

IN THE MATTER between **809656 ALBERTA LTD.**, Applicant, and **MICHAEL FRASER**, 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 -

MICHAEL FRASER

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 43(3)(b) of the *Residential Tenancies Act*, the respondent shall not disturb other tenants in the residential complex in the future.

DATED at the City of Yellowknife, in the Northwest Territories this 20th day of May, 2003.

Hal Logsdon
Rental Officer

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Applicant/Landlord

-and-

MICHAEL FRASER

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: May 13, 2003

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Trena Scott, representing the applicant

Date of Decision: May 13, 2003

REASONS FOR DECISION

The respondent was served with a Notice of Attendance on May 2, 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 tenants' quiet enjoyment of the residential premises. The applicant noted that the disturbances had abated since the application was filed and withdrew the request for termination of the tenancy, seeking only an order requiring the respondent to not disturb other tenants in the future.

The applicant served eight notices on the respondent since January, 2002, outlining alleged incidents of disturbance. The applicant also provided a letter from another tenant which complained of noise from the respondent's apartment.

I find that the respondent has breached the tenancy agreement by disturbing other tenants. An order shall be issued prohibiting the respondent from disturbing other tenants in the future.

Should the disturbances continue, the applicant may file a future application seeking termination of the tenancy.

Hal Logsdon
Rental Officer