

IN THE MATTER between **MIDWEST PROPERTY MANAGEMENT**, Applicant,
and **BILLY ERONCHI AND MICHAEL MANTLA**, Respondents;

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:

MIDWEST PROPERTY MANAGEMENT

Applicant/Landlord

- and -

BILLY ERONCHI AND MICHAEL MANTLA

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 43(3)(a) of the *Residential Tenancies Act*, the respondents shall comply with their obligation to not disturb other tenants' quiet enjoyment of the rental premises.

DATED at the City of Yellowknife, in the Northwest Territories this 26th day of
September, 2003.

Hal Logsdon
Rental Officer

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and **BILLY ERONCHI AND MICHAEL MANTLA**, Respondents.

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BETWEEN:

MIDWEST PROPERTY MANAGEMENT

Applicant/Landlord

-and-

BILLY ERONCHI AND MICHAEL MANTLA

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: September 24, 2003

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Wanda O'Keefe, representing the applicant
Kate Tymstra, representing the respondent

Date of Decision: September 24, 2003

REASONS FOR DECISION

The applicant alleged that the respondent had disturbed and endangered other tenants in the residential complex and sought an order terminating the tenancy agreement between the parties.

The applicant described an incident which occurred on August 17, 2003. The respondent, Billy Eronchi sought assistance from the YWCA resident worker in removing a person from his apartment. The guest threatened the worker, stating that he had a concealed weapon and the worker called the police for assistance. Following the arrival of the police, a hunt for the man ensued, creating considerable disturbance to other tenants as well as concern for their own safety and security. No one was injured in the incident nor was any weapon recovered.

The applicant also stated that there had been other incidents of undesirable persons being permitted in the building by the respondent although there was no specific evidence provided to indicate that disturbance had occurred or that the persons were permitted in the building by the respondent.

The premises are now occupied only by Billy Eronchi. His former roommate, Mr. Mantla, has vacated the premises. Mr. Eronchi is receiving care through the YWCA who maintains an office and 24 hour staffing in the residential complex. Mr. Eronchi suffers with schizophrenia. Mr. Eronchi's representative stated that the person who created the disturbance was not a regular acquaintance of the respondent. She stated that the respondent often has difficulty refusing

requests and that the person probably just followed the respondent home. She stated that the YWCA was working more diligently with the respondent to assist him in setting boundaries and that some of the previous incidents may have been caused by friends of Mr. Mantla who is no longer a resident.

In my opinion, this incident does not warrant termination of the tenancy agreement. There is no doubt that the arrival of the police looking for armed man caused some concern among other tenants but there is no evidence that the person had a weapon or that the guest was a genuine danger to anyone. The respondent clearly did not want the person in his premises and asked for assistance. Hopefully the respondent, with the assistance of the YWCA, will be more diligent about who they permit into the premises. If disturbances continue, termination is the only remaining remedy.

An order shall issue requiring the respondent to comply with his obligation to not disturb other tenants in the residential complex.

Hal Logsdon
Rental Officer