

IN THE MATTER between **G.B.H. HOLDINGS LTD.**, Applicant, and **PETE SMITH AND CLARA ELIAS**, 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 **INUVIK, NT.**

BETWEEN:

G.B.H. HOLDINGS LTD.

Applicant/Landlord

- and -

PETE SMITH AND CLARA ELIAS

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 disturbances in the future.

DATED at the City of Yellowknife, in the Northwest Territories this 14th day of August, 2009.

Hal Logsdon
Rental Officer

IN THE MATTER between **G.B.H. HOLDINGS LTD.**, Applicant, and **PETE SMITH AND CLARA ELIAS**, 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:

G.B.H. HOLDINGS LTD.

Applicant/Landlord

-and-

PETE SMITH AND CLARA ELIAS

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: August 11, 2009

Place of the Hearing: Inuvik, NT

Appearances at Hearing: Lois Kathrens, representing the applicant
Pete Smith, respondent
Clara Elias, respondent

Date of Decision: August 14, 2009

REASONS FOR DECISION

The applicant alleged that the respondents had breached the tenancy agreement by disturbing other tenants in the residential complex. The applicant sought an order terminating the tenancy agreement between the parties.

On June 20, 2009, the applicant served a notice of early termination on the respondents seeking vacant possession of the premises on July 8, 2009 due to disturbance. The applicant served another notice of early termination on July 11, 2009 seeking vacant possession on July 21, 2009 due to disturbance. The application to a rental officer was filed on July 17, 2009. The respondents have remained in possession.

The applicant alleged that since the tenancy agreement commenced on April 1, 2009 the respondents have created disturbances by constant fighting and yelling at all hours of the day and night. The applicant provided letters from two other tenants in the residential complex complaining of disturbances caused by the respondents. There were no specific dates of disturbances referenced in either letter except one reference to "the weekend of June 25, 2009".

The respondents denied causing constant disturbances but did acknowledge one incident in July involving a violent confrontation with Ms Elias' teenage son who was living with them at the time. The respondents stated that the son was no longer living with them because the landlord had banned him from entering the building. The applicant acknowledged that there had not been

any incidents of disturbance since the application had been filed.

The evidence suggests that the objectionable disturbances have been related to the son's behaviour. The respondents are nevertheless responsible for those disturbances as they permitted him in the premises. I note that there is no provision in the tenancy agreement preventing the son from occupying the premises and, in my opinion, the landlord has no legal right to prevent him from entering the respondents' premises if they wish to permit his entry. However any disturbance caused by him, if permitted in the building by the respondents, is deemed to be their disturbance.

Given the recent abatement of the disturbances, in my opinion, this tenancy agreement should be permitted to continue provided there are no further disturbances in the future. 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 further disturbances continue the applicant may file another application seeking termination of the tenancy agreement.

Hal Logsdon
Rental Officer