

IN THE MATTER between **FORT MCPHERSON HOUSING ASSOCIATION**,
Applicant, and **RENA KOE**, 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 **FORT MCPHERSON, NT**.

BETWEEN:

FORT MCPHERSON HOUSING ASSOCIATION

Applicant/Landlord

- and -

RENA KOE

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 43(3)(d) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as 0152 Harriet Stewart Avenue, Fort McPherson, NT shall be terminated on November 30, 2008 and the respondent shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 7th day of
November, 2008.

Hal Logsdon
Rental Officer

IN THE MATTER between **FORT MCPHERSON HOUSING ASSOCIATION**,
Applicant, and **RENA KOE**, 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:

FORT MCPHERSON HOUSING ASSOCIATION

Applicant/Landlord

-and-

RENA KOE

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: November 6, 2008

Place of the Hearing: Fort McPherson, NT via teleconference

Appearances at Hearing: Shirley Wilson, representing the applicant
Eleanor Mitchell-Firth, representing the applicant
Rena Koe, respondent
William Koe, representing the respondent

Date of Decision: November 7, 2008

REASONS FOR DECISION

The applicant alleged that the respondent had breached the tenancy agreement by repeatedly disturbing other tenants. The respondent sought an order terminating the tenancy agreement between the parties. The premises are subsidized public housing.

The applicant stated that the respondent had caused a disturbances on three occasions between August, 2007 and July 2008. On each of those occasions, the respondent was served with a notice advising her of the disturbances and warning her of the possible consequences. The applicant provided the notices in evidence as well as notes outlining the nature of each disturbance, who reported it, the date, and the action taken by the landlord. The disturbances involved loud parties with fighting and drinking during the day and night.

On September 2, 2008 the applicant served a notice of early termination on the respondent seeking vacant possession of the premises on September 12, 2008. The respondent did not vacate the premises. The application to a rental officer was filed on September 10, 2008.

The respondent appealed to the Board of Directors of the Housing Association at their regular meeting on September 8, 2008. Her father, William Koe also attended the meeting and spoke in support of the respondent. The Board of Directors decided that the respondent should be given another chance and agreed to put the termination notice on hold provided the respondent did not disturb again. The applicant requested that the rental officer not immediately schedule the matter

for hearing.

The applicant testified that another incident of disturbance occurred on October 4-5, 2008 involving loud music and people in and out of the premises all day and night. A file note outlining the incident was provided in evidence. The applicant notified the rental officer that they wished the application to be heard.

The respondent stated that other tenants also created disturbances and noted that in all of the reported incidents, the same tenant had filed the complaint. Both the respondent and her representative argued that the person who filed the complaints was harassing the respondent and possibly exaggerating the magnitude of the disturbance. The respondent's representative noted that the respondent was a young person and that youth should be given a chance to rectify their behaviour.

The applicant disagreed that the person who filed the complaints had harassed the respondent and described him as an elder in the community who had suffered some health problems and needed rest at night. The applicant stated that the complainant did not have a history of complaining about his neighbours.

I can not conclude from the evidence that the complaining neighbour is exaggerating the disturbances or harassing the respondent. Although he has filed all the complaints, complaints from two other neighbours (not tenants) lend credence to his charges. I am satisfied that the

disturbances occurred and that they were severe enough to disturb other tenants. I am also satisfied that the respondent has been given ample opportunity to remedy this problem. She has been repeatedly warned and advised of the possible consequences of continued disturbance. The Board of Directors gave her a reprieve from termination on the condition that she not continue the offensive behaviour. The evidence suggests that the respondent has made little effort to curtail the disturbances that occur at her premises and I do not think giving her yet another chance would bring about the relief that her neighbours deserve.

I find the respondent in breach of her obligation to not disturb other tenants. In my opinion, there are sufficient grounds to terminate the tenancy agreement. An order shall issue terminating the tenancy agreement on November 30, 2008.

The parties were informed at the conclusion of the hearing that the decision on this matter would be served on both parties by registered mail.

Hal Logsdon
Rental Officer