenants provided notice to move out because of the disturbances and activities related to the Respondent and her visitors and that they don't feel safe.
- June 17, 2020 - video provided by the Applicant as evidence showed a man breaking into the Respondent's unit by breaking the window; when RCMP arrived to investigate the Respondent told them that the man was a guest and she allowed him to enter the building that way.

The Applicant testified that disturbances at the building and the Respondent's apartment are almost a daily occurrence. He said the Respondent does not respond to attempts to talk about the situation – she either runs away or locks her door. The Applicant also testified that he has recently had four tenants move out of the building because of the disturbances caused by the Respondent or people she permits into the building.

I am satisfied that based on the evidence and testimony of the Applicant that the Respondent or someone she has permitted to enter the rental premises or residential complex has repeatedly disturbed the Landlord or other Tenants' enjoyment of the rental premises. I find the Respondent has breached subsections 43(1) and 43(2) of the Act, and I am satisfied that termination of the tenancy agreement and eviction are justified.

Orders

An order will be issued terminating the tenancy agreement on July 3, 2020, and evicting the Respondent from the rental premises on or after July 4, 2020.

Janice Laycock
Rental Officer