

IN THE MATTER between **HNT**, Applicant, and **GI**, 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 **Hal Logsdon**, Rental Officer,

BETWEEN:

HNT

Applicant/Landlord

-and-

GI

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: February 21, 2023⁴

Place of the Hearing: Yellowknife, NT via teleconference

Appearances at Hearing: PS, representing the Applicant

DO, witness for the Applicant

GB, Integrated Case Management

Date of Decision: February 21, 2024

REASONS FOR DECISION

The Application was filed on November 16, 2023 and scheduled for hearing on January 23, 2023. The matter was adjourned due to a failure to serve the Respondent with the Application or Notice of Attendance. The matter was rescheduled to February 21, 2023. The Respondent was served with the Application by Registered Mail and personally served with the Notice of Attendance. The Respondent failed to appear at the hearing and the hearing was held in their absence.

The tenancy agreement between the parties was monthly and commenced in April, 2021. The premises are subsidized public housing. The Applicant alleged that the Respondent had breached the tenancy agreement by failing to repair damages to the premises and residential complex, by disturbing other tenants and by trafficking illegal drugs on the premises. The Applicant sought an order terminating the tenancy agreement and an eviction order.

A private company provides continuous security services for the building which includes foot patrols and closed circuit television monitoring. The Applicant provided numerous reports involving activities related to the Respondent or the Respondent's apartment as well as notices, photographs of the interior of the apartment and closed circuit TV (CCTV) recordings in evidence.

Damages

The Applicant testified that the premises were in reasonable condition at the commencement of the tenancy. Photographs of the premises taken in November, 2023 show extensive damage to the walls, including many large holes and graffiti. The kitchen area is filled with dirty dishes and much of the apartment is cluttered with piles of junk and belongings. The Applicant's witness, who entered the apartment in late August, 2023 described the condition of the apartment as "appalling" and "hoarder level".

As well as damages to the apartment, the CCTV recordings show the Respondent damaging other areas of the residential complex. One recording shows the Respondent exiting his apartment with a baseball bat and striking the hallway wall, creating a hole. Another recording shows the Respondent disabling a stairwell light, perhaps in an attempt to obscure detection by the CCTV camera.

The Applicant's witness stated that during the evacuation of Yellowknife in August, 2023 the Respondent's apartment was discovered to be open. A deadbolt, the sole lock on the door, had been changed by the tenant and the apartment could only be secured by changing the deadbolt. The lock was changed, securing the apartment and a note left on the door, advising the tenant to contact security to obtain a new key. A CCTV recording shows the Respondent

returning to the apartment, trying his key, and immediately proceeding to kick the door down.

I find the Respondent in breach of their obligation to repair damages to the premises and the residential complex.

Disturbance and Drug Trafficking

Although there have been a few reports of noise or loud music, the majority of complaints handled by security concern the number of persons coming and going to the Respondent's apartment and complaints concerning assumed drug trafficking. The Respondent has been made aware of these issues through notices and discussions with the landlord. The CCTV reports suggest a high volume of traffic arriving and leaving the Respondent's apartment, incidents of brief encounters in hallways and stairwells and facilitating entry to the building by non-tenants. Although this level of traffic at all hours of the day and night suggest drug trade activity, there is not, in my opinion, sufficient direct evidence to conclude that the Respondent is involved in the trafficking of drugs. However, the level of traffic directly associated with the Respondent has undoubtedly been disturbing to other tenants in the building. In my opinion, the Respondent is in breach of their obligation to not disturb other tenants in the residential complex.

The Integrated Case Management pathfinder who attended the hearing has been actively working with the Respondent for some time. They have assisted the Respondent in obtaining public housing, reporting income and making rent payments but stated that the Respondent has become increasingly more difficult to work with over the past year. He stated that he often works with the Respondent's grandmother as the Respondent is often non-responsive and avoids him.

In my opinion, there are adequate grounds to terminate this tenancy and issue an eviction order. Without some indication of improvement, it is difficult to justify continuing a tenancy that is causing continuing damage and expense to public housing and distress to all the tenants in the residential complex.

An order shall be issued terminating the tenancy agreement between the parties on March 6, 2024 and requiring the Respondent to vacate the premises on that date. An eviction order to be effective on March 7, 2024 shall also issue.

Hal Logsdon
Rental Officer