

IN THE MATTER between **SUSAN KOVA'CS**, Applicant, and **NORTHERN PROPERTY**, 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 **INUVIK, NT**.

BETWEEN:

SUSAN KOVA'CS

Applicant/Tenant

- and -

NORTHERN PROPERTY

Respondent/Landlord

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 28(a) of the *Residential Tenancies Act*, the respondent shall comply with the obligations regarding entry and shall not breach those obligations again.

DATED at the City of Yellowknife, in the Northwest Territories this 16th day of March, 2011.

Hal Logsdon
Rental Officer

IN THE MATTER between **SUSAN KOVA'CS**, Applicant, and **NORTHERN PROPERTY**, 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:

SUSAN KOVA'CS

Applicant/Tenant

-and-

NORTHERN PROPERTY

Respondent/Landlord

REASONS FOR DECISION

Date of the Hearing: March 10, 2011

Place of the Hearing: Inuvik, NT

Appearances at Hearing: Susan Kova'cs, applicant
Lee Smallwood, representing the respondent

Date of Decision: March 10, 2011

REASONS FOR DECISION

The applicant alleged that the respondent had entered her apartment on several occasions without notice or permission at the time of entry. The applicant also alleged that the respondent had changed the locks on the entry door to the premises without her permission.

The applicant testified that a person employed by the landlord entered her apartment on January 17 and January 21, 2011. The applicant stated that she was not at home at the time but knew that someone had entered because she had put something in the door that was disturbed when she arrived home. The applicant also stated that she had a witness to the entry but did not produce the witness or any statement by the witness in evidence.

The applicant also testified that the respondent changed the locks to the entry door to the apartment on January 24, 2011 without her permission. She stated that the landlord again entered the apartment on that day without notice or permission and changed the locks. She stated that she was given a new key immediately by the landlord and her access to the apartment was not impeded whatsoever.

The respondent denied entering the premises on January 17 or 21, 2011 but acknowledged that they did enter the apartment without notice or permission on January 24, 2011 to change the locks. The respondent stated that they changed the locks in response to the applicant's concern for her security and without any intent to interfere with her possession. They stated that a new key

was provided to the applicant immediately.

I do not find sufficient evidence to conclude that the respondent entered the apartment on January 17 or 21, 2011. I find the respondent in breach of the provisions for entry contained in sections 26 and 27 of the *Residential Tenancies Act* regarding the entry on January 24, 2011. I find no evidence of any notice or permission to enter regarding that entry.

Although I find no evidence of any express consent by the applicant to change the locks to the apartment, it is clear that she was concerned about her security and made that known to the landlord. A lock change is a reasonable response to security concerns. It is also clear that there was no intent to interfere with the applicant's possession or impede her entry to the apartment. It is not unreasonable to assume that the concern expressed by the applicant implied, in the landlord's mind, her consent to change the locks. Nevertheless, had the respondent given notice or sought permission to enter in order to change the locks, the issue of express permission would not have arisen.

An order shall issue requiring the respondent to comply with the obligations regarding entry and to not breach those obligations again.

Hal Logsdon
Rental Officer