

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **MARGARET JANE TOPILIKON**, Respondent;

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 **YELLOWKNIFE, NT**.

BETWEEN:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

- and -

MARGARET JANE TOPILIKON

Respondent/Tenant

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 5423 52nd Street, Yellowknife, NT shall be terminated on December 17, 2010 at 12:00 noon and the respondent shall vacate the premises at that time.

DATED at the City of Yellowknife, in the Northwest Territories this 2nd day of
December, 2010.

Hal Logsdon
Rental Officer

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **MARGARET JANE TOPILIKON**, 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-

MARGARET JANE TOPILIKON

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: December 1, 2010

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Ella Newhook, representing the applicant
Margaret Jane Topilikon, respondent
Linda Mercer, representing the respondent

Date of Decision: December 1, 2010

REASONS FOR DECISION

The applicant alleged that the respondent had repeatedly disturbed other tenants in the residential complex and sought an order terminating the tenancy agreement and the eviction of the respondent. The premises are subsidized public housing.

The applicant provided numerous complaints from other tenants in the residential complex and one security report regarding disturbances from early August to mid November, 2010. The residential complex consists of four row house units. The complaints outline loud parties, drunkenness and persons knocking on doors asking for cigarettes.

The applicant served a warning notice on the respondent on August 12, 2010. On November 15, 2010 the applicant served a Notice of Early Termination on the respondent seeking possession of the premises on November 25, 2010. The respondent remains in possession.

The respondent stated that she was sorry about the disturbances which, for the most part, were caused by her guests and relatives who brought liquor to the premises and caused problems. The respondent's representative stated that the respondent had great difficulty refusing entry to visitors and suggested that a court order could be obtained preventing others from entering premises.

The evidence indicates that the disturbances are continuing with no abatement and are very

annoying to other tenants in the residential complex. The tenant has been made aware of this but the problems persist. While I understand the difficulty in preventing friends and relatives from visiting, the respondent must understand that she is responsible for their behaviour if she permits them entry. I am unable to issue any order preventing the respondent from having certain guests and I doubt very much if such an order would be effective. Unfortunately, in my opinion, termination of the tenancy agreement is the only available remedy which will eliminate these disturbances and provide other tenants with the quiet enjoyment they deserve.

I find the respondent in breach of her obligation to not disturb other tenants. An order shall issue terminating the tenancy agreement on December 17, 2010 at 12:00 noon.

Hal Logsdon
Rental Officer