

IN THE MATTER between **NPR LIMITED PARTNERSHIP**, Applicant, and  
**STELLA FRANCOIS**, 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:

**NPR LIMITED PARTNERSHIP**

Applicant/Landlord

- and -

**STELLA FRANCOIS**

Respondent/Tenant

**ORDER**

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife, in the Northwest Territories this 6th day of May,  
2011.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **NPR LIMITED PARTNERSHIP**, Applicant, and  
**STELLA FRANCOIS**, 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:

**NPR LIMITED PARTNERSHIP**

Applicant/Landlord

-and-

**STELLA FRANCOIS**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** April 13, 2011

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

**Appearances at Hearing:** Maigan Lefrancois, representing the applicant  
Stella Francois, respondent  
Arlene Hache, representing the respondent

**Date of Decision:** May 6, 2011

### **REASONS FOR DECISION**

The applicant alleged that the respondent had breached the tenancy agreement by repeatedly disturbing other tenants in the residential complex. The applicant sought an order terminating the tenancy agreement and evicting the respondent from the premises.

The applicant provided a number of emails in evidence from an unidentified complainant accusing the respondent for smoking marijuana, permitting rowdy youth to come and go from the premises, shouting and screaming. The complainant also outlined a specific incident on March 18, 2011 of shouting and screaming from the respondent's apartment. The complainant stated that she called the police as there appeared to be a violent attack in progress.

The respondent occupies apartment #101. It is clear from the complainant's emails that he or she occupies apartment #201, directly above.

The respondent disputed the allegations and provided two emails and an unsworn statement from Wilbert Cook, the tenant who occupies apartment #301. Mr. Cook states that the police attended his apartment on March 18, 2011 looking for a disturbance. Mr. Cook and his nephew were asleep but he permitted the police to enter and they left after looking through the apartment. The respondent submits that the police also attended her apartment but took no action. Mr. Cook complained that the tenant in #201 complains constantly to him about noise when, in fact, he is not creating any noise at all. Mr. Cook also notes that while there is noise and the smell of

marijuana in the building, in his opinion neither comes from the respondent's apartment.

The applicant stated that they had hired additional security in the building and to date had not experienced any disturbances. She stated that there had been disturbance complaints from other tenants but they did not identify the respondent. She stated that they really had not been able to identify the source of the disturbances. She stated that the landlord would be satisfied with an order requiring the respondent to comply with her obligation to not disturb other tenants.

In order to issue an order, I must be satisfied that there has been a breach of an obligation contained in the Act or the tenancy agreement. In my opinion, the evidence does not support that the respondent has created any disturbance. Therefore, the application shall be dismissed.

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Hal Logsdon  
Rental Officer