

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **JANET NASKATHEY**, 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 -

JANET NASKATHEY

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 43(3)(a) and 43(3)(b) of the *Residential Tenancies Act*, the respondent shall comply with her obligation to not disturb other tenants in the residential complex and shall not create any disturbances in the future.

DATED at the City of Yellowknife, in the Northwest Territories this 28th day of May,
2008.

Hal Logsdon
Rental Officer

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **JANET NASKATHEY**, Respondent.

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter
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AND IN THE MATTER of a Hearing before **Hal Logsdon**, Rental Officer.

BETWEEN:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

-and-

JANET NASKATHEY

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: May 20, 2008

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Julie Forget, representing the applicant

Date of Decision: May 20, 2008

REASONS FOR DECISION

This matter was originally set for hearing on April 29, 2008 but was not heard as the respondent could not be personally served and did not pick up the registered mail notice which was sent to her. The application was served on the respondent by registered mail and was confirmed delivered. The matter was re-scheduled for hearing on May 20, 2008 and a Notice was sent by registered mail to the rental premises. There was no confirmation of delivery received and attempts to personally serve the respondent were again unsuccessful. The applicant stated that the tenant was still in possession of the rental premises. It appears that the respondent is avoiding service and in my opinion, it is appropriate to deem the Notice of Attendance served pursuant to section 71(2) of the *Residential Tenancies Act*.

71.(2) A notice, process or document sent by registered mail shall be deemed to have been served on the 7th day after the date of mailing.

The matter was heard in the absence of the respondent.

The applicant alleged that the respondent had breached the tenancy agreement by repeatedly disturbing other tenants in the residential complex. The applicant withdrew their request for an order terminating the tenancy agreement and sought an order requiring the respondent to comply with her obligation to not disturb other tenants and to not create any

disturbances in the future.

The applicant provided a written complaint of noise from another tenant dated February 19, 2008 and a written security report dated March 12, 2008 outlining a disturbance. A notice of early termination was served on the respondent on March 19, 2008 seeking vacant possession on April 1, 2008. The respondent has remained in possession of the premises.

I find the respondent in breach of her obligation to not disturb other tenants. An order shall issue requiring the respondent to comply with her obligation to not disturb other tenants in the residential complex and to not create any disturbances in the future.

Hal Logsdon
Rental Officer
