

IN THE MATTER between **NORTHERN PROPERTY LIMITED PARTNERSHIP**,
Applicant, and **WINNIE KAVANNA AND IVY KAVANNA**, 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:

NORTHERN PROPERTY LIMITED PARTNERSHIP

Applicant/Landlord

- and -

WINNIE KAVANNA AND IVY KAVANNA

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

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

DATED at the City of Yellowknife, in the Northwest Territories this 1st day of May,
2008.

Hal Logsdon
Rental Officer

IN THE MATTER between **NORTHERN PROPERTY LIMITED PARTNERSHIP**,
Applicant, and **WINNIE KAVANNA AND IVY KAVANNA**, 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:

NORTHERN PROPERTY LIMITED PARTNERSHIP

Applicant/Landlord

-and-

WINNIE KAVANNA AND IVY KAVANNA

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: April 29, 2008

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Julia O'Brien, representing the applicant
Ivy Kavanna, respondent

Date of Decision: April 29, 2008

REASONS FOR DECISION

The applicant alleged that the respondents had breached the tenancy agreement by repeatedly disturbing other tenants in the residential complex. The applicant served a notice of early termination on the respondent on March 20, 2008 seeking vacant possession of the premises on March 31, 2008. The respondents have not vacated the premises. The applicant sought an order terminating the tenancy agreement.

The applicant provided notices and incident reports outlining three incidents of disturbance between April 12, 2007 and March 19, 2008. The alleged incidents involve shouting and fighting in the hallways.

The respondent stated that her brother had been living with her. She stated that the disturbances were caused by her brother and his friends. The respondent noted that one disturbance (March 19) was of a very short duration and occurred when she was escorting her brother and friends to the front door as she did not want them in the premises. She stated that the disturbance was of a short duration, no more than five minutes. The respondent stated that she had given notice to her brother that he must find his own apartment and he was in the process of applying for his own accommodation. She also stated that his friends were not welcome in her apartment. The applicant acknowledged that no incidents had occurred since March 19, 2008.

The evidence suggests that the respondents have taken measures to deal with the disturbances. In

my opinion, the tenancy should continue provided there are no further incidents. The incidents all appear to be related to the behaviour of the respondent's brother and his friends. Although she is responsible for the disturbance when she permits them to enter the premises or the residential complex she appears to have taken positive steps to prevent further occurrences.

The applicant's request for an order to terminate the tenancy agreement is denied. An order shall issue requiring the respondents to comply with their obligation to not disturb other tenants and to not create any disturbance in the future. Should there be further disturbance, the applicant may file another application seeking termination of the tenancy agreement.

Hal Logsdon
Rental Officer
