

IN THE MATTER between **MARTHA SHOLLENBURG**, Applicant, and **DAVID HARE AND CAROLINE JANE HARE**, 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:

MARTHA SHOLLENBURG

Applicant/Tenant

- and -

DAVID HARE AND CAROLINE JANE HARE

Respondents/Landlords

ORDER

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife, in the Northwest Territories this 10th day of July, 2008.

Hal Logsdon
Rental Officer

IN THE MATTER between **MARTHA SHOLLENBURG**, Applicant, and **DAVID HARE AND CAROLINE JANE HARE**, 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:

MARTHA SHOLLENBURG

Applicant/Tenant

-and-

DAVID HARE AND CAROLINE JANE HARE

Respondents/Landlords

REASONS FOR DECISION

<u>Date of the Hearing:</u>	July 2, 2008
<u>Place of the Hearing:</u>	Yellowknife, NT
<u>Appearances at Hearing:</u>	Martha Shollenburg, applicant David Hare, respondent
<u>Date of Decision:</u>	July 2, 2008

REASONS FOR DECISION

The applicant alleged that the respondents had breached the tenancy agreement by disturbing her quiet enjoyment of the premises and sought an order requiring the respondents to comply with their obligation to not disturb her quiet enjoyment of the premises in the future.

The applicant provided a lengthy description of the times the respondents had harassed her concerning vehicle parking, garage space, a mailbox, incompetent information, late night telephone calls and bringing dogs into her premises.

The respondent stated that he intended to rebut the allegations with documents which he brought to the hearing which were contained in a thick folder.

It should be noted that the relationship between the parties deteriorated when the respondents bought the house in which the respondent's premises are located and filed an application to a rental officer in order to deny the respondent the future use of the garage and parking space. Both parties agreed that the relationship had improved considerably since the landlord's application was dismissed, confirming the right of the tenant to use half of the garage and a parking space.

It is evident to me from the evidence provided by the applicant that the tension between the parties was not entirely due to the actions of the respondents. The applicant's reaction to the new landlords is, in my opinion largely unjustified and the gravity of the applicant's allegations is exaggerated. Particularly given that the parties appear to have resolved the issues that have caused this

application to be made I see no need to consider the volume of material the respondents are prepared to offer in their defence. The gravity of the allegations does not, in my opinion, warrant the lengthy review of such evidence. Therefore the application shall be dismissed.

There is one issue that appears to be outstanding. The applicant is concerned about the allocation of electrical costs. The respondent expressed his willingness to review this matter with the applicant in anticipation of arriving at a mutually agreeable solution. I encourage the parties to do so but invite the applicant to file another application if the matter can not be amicably resolved between the parties.

Hal Logsdon
Rental Officer
