

IN THE MATTER between **TULITA HOUSING ASSOCIATION**, Applicant, and
TERRY BAVARD, 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 **TULITA, NT**.

BETWEEN:

TULITA HOUSING ASSOCIATION

Applicant/Landlord

- and -

TERRY BAVARD

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondent shall pay the applicant rent arrears in the amount of four thousand seventy seven dollars (\$4077.00).
2. 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 and shall not create any disturbances in the future.
3. Pursuant to sections 41(4)(c) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as Unit 0040, Tulita, NT shall be terminated on November 21, 2008 and the respondent shall vacate the premises on that

date unless the rent arrears in the amount of four thousand seventy seven dollars (\$4077.00) are paid in full.

DATED at the City of Yellowknife, in the Northwest Territories this 30th day of October, 2008.

Hal Logsdon
Rental Officer

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TERRY BAVARD, 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:

TULITA HOUSING ASSOCIATION

Applicant/Landlord

-and-

TERRY BAVARD

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: **October 28, 2008**

Place of the Hearing: **Tulita, NT via teleconference**

Appearances at Hearing: **Helen Squirrel, representing the applicant**

Date of Decision: **October 30, 2008**

REASONS FOR DECISION

The respondent was served with a Notice of Attendance sent by registered mail and confirmed delivered. The respondent failed to appear at the hearing and the hearing was held in her absence.

The applicant alleged that the respondent had breached the tenancy agreement by failing to pay rent and by disturbing other tenants. The applicant sought an order requiring the respondent to pay the alleged rent arrears and terminating the tenancy agreement. The premises are subsidized public housing

The applicant provided a copy of the tenant ledger in evidence which indicated a balance of rent owing in the amount of \$4077.

The applicant provided copies of notices served on the respondent outlining incidents of disturbance. A total of six notices were served from April 2005 to present. The notices outline loud parties at the premises with young people yelling and shouting. All of the notices except one, dated May 13, 2008 were served over a year ago. The applicant stated that since the last notice was served, there had not been any further complaints of disturbance.

I am satisfied from the evidence that repeated incidents of disturbance have occurred but they seem to have abated since the last notice was served. In my opinion, the tenancy should be permitted to continue provided there are no further disturbances in the future.

In the matter of the rent arrears, I find the ledger in order and find the respondent in breach of her obligation to pay rent. I find the rent arrears to be \$4077. In my opinion, there are sufficient grounds to terminate the tenancy agreement unless the rent arrears are paid.

An order shall issue requiring the respondent to pay the applicant rent arrears in the amount of \$4077 and requiring the respondent to comply with her obligation to not disturb other tenants and to not create any disturbances in the future. The tenancy shall be terminated by order on November 21, 2008 unless the rent arrears of \$4077 are paid in full.

Hal Logsdon
Rental Officer