

IN THE MATTER between **HAY RIVER HOUSING AUTHORITY**, Applicant, and **JOHN HARRINGTON**, 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 **HAY RIVER, NT**.

BETWEEN:

HAY RIVER HOUSING AUTHORITY

Applicant/Landlord

- and -

JOHN HARRINGTON

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 206, 46 Woodland Drive, Hay River, NT shall be terminated on September 15, 2004 and the respondent shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 3rd day of September, 2004.

Hal Logsdon
Rental Officer

IN THE MATTER between **HAY RIVER HOUSING AUTHORITY**, Applicant, and **JOHN HARRINGTON**, 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:

HAY RIVER HOUSING AUTHORITY

Applicant/Landlord

-and-

JOHN HARRINGTON

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: September 2, 2004

Place of the Hearing: Hay River, NT via teleconference

Appearances at Hearing: Rose Brown, representing the applicant

Date of Decision: September 2, 2004

REASONS FOR DECISION

The respondent was served with a Notice of Attendance on August 18, 2004 but failed to appear at the hearing. The hearing was held in his absence.

The applicant alleged that the respondent had breached the tenancy agreement by repeatedly disturbing other tenants' quiet enjoyment of the rental premises. The applicant served a notice of early termination on the respondent seeking vacant possession on August 9, 2004. The respondent remains in possession of the premises. The applicant sought an order terminating the tenancy agreement between the parties.

The applicant provided numerous notices to the tenant, and notes to file outlining incidents of disturbance from May, 2003 to present. There is no indication that the disturbances have abated. The most recent incidents occurred on August 27 and 30, 2004. In my opinion, the respondent has been given sufficient notice to cease the objectionable behaviour and has ignored the notices. There does not appear to be any effective remedy available other than termination of the tenancy agreement.

I find the respondent in breach of his obligation to not disturb other tenants. In my opinion there are sufficient grounds to terminate the tenancy. An order shall issue terminating the tenancy agreement on September 15, 2004 and requiring the respondent to vacate the premises on that date.

Hal Logsdon
Rental Officer