

IN THE MATTER between **YWCA OF YELLOWKNIFE**, Applicant, and **PATRICIA CASSAWAY**, 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:

**YWCA OF YELLOWKNIFE**

Applicant/Landlord

- and -

**PATRICIA CASSAWAY**

Respondent/Tenant

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to section 43(3)(d) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as Apartment 212, 4904 54 Avenue, Yellowknife, NT shall be terminated on April 18, 2003 and the respondent shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 1st day of April, 2003.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **YWCA OF YELLOWKNIFE**, Applicant, and **PATRICIA CASSAWAY**, 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:

**YWCA OF YELLOWKNIFE**

Applicant/Landlord

-and-

**PATRICIA CASSAWAY**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** March 25, 2003

**Place of the Hearing:** Yellowknife, NT

**Appearances at Hearing:** Kate Wilson, representing the applicant  
Trevor Williams, witness for the applicant

**Date of Decision:** April 1, 2003

**REASONS FOR DECISION**

The hearing for this matter was originally scheduled for March 11, 2003 and both parties were served with Notices of Attendance to appear on that date. With both parties in attendance on March 11, 2003 the hearing was adjourned at the request of the applicant to March 25, 2003 at 10:30 AM. The respondent failed to appear when the hearing was continued on March 25, 2003. The hearing was held in her absence.

The applicant sought an order terminating the tenancy agreement on the grounds that the respondent had assaulted the night security person. The applicant served a notice of early termination on the respondent on February 25, 2003 seeking vacant possession on March 7, 2003 for impairment of the landlord's and other tenants' safety and security, pursuant to section 54(1)(f) of the *Residential Tenancies Act*. The respondent failed to vacate the premises.

The residential complex is operated by the YWCA as emergency and transitional housing. The applicant stated that the respondent had been previously provided with emergency housing but had been admitted to the transitional housing program on February 10, 2003 when the parties entered into a written term agreement for three months. The written tenancy agreement between the parties contains, among others, the following provisions concerning guests:

Any guest under the influence of alcohol or drugs will be refused entry to the building by Security. Any guest who breaks the house rules will be asked to leave the building immediately.

You must notify the THP office and register your guests before they arrive. Guests who are not registered will not be allowed in the building.

The applicant alleged that the respondent arrived at the front door of the complex on February 24, 2003 at approximately midnight with a guest. She did not have keys to the front door and had been trying to gain entry to the building by throwing rocks at other apartments. She and her guest appeared intoxicated, particularly her guest. The applicant also alleged that the guest was in possession of a bag of marijuana and indicated that he wanted to come in so he could smoke some. The applicant stated that the security guard refused to permit the unregistered guest to enter and the respondent punched the guard on the left cheek. The applicant stated that the respondent then accused the security guard of assaulting her and entered the building to call the police. On her return she allegedly grabbed her guest and forcibly pushed her way into the building and entered her premises. The applicant called the security guard as a witness who outlined the incident and reviewed his statement to the police. The applicant indicated that the police had charged the respondent with assault.

The applicant also provided a copy of the security camera tape as evidence.

Although the respondent did not appear at the hearing, the applicant provided a copy of a letter addressed to the Executive Director of the YWCA in which she accused the security guard of assaulting her. In the letter she also indicates that the guest was her son and that she should not be expected to permit him to be put on the street just because "we look like we could be drunks".

The tape of the security camera supports the allegations of the applicant. There is no indication on the tape that the security guard assaulted the respondent. The tenancy agreement indicates that the respondent's son, Michael Hodgson is permitted to occupy the premises. The security guard testified that the guest on the night of February 24 was not Michael Hodgson and was not registered with the program.

The transitional housing program offers accommodation and services to women, many of whom have serious concerns about their personal security. In my opinion, the rules established by the landlord with regard to guests are reasonable for this type of tenancy and serve to protect tenants at risk. Knowing that the respondent's guest was not registered, not the son of the respondent listed on the tenancy agreement and intoxicated, the security guard was justified in prohibiting his entry to the building. The forceful entry by the respondent and resulting assault on the security guard is a serious breach of the Act.

Assault is a serious matter. Arguments with security resulting in physical attack should not be tolerated. In my opinion, it is sufficient grounds to terminate the tenancy agreement. An order shall be issued terminating the tenancy agreement between the parties on April 18, 2003. The respondent shall vacate the premises on that date.

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Hal Logsdon  
Rental Officer