

IN THE MATTER between **LIRIC CONSTRUCTION LTD.**, Applicant, and **CRAIG ROSS**, 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, regarding the rental premises at **YELLOWKNIFE, NT.**

BETWEEN:

LIRIC CONSTRUCTION LTD.

Applicant/Landlord

- and -

CRAIG ROSS

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife, in the Northwest Territories this 15th day of August, 2002.

Hal Logsdon
Rental Officer

IN THE MATTER between **LIRIC CONSTRUCTION LTD.**, Applicant, and **CRAIG ROSS**, 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:

LIRIC CONSTRUCTION LTD.

Applicant/Landlord

-and-

CRAIG ROSS

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: August 13, 2002

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Arie Keppel, representing the applicant
Craig Ross, respondent

Date of Decision: August 13, 2002

REASONS FOR DECISION

The applicant alleged that the respondent had repeatedly disturbed other tenants' quiet enjoyment of the rental premises and sought an order terminating the tenancy agreement between the parties.

The rental premises is a room in a boarding house containing 6 other rental premises.

The applicant testified that on the night on June 27, he received a complaint about excessive noise from a party in the residential complex. He stated that he went to the house on the morning of June 28 and discovered the respondent drinking beer with three other persons. The applicant also testified that he had received complaints concerning noise allegedly caused by the respondent on two other occasions, February 22 and March 17, 2002.

The respondent provided a Driver's Log dated June 27/02 and testified that he was driving cab from 6:11 PM to 7:40 AM on June 27-28. He stated that he arrived at the boarding house shortly after his shift was over and found three other persons there. They offered him a beer and he was quietly drinking it when the landlord arrived. The respondent denied causing any disturbance on June 27-28 or on the other dates alleged by the applicant.

The applicant did not have direct knowledge of the alleged incidents nor was there any evidence that the complaining tenant specifically complained about disturbance created by the respondent. It would appear that if the respondent participated in a disturbing party on June 27-28, it was not for any significant period of time. In my opinion, the evidence does not support the allegations of

the applicant. Consequently, the application is dismissed.

Hal Logsdon
Rental Officer