

IN THE MATTER between **809656 ALBERTA LTD.**, Applicant, and **JOEY BLANDFORD**, 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:

**809656 ALBERTA LTD.**

Applicant/Landlord

- and -

**JOEY BLANDFORD**

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 rental premises known as Apartment #413, 5600-56 Avenue, Yellowknife, NT shall be terminated on April 30, 2003 and the respondent shall vacate the rental premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 9th day of April, 2003.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **809656 ALBERTA LTD.**, Applicant, and **JOEY BLANDFORD**, 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:

**809656 ALBERTA LTD.**

Applicant/Landlord

-and-

**JOEY BLANDFORD**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** April 8, 2003

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

**Appearances at Hearing:** Trena Scott, representing the applicant

**Date of Decision:** April 8, 2003

**REASONS FOR DECISION**

The respondent was served with a Notice of Attendance on March 22, 2003 but failed to appear at the hearing. The hearing was held in his absence.

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

The tenancy agreement between the parties commenced on November 1, 2002. The applicant testified that there had been persistent disturbances since that time and provided numerous incident reports by security personnel. The applicant also provided three letters of complaint from tenants in the residential complex. Notices have been served on the respondent seeking compliance with the obligation to not disturb. Apparently, the notices have had little or no effect as there does not appear to be any abatement of the disturbing activity.

The evidence indicates that the disturbances are frequent and have disturbed other tenants in the complex. The respondent has been made aware of the disturbances by both the security staff and management but appears to have ignored the requests to comply with his obligation. On several occasions the security staff has been called to the respondent's premises several times on the same evening to respond to noise.

In my opinion, there are sufficient grounds to terminate the tenancy agreement between the

parties. Termination appears to be the only remaining remedy which will provide other tenants and the landlord with the quiet environment they are entitled to.

The applicant suggested that the tenancy agreement be terminated on April 30, 2003. In my opinion that is an appropriate date. An order shall be issued terminating the tenancy agreement between the parties on April 30, 2003 and requiring the respondent to vacate the premises on that date.

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Hal Logsdon  
Rental Officer