

IN THE MATTER between **NORTHERN PROPERTY REIT**, Applicant, and
DARRIN GOSSE, 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:

NORTHERN PROPERTY REIT

Applicant/Landlord

- and -

DARRIN GOSSE

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

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

DATED at the City of Yellowknife, in the Northwest Territories this 21st day of October,
2004.

Hal Logsdon
Rental Officer

IN THE MATTER between **NORTHERN PROPERTY REIT**, Applicant, and
DARRIN GOSSE, 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:

NORTHERN PROPERTY REIT

Applicant/Landlord

-and-

DARRIN GOSSE

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: October 14, 2004

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Lucy Gillard, representing the applicant
Joanne Koyina, representing the applicant
Darrin Gosse, respondent

Date of Decision: October 14, 2004

REASONS FOR DECISION

The application was made against joint tenants Darrin Gosse and Stephen Jones. At the hearing, Mr. Gosse indicated that Stephen Jones no longer occupied the premises, having moved out in August, 2003. The tenancy agreement has not been amended. As it is apparent that Mr. Jones no longer resides with Mr. Gosse, I can not consider Mr. Jones to have been substitutionally served with the application or notice to appear. The style of cause of the order shall be amended show Mr. Gosse as sole respondent.

The applicant alleged that the respondent had breached the tenancy agreement by disturbing other tenants' quiet enjoyment of the rental premises and sought an order terminating the tenancy agreement between the parties. The applicant provided copies of three security reports outlining incidents of disturbance between July 4 and August 12, 2004. The applicant also sent a notice to the tenant outlining another incident on September 18, 2004 and served a notice of early termination on September 22, 2004 seeking vacant possession of the premises on October 1, 2004. The respondent failed to vacate the premises.

The respondent did not dispute the allegations and acknowledged that two of the incidents were parties. He stated that the other incidents were due to himself and co-workers getting together after work. The respondent stated that he had shared the apartment with a succession of roommates but now shared the apartment with only his girlfriend.

The applicant acknowledged that there had not been any incidents reported since September 18, 2004 and that the landlord would be willing to permit the tenancy agreement to continue provided there were no more disturbances.

I find the respondent in breach of his obligation to not disturb other tenants. An order shall issue requiring the respondent to comply with his obligation and not disturb other tenants in the future.

Hal Logsdon
Rental Officer