

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **MARGARET DOOK AND CHRIS BOURKE**, 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:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

- and -

MARGARET DOOK AND CHRIS BOURKE

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 43(3)(b) of the *Residential Tenancies Act*, the respondents shall not disturb other tenants in the residential complex again.

DATED at the City of Yellowknife, in the Northwest Territories this 19th day of
February, 2007.

Rental Officer

Hal Logsdon

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **MARGARET DOOK AND CHRIS BOURKE**, 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.

BETWEEN:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

-and-

MARGARET DOOK AND CHRIS BOURKE

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: February 6, 2007

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Julie Forget, representing the applicant
Chris Bourke, respondent
Margaret Dook, respondent
John Lemouel, representing the respondents

Date of Decision: February 6, 2007

REASONS FOR DECISION

The applicant alleged that the respondents had disturbed other tenants in the residential complex and sought an order requiring the respondents to not create disturbances in the future. The applicant withdrew the request, contained in the application, for an order terminating the tenancy agreement.

The applicant provided ten written complaints regarding drum playing between November 26, 2006 and January 19, 2007. The applicant also provided a notice to the respondents dated November 9, 2006 outlining complaints that had been received regarding the drum playing.

The respondents acknowledged that their son played drums in the premises but stated that he did not play late at night and stopped if a complaint was received. The respondents also complained that their neighbour disturbed their quiet enjoyment.

I am satisfied from the evidence that some disturbance has occurred and that the respondents have breached their obligation to not disturb other tenants. The drums are a noisy instrument and do not necessary have to be played late at night to create a disturbance.

An order shall issue requiring the respondents to not disturb other tenants in the residential complex again.

Hal Logsdon
Rental Officer