

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **AHMED ALI**, 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:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

- and -

AHMED ALI

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 43(3)(b) of the *Residential Tenancies Act*, the respondent shall not create any disturbance or other situation which presents a danger to other tenants in the residential complex again.

DATED at the City of Yellowknife, in the Northwest Territories this 12th day of January,
2010.

Hal Logsdon
Rental Officer

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BETWEEN:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

-and-

AHMED ALI

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: January 6, 2010

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Jim White, representing the applicant
Ahmed Ali, respondent
Abdul Kader, representing the respondent

Date of Decision: January 6, 2010

REASONS FOR DECISION

The facts of this matter are not in dispute. The respondent is a tenant in a 16 unit seniors complex. On November 22, 2009 the resident caretaker heard the smoke alarm from the respondent's apartment and entered the premises. The room was full of smoke and as the caretaker entered, a roll of toilet paper on the kitchen table which was holding a burning stick of incense caught fire. The respondent was not in the building. The fire was extinguished and the apartment cleared of smoke.

The applicant served a Notice of Early Termination on the respondent pursuant to section 54(1)(f) of the *Residential Tenancies Act* asking the tenant to vacate the premises no later than December 7, 2009.

The applicant stated at the hearing that since the application was made, the respondent had expressed his genuine regret about causing the fire. The applicant stated that he felt an order requiring the respondent to not engage in any activity that may endanger other tenants in the future would be a more appropriate remedy and withdrew the request for an order terminating the tenancy.

The respondent again expressed his sincere regret for the incident and acknowledged that it was caused by his carelessness and assured the landlord that he would take care not to do anything in the future that may cause a dangerous situation. I believe the respondent understands completely

the tragic potential of his carelessness and hope he will take the utmost care to avoid any similar incident.

Section 54 of the Act only provides for the remedy of termination but in my opinion the remedies under section 43 are sufficient to serve the same purpose.

An order shall issue requiring the respondent to not create any disturbance or situation which presents a danger to other tenants in the residential complex again.

Hal Logsdon
Rental Officer