

IN THE MATTER between **NTHC**, Applicant, and **RN**, 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, regarding a
rental premises located within the **city of Yellowknife in the Northwest Territories;;**

BETWEEN:

NTHC

Applicant/Landlord

-and-

RN

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: July 7, 2022

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: PS, representing the Applicant
DO, RCC, witness for the Applicant

Date of Decision: July 7, 2022

REASONS FOR DECISION

An application to a rental officer made by YHA on behalf of the NTHC as the Applicant/Landlord against RN as the Respondent/Tenant was filed by the Rental Office May 18, 2022. 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 May 30, 2022.

The Applicant alleged the Respondent had repeatedly failed to pay rent, had accumulated rental arrears, and had repeatedly and unreasonably caused disturbances. An order was sought for payment of the rental arrears, payment of future rent on time, payment of costs resulting from the disturbances, termination of the tenancy, and eviction.

A hearing was held July 7, 2022, by three-way teleconference. PS appeared representing the Applicant, with DO of RCC appearing as a witness for the Applicant. RN was personally served with notice of the hearing May 30, 2022. 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 August 19, 2020. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Rental arrears

The statements of account entered into evidence represent the Landlord's accounting of monthly rents and payments received against the Respondent's rent account. At the hearing, the Applicant's representative reported additional transactions to include in the statement which reduced the balance owing. The statement was adjusted accordingly.

All rents have been subsidized and were assessed at \$160 up to and including June 2022. The subsidized rent was re-assessed to \$80 as of July 2022. No payments were made in 5 of the last 12 months of the tenancy.

I am satisfied the adjusted statement of account accurately reflects the current status of the Respondent's rent account. I find the Respondent has repeatedly failed to pay the rent and has accumulated rental arrears in the amount of \$259.50. That amount represents approximately three months' subsidized rent.

Disturbances and illegal activities

The Applicant's representative testified that since November 2021 there have been repeated complaints received about the Respondent's and his guests' disruptive behaviour in the rental premises and residential complex. The disturbances escalated in January 2022 and have not abated since.

In response to serious safety and security issues being experienced at the residential complex, the property owners hired RCC to provide on-site contracted security services. The intention was for a one-month contract, however, the degree of disruption at the residential complex has resulted in the contract continuing to date. RCC's representative testified to the documented disturbances caused by the Respondent and/or his guests since they arrived on site in April 2022.

The nature of the disturbances include yelling, arguing, fighting, mischief, and domestic violence. Nearly all incidents have involved intoxicated persons. The Respondent has repeatedly permitted family and friends into the building and then requested assistance to remove them from his premises.

There have been numerous occasions where the fire alarm was pulled without cause, one of which the Respondent admitted to being the perpetrator. The Yellowknife Fire Department fined the property owner \$2,550 for the false alarm call out, which the property owner charged back to the Applicant as the fine resulted from the actions of the Applicant's Tenant. The Applicant then invoiced the Respondent for the fine, adding a 10 percent admin fee and 5 percent GST.

There have been numerous incidents involving allegations of violence against the Respondent's girlfriend while at the premises. The RCC representative reported observing signs of physical harm on her. The RCC representative also reported that the Respondent's girlfriend has repeatedly made claims to the security personnel that the Respondent has tried to rape her. Despite encouragement to do so, she has not reported those claims to the RCMP.

Another incident occurred April 30th alleging the Respondent's girlfriend had been raped by three other men in the Respondent's premises (the Respondent apparently was not present). Security officers investigated and the RCMP were called to attend. At that time, the RCC officers were made aware that there is a current Court order prohibiting the Respondent and his girlfriend from having contact. RCMP have since been notified of many of those breaches as they arise.

One incident requiring removal of intoxicated persons from the Respondent's premises found an 8.9 gram bag of cocaine lying out in the open (contents later confirmed by RCMP and having an estimated street value of approximately \$2,000). At the time, the Respondent denied it was drugs and told the security officer it could be thrown out, but later acknowledged it was his drugs and he was upset to have lost it because it cost a lot of money.

The Applicant's representative and the RCC representative confirmed that the disturbances have continued unabated since the Respondent was served with the filed application. Twenty-four separate incidents were documented in April and thirty-three separate incidents were documented in May. The statistics for June have not yet been compiled.

I am satisfied the Respondent is responsible for repeatedly and unreasonably causing disturbances, thereby interfering with neighbouring Tenants' enjoyment of their premises. I am satisfied the Respondent is responsible for pulling the fire alarm without cause, further interfering with neighbouring Tenants' possession of their premises. I am satisfied the possession of cocaine is an illegal act committed within the rental premises for which the Respondent is responsible. I am satisfied on a balance of probabilities that the Respondent's girlfriend suffered physical abuse within the Respondent's premises, constituting further illegal acts.

I find the Respondent liable to the Applicant for the costs associated with the unlawful false alarm in the total amount of \$2,945.25.

Termination of the tenancy and eviction

In light of the Respondent's repeated failure to pay the rent, the repeated and unreasonable disturbances for which the Respondent is responsible, and the illegal activities committed in the rental premises for which the Respondent has been found responsible, I am satisfied that termination of the tenancy and eviction are justified.

Orders

An order will issue:

- requiring the Respondent to pay rental arrears in the amount of \$259.50 (p. 41(4)(a));
- requiring the Respondent to pay costs associated with disturbances in the amount of \$2,945.25 (p. 43(3)(c));
- termination of the tenancy July 14, 2022 (p. 41(4)(c), p. 43(3)(d), p. 46(2)(c)); and
- eviction of the Respondent from the rental premises July 15, 2022 (p. 63(4)(a)).

Adelle Guigon
Rental Officer