

IN THE MATTER between **RAE EDZO HOUSING AUTHORITY**, Applicant, and
JOYCIE NEYELE AND JARVIS LAMOUELLE, Respondents;

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter
R-5 (the "Act") and amendments thereto;

AND IN THE MATTER of a Hearing before, **HAL LOGSDON**, Rental Officer,
regarding the rental premises at **BEHCHOKO, NT**.

BETWEEN:

RAE EDZO HOUSING AUTHORITY

Applicant/Landlord

- and -

JOYCIE NEYELE AND JARVIS LAMOUELLE

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 293 Wehaze Tili, Behchoko, NT shall be terminated on November 24, 2010 and the respondents shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 19th day of
November, 2010.

Hal Logsdon
Rental Officer

IN THE MATTER between **RAE EDZO HOUSING AUTHORITY**, Applicant, and
JOYCIE NEYELE AND JARVIS LAMOUELLE, 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:

RAE EDZO HOUSING AUTHORITY

Applicant/Landlord

-and-

JOYCIE NEYELE AND JARVIS LAMOUELLE

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: November 18, 2010

Place of the Hearing: Behchoko, NT

Appearances at Hearing: Rose Dryneck, representing the applicant
Jarvis Lamouelle, respondent
Rose Lamouelle, representing the respondents

Date of Decision: November 18, 2010

REASONS FOR DECISION

The applicant alleged that the respondents had repeatedly disturbed other tenants and sought an order terminating the tenancy agreement between the parties.

The applicant provided several file notes and a written complaint outlining incidents of disturbance and testified that other tenants as well as neighbours had made numerous other complaints regarding loud yelling, swearing and intoxicated behaviour. The applicant also stated that other tenants had complained of underage drinking and use of drugs in the premises. The applicant provided numerous notices in evidence outlining the disturbances and warning the respondents that the behaviour was not acceptable and would lead to termination of the tenancy agreement if it continued. The latest complaint was only two days before the hearing.

Mr. Lamouelle appeared at the hearing and stated that he had vacated the premises on April 25, 2010. No new tenancy agreement has been executed. Ms Neyele failed to appear at the hearing but was personally served with a Notice of Attendance. Mr. Lamouelle did not dispute the allegations and stated that, in his opinion, the tenancy agreement should be terminated. He stated that he had attempted to have himself removed from the tenancy agreement but could not obtain consent from Ms Neyele.

I find the respondents in breach of their obligation to not disturb other tenants and find sufficient grounds to terminate the tenancy agreement between the parties. The evidence suggests that

despite the numerous warnings provided by the applicant, there has been no abatement of the disturbances. It would appear that termination of the tenancy agreement is the only remedy that will be effective in ending the disturbances.

An order shall issue terminating the tenancy agreement on November 24, 2010. The respondents shall vacate the premises on that date.

Hal Logsdon
Rental Officer