

IN THE MATTER between **JODPHUR HOLDINGS LTD.**, Applicant, and **JOHN DOCTOR AND PAULINE ZOE**, 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 **YELLOWKNIFE, NT.**

BETWEEN:

**JODPHUR HOLDINGS LTD.**

Applicant/Landlord

- and -

**JOHN DOCTOR AND PAULINE ZOE**

Respondents/Tenants

**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 Apartment 4, 416 Byrne Road, Yellowknife, NT shall be terminated on June 30, 2010 and the respondents shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 16th day of June, 2010.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **JODPHUR HOLDINGS LTD.**, Applicant, and **JOHN DOCTOR AND PAULINE ZOE**, 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:

**JODPHUR HOLDINGS LTD.**

Applicant/Landlord

-and-

**JOHN DOCTOR AND PAULINE ZOE**

Respondents/Tenants

**REASONS FOR DECISION**

**Date of the Hearing:** June 16, 2010

**Place of the Hearing:** Yellowknife, NT

**Appearances at Hearing:** Peter Herridge, representing the applicant (by telephone)

**Date of Decision:** June 16, 2010

**REASONS FOR DECISION**

The respondents were personally served with Notices of Attendance but failed to appear at the hearing. The hearing was held in their absence.

The applicant alleged that the respondents had repeatedly disturbed other tenants in the residential complex and sought an order terminating the tenancy agreement. The applicant provided numerous written complaints made by three other tenants. The nature of the complaints is consistent; loud fighting and yelling, parking in other tenants' reserved areas, their dog running at large and disturbances caused by their guests. The applicant has sent at least one notice to the respondents advising them that the disturbances are unacceptable.

The applicant testified that the respondents have paid little or no attention to the warnings and the disturbances have continued.

Having heard no dispute from the respondents, I find them in breach of their obligation to not disturb other tenants. The number of complaints from more than just one tenant lead me to conclude that the disturbances have been real and persistent and show no sign of abatement. In my opinion, there are sufficient grounds to terminate the tenancy agreement.

An order shall issue terminating the tenancy agreement on June 30, 2010. The respondents are ordered to vacate the premises on that date.

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Hal Logsdon  
Rental Officer