

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **TARA VATCHER**, 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 -

TARA VATCHER

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 45(4)(a) and 45(4)(b) of the *Residential Tenancies Act*, the respondent shall comply with her obligation to immediately report any problems with the smoke detectors to the landlord and to not disable the smoke detectors in the premises again.

DATED at the City of Yellowknife, in the Northwest Territories this 28th day of May,
2010.

Hal Logsdon
Rental Officer

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **TARA VATCHER**, 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:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

-and-

TARA VATCHER

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: May 26, 2010

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Jim White, representing the applicant
Tara Vatcher, respondent

Date of Decision: May 28, 2010

REASONS FOR DECISION

The applicant alleged that the safety of other tenants of the residential complex had been seriously impaired because the respondent had disconnected the smoke detector. The applicant served a Notice of Early Termination on the respondent on April 29, 2010 pursuant to section 54(1)(f) of the *Residential Tenancies Act* seeking vacant possession on May 10, 2010. The application was filed on May 3, 2010. The applicant sought an order terminating the tenancy agreement.

The applicant stated the importance of smoke detectors and the increased risk to property and persons should they be disabled. The applicant provided several newsletters circulated to tenants warning that the disconnection of smoke detectors would result in the immediate termination of the tenancy agreement. The applicant argued that the tenants had been adequately warned and noted that out of 29 units inspected recently, 4 were found to have smoke detectors disabled by the tenant. The applicant stated that they had to ensure that these important safety devices were not disabled.

The respondent acknowledged disconnecting the smoke detector on the first floor of the premises but stated that the unit on the second floor remained operational. She stated that the first floor unit was very sensitive and the alarm went off frequently. She acknowledged that she had not reported this problem to the landlord. The respondent stated that she had been a tenant of the Authority for eight years.

Although a sensitive smoke detector can be annoying, they are an important protection against loss of life and property due to fire. I need not lecture the respondent about the risks of disabling these safety devices.

Tenants have an obligation to report problems with the rental premises to the landlord. This is set out clearly in the rules established by the Authority and attached to the tenancy agreement. The respondent's complaints concerning the sensitive smoke detector should have been reported to the landlord who would then have the obligation to address the problem.

I do not intend to diminish the seriousness of disconnecting a smoke detector but in this case I do not think the respondent's action, albeit negligent, warrants termination of the tenancy agreement. I am reasonably confident that it will not happen again.

The applicant's request for termination of the tenancy agreement is denied but an order requiring the respondent to comply with her obligation to immediately report any problems with the smoke detectors to the landlord and to not disable the smoke detectors in the premises again will issue.

Hal Logsdon
Rental Officer