

IN THE MATTER between **NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST**, Applicant, and **BONITA BOHNET**, 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:

NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST

Applicant/Landlord

- and -

BONITA BOHNET

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 to not create any disturbances in the future.

DATED at the City of Yellowknife, in the Northwest Territories this 9th day of July, 2008.

Hal Logsdon
Rental Officer

IN THE MATTER between **NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST**, Applicant, and **BONITA BOHNET**, 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:

NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST

Applicant/Landlord

-and-

BONITA BOHNET

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: July 2, 2008

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Julia O'Brien, representing the applicant
Michelle Loyer, representing the applicant

Date of Decision: July 9, 2008

REASONS FOR DECISION

The respondent was personally served with a Notice of Attendance on June 23, 2008. The respondent failed to appear at the hearing and the hearing was held in her absence.

The applicant alleged that the respondent has repeatedly disturbed other tenants in the residential complex and sought an order terminating the tenancy agreement between the parties.

The applicant served a notice of early termination on the respondent on June 5, 2008 seeking vacant possession of the premises on June 15, 2008 alleging disturbance of other tenants and seriously impairing the safety of the landlord and other tenants. There was no other evidence submitted with the application that provided any details of the alleged disturbances or what actions or omissions of the respondent caused any impairment of safety. Only a tenancy agreement and a rent statement, were filed with the application.

At the hearing the applicant testified that on repeated occasions, other tenants had complained about the volume of traffic coming and going from the respondent's apartment at all hours of the day and night. There were no specific dates indicated or any indication as to the severity or frequency of the alleged incidents. There was no evidence to suggest that the respondent had been made aware of the alleged disturbances through written notices, other than the early termination notice.

I would expect an application alleging repeated disturbance to contain some evidence of when the disturbances occurred (both date and time), the nature and severity of the disturbances and what action was taken by the landlord. It is difficult for a tenant to respond to allegations of this sort, when so few specifics are provided. Even when a respondent fails to appear to offer any defence, a rental officer must be satisfied not only that a breach occurred but that the remedy chosen is the most appropriate one for the circumstances. Without evidence as to the number of disturbances, dates and times, nature of the disturbance and action taken, it is not possible to choose the correct remedy.

While I am satisfied from the testimony of the applicant that some disturbances have occurred, I can not determine to what extent they warrant the termination of the tenancy agreement.

Therefore, the applicant's request to terminate the tenancy agreement is denied. I find the respondent in breach of her obligation to not disturb other tenants and shall issue an order requiring the respondent to comply with her obligation to not disturb other tenants and to not create any disturbances in the future.

Hal Logsdon
Rental Officer
