

IN THE MATTER between **AV**, Applicant, and **JM**, 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 **Jerry Vanhantsaeme**, Rental Officer, regarding
a rental premises located within the **city of Yellowknife in the Northwest Territories**;

BETWEEN:

AV

Applicant/Tenant

-and-

JM

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: May 21, 2024

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: AV, representing the Applicant

CL, representing the Applicant

MJ, witness for the Applicant

JM, representing the Respondent

Date of Decision: May 21, 2024

REASONS FOR DECISION

An application to a rental officer made by AV as the Applicant/Landlord against JM as the Respondent/Tenant was filed by the Rental Office April 22, 2024. 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 April 30, 2024.

The Applicant claimed the Respondent had repeatedly disturbed the Landlord and other tenants in the rental premises occupied by the Landlord. On April 22, 2024, the Applicant gave a notice early termination in accordance with:

- Paragraph 54(1)(a), which states a landlord may, at any time, give a tenant notice of termination of at least 10 days where:
 - (a) the tenant has repeatedly and unreasonably disturbed the landlord's or other tenant's possession or enjoyment of the residential complex.
- Subparagraph 54(3), a landlord may apply to a rental officer for an order to reduce the period of notice to terminate referred to in subsection (1) and a rental officer, where the rental officer considers it necessary, may issue such an order; and
- Subparagraph 54(4) a landlord who has given a notice of termination under subsection (1) shall make an application to a rental officer for an order to terminate the tenancy agreement and a rental officer may issue an order terminating the tenancy on the date specified in the order and ordering the tenant to vacate the premises on that date. (SNWT 2008,c9,s.28; SNWT 2019.c21,s.9(3)).

A hearing was held on May 21, 2024 by teleconference. AV as the Applicant/Landlord appeared at the hearing. CL appeared at the hearing on behalf of the Applicant. MJ appeared as witness for the Applicant. The Respondent, JM, also appeared.

Tenancy Agreement

Evidence presented establishes a verbal month-to-month tenancy commencing April 2024 with a rental rate of \$1,400.00 per month.

Disturbances

Subsection 43(1) of the *Act* says:

“A tenant shall not disturb the Landlord’s or other tenants’ possession or enjoyment of the rental premises or residential complex.

The Applicant provided evidence and testified to disturbances cause by the Respondent in breach of this section including:

- April 21, 2024, email statement from tenant #2:
 - on April 15, 2024 the Respondent was in her room without permission and her personal effects were moved outside of the room;
 - On April 16, 2024, the Respondent entered the rental premises agitated, yelling, and ranting about the rent and how the Applicant was out to get him and his living situation; and
 - On April 19, 2024, the Respondent woke the tenant with screaming and swearing at someone on the phone.
- April 21, 2024, tenant #2, informs the Landlord she is afraid of the Respondent and makes her very uncomfortable;
- April 23, 2024, the Respondent calls the Applicant a “lunatic” and continues yelling as he departs from the building;
- April 24, 2024, the Respondent repeatedly yells and swears at the Landlord around others in the unit; threatened to assault a guest of the Landlord. This is supported by audio recordings;
- April 24, 2024, audio recordings support the Applicant’s claims that the Respondent is verbally threatening the Landlord and others within the rental premises; and
- Audio and written evidence supports the Applicant’s claim of the Respondent making the Applicant unsafe in the rental premises and endangerment of her career.

Respondent Concerns

1. Two (2) people (the witness and one-other) entered the Respondent's rental premises (rented room) without authorization and began to pack his personal belongings and he was to move out. The Applicant had breached their obligation for entry. The RCMP were in attendance.
2. May 2, 2024, the Respondent lost admittance to the rental premises and was unable to access personal belongings which included medical apparatus.
3. The Applicant contravened the *Residential Tenancies Act*, in regards to the people indicated in paragraph 1, entering the Respondent's rental premises.

The Respondent acknowledges they were not a model tenant. Due to him being barred from access to the premises, he was left without a place to reside.

The Respondent's concerns were acknowledged and advised they were not addressed at this hearing. The Respondent would need to make an application of their own.

Orders

Based on the evidence and testimony, I find the Respondent is in breach of the obligations under subsection 43(1) by repeatedly disturbing the enjoyment of the landlord and other tenants in the rental premises.

Termination of the tenancy and eviction

The initial application on April 20, 2023 request eviction under paragraph 63(4)(a). This was amended on April 22, 2024 include paragraph 54(1)(a) and subsections 54(3) and 54(4).

In light of the Respondent's repeated disturbances, I am satisfied termination fo the tenancy and eviction are justified.

An Order will be issued:

- Terminating the tenancy agreement on May 23, 2024; (p 43(3)(d), ss. 54(3)); and
- Evicting the Respondent from the rental premises effective May 24, 2024 (p. 63(4)(a)).

Jerry Vanhantsaeme
Rental Officer