

IN THE MATTER between **FORT PROVIDENCE HOUSING ASSOCIATION**,
Applicant, and **VERONICA GARGAN AND STEVE OLIVIER** , 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 **FORT PROVIDENCE, NT.**

BETWEEN:

FORT PROVIDENCE HOUSING ASSOCIATION

Applicant/Landlord

- and -

VERONICA GARGAN AND STEVE OLIVIER

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 43(3)(a) and 43(3)(b) of the *Residential Tenancies Act*, the respondent Veronica Gargan shall comply with her obligation to not disturb other tenants in the residential complex and shall not create any disturbance in the future.

DATED at the City of Yellowknife, in the Northwest Territories this 20th day of May,
2010.

Hal Logsdon
Rental Officer

IN THE MATTER between **FORT PROVIDENCE HOUSING ASSOCIATION**,
Applicant, and **VERONICA GARGAN AND STEVE OLIVIER** , 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:

FORT PROVIDENCE HOUSING ASSOCIATION

Applicant/Landlord

-and-

VERONICA GARGAN AND STEVE OLIVIER

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: April 27, 2010

Place of the Hearing: Fort Providence, NT via teleconference

Appearances at Hearing: Pearl Leishman, representing the applicant
Rose Vandell, representing the applicant
Veronica Gargan, respondent
Steve Olivier, respondent

Date of Decision: April 27, 2010

REASONS FOR DECISION

The respondent, Steve Olivier, stated that a new tenancy agreement had been formed between the applicant and Veronica Gargan as sole tenant. He stated that he no longer resided in the premises and was not a party to the current tenancy agreement. The applicant acknowledged that the current tenancy agreement named only Veronica Gargan as tenant. Therefore no order shall be made naming Mr. Olivier.

The applicant alleged that the respondent had breached the tenancy agreement by disturbing other tenants in the residential complex. Ms Gargan is the caretaker of the senior citizen facility and lives in the complex. The applicant alleged that Ms Gargan's son had been living with her and had repeatedly disturbed other tenants due to his violent behaviour. The applicant stated that they had received complaints from other tenants and from the home care workers about her son's behaviour.

The applicant stated that they had asked Ms Gargan to remove her son from the facility and they believed he was no longer living there. Ms Gargan confirmed that he was no longer living with her but did have the occasional meal with her.

Section 43 of the *Residential Tenancies Act* prohibits tenants from disturbing the landlord or other tenants. The Act deems a disturbance caused by someone permitted in the premises by a tenant to be a disturbance caused by that tenant.

- 43.(1) A tenant shall not disturb the landlord's or other tenants' possession or enjoyment of the rental premises or residential complex.**
- (2) A disturbance caused by a person permitted by a tenant to enter the residential complex or the rental premises of the tenant shall be deemed to be a disturbance caused by the tenant.**

The evidence supports the landlord's allegations that tenants in the senior citizens home were disturbed by Ms Gargan's son who lived with her at the time with her consent. I find Ms Gargan in breach of her obligation to not disturb other tenants. As the problem appears to have been successfully addressed by Ms Gargan, I agree with the applicant that an order requiring compliance with the obligation is sufficient.

An order shall issue requiring Veronica Gargan to comply with her obligation to not disturb other tenants and to not create any disturbance in the future.

Hal Logsdon
Rental Officer