

IN THE MATTER between **809656 ALBERTA LTD.**, Applicant, and **EVA APSIMIK AND WILLIAM APSIMIK**, 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:

809656 ALBERTA LTD.

Applicant/Landlord

- and -

EVA APSIMIK AND WILLIAM APSIMIK

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife, in the Northwest Territories this 5th day of May, 2004.

Hal Logsdon
Rental Officer

IN THE MATTER between **809656 ALBERTA LTD.**, Applicant, and **EVA APSIMIK AND WILLIAM APSIMIK**, Respondents.

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter R-5 (the "Act");

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BETWEEN:

809656 ALBERTA LTD.

Applicant/Landlord

-and-

EVA APSIMIK AND WILLIAM APSIMIK

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: May 4, 2004

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Trena Scott, representing the applicant
William Apsimik, respondent
Eva Apsimik, respondent
Arlene Hache, representing the respondents
Christine Champagne, representing the respondents

Date of Decision: May 4, 2004

REASONS FOR DECISION

The applicant alleged that the respondent had repeatedly disturbed other tenants' quiet enjoyment of the premises and residential complex. The applicant stated that the alleged disturbances had ceased since the application was filed. The applicant withdrew the request for an order terminating the tenancy agreement and sought an order prohibiting the respondents from creating any further disturbance.

The applicant provided incident reports and warning letters outlining alleged incidents between January 31, 2004 and April 10, 2004.

The respondents testified that the incidents may have involved their granddaughter. The respondents stated that their granddaughter had moved back to Inuvik to attend school. They testified that for much of the period during which the disturbances were occurring, the granddaughter was not living with them nor did they permit her in their rental premises or the residential complex. They stated that the granddaughter had other relatives living in the complex as well as other friends who let her into the building.

In my opinion, there is not sufficient evidence to conclude that the respondents permitted the granddaughter entry to the complex when the incidents of disturbance occurred. The problem appears to have been resolved and I see no need for the issuance of any order. The application is dismissed.

Hal Logsdon
Rental Officer