

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **KELLY MCALLISTER**, 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:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

- and -

KELLY MCALLISTER

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 324, 5603-51A Avenue, Yellowknife, NT shall be terminated on January 27, 2006 and the respondent shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 17th day of January,
2006.

Hal Logsdon
Rental Officer

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **KELLY MCALLISTER**, 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:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

-and-

KELLY MCALLISTER

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: January 17, 2006

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Mary George, representing the applicant
Kelly McAllister, respondent

Date of Decision: January 17, 2006

REASONS FOR DECISION

The applicant alleged that the respondent had repeatedly disturbed other tenants' quiet enjoyment of the rental premises and sought an order terminating the tenancy agreement between the parties. The premises are subsidized public housing contained in an apartment building.

The applicant provided copies of complaints received from the security staff and other tenants outlining ten incidents of disturbance between November 5, 2005 and January 16, 2006. Most of the incidents involve screaming and fighting in the premises. On two occasions the police attended the premises.

The respondent stated that while some of the incidents were her fault, many of them were not. She testified that she had stayed with her mother from December 25 to January 03 and that her apartment had been broken into during that period of time.

The incidents are clearly disturbing to other tenants. The respondents testimony concerning her absence during the Christmas holidays is not consistent with a complaint from another tenant, which stated that the respondent was yelling and hitting the door on December 30. Even discounting any reported disturbances which occurred during the Christmas period, there remain seven reported incidents.

On many of the reported occasions of disturbance, the tenant was warned by the security staff.

The applicant has also warned the respondent. The applicant also served a notice of early termination requesting vacant possession due to repeated disturbances. Despite these efforts by the landlord to curtail the respondent's disturbing behaviour, the respondent has continued to disturb other tenants. In my opinion, there is no remaining remedy, other than the termination of the tenancy agreement, to ensure other tenants are not disturbed in the future.

I find the respondent in breach of her obligation to not disturb other tenants in the residential complex. In my opinion, there are sufficient grounds to terminate the tenancy agreement. An order shall issue terminating the agreement on January 27, 2006. The respondent shall vacate the premises on that date.

Hal Logsdon
Rental Officer