

IN THE MATTER between **HAY RIVER HOUSING AUTHORITY**, Applicant, and  
**DELORES DOWNEY**, 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 **HAY RIVER, NT.**

BETWEEN:

**HAY RIVER HOUSING AUTHORITY**

Applicant/Landlord

- and -

**DELORES DOWNEY**

Respondent/Tenant

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to section 45(4)(a) of the *Residential Tenancies Act* the respondent shall complete the work outlined in the landlord's letter of July 4, 2011 namely,
  - a) remove the file cabinet from the front step and place it in the house,
  - b) pick up garbage and old cardboard under the front step,
  - c) cut grass,
  - d) remove the old dryer from the yard,
  - e) remove tires from yard and put them in the shed,
  - f) stack good wood 6" off the ground,
  - g) take various piles of junk to the dump and

h) dispose of garbage bags and shingles on the dog house.

2. Pursuant to sections 45(4)(e) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as 7 Balsam Drive, Hay River, NT shall be terminated on August 15, 2011 and the respondent shall vacate the premises on that date, unless the work set out in this order is completed.

DATED at the City of Yellowknife, in the Northwest Territories this 26th day of July,  
2011.

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Hal Logsdon  
Rental Officer

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**DELORES DOWNEY**, 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:

**HAY RIVER HOUSING AUTHORITY**

Applicant/Landlord

-and-

**DELORES DOWNEY**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** July 21, 2011

**Place of the Hearing:** Hay River, NT

**Appearances at Hearing:** Christine Smith, representing the applicant  
Delores Downey, respondent

**Date of Decision:** July 21, 2011

### **REASONS FOR DECISION**

The applicant alleged that the respondent has breached the *Residential Tenancies Act* by failing to maintain the premises in a reasonable state of cleanliness. The applicant sought an order requiring the respondent to clean up the premises and terminating the tenancy agreement and evicting the respondent if she failed to do so. The premises are subsidized public housing.

The applicant provided photographs of the yard and a notice from the municipality in evidence. The notice, addressed to the applicant as owner, stated that the property contravened the *Unsightly Land* bylaw and requested that the owner take steps to clean up various items on or before June 11, 2011 or face possible fines.

The applicant stated that a follow up inspection was conducted by the municipality. The applicant stated that considerable progress had been made by the respondent but there were a number of items that remained outstanding. The applicant provided recent photographs of the property and a letter dated July 4, 2011 to the respondent setting out the remaining items to be completed.

The respondent did not dispute the allegations and stated that she expected to have some help available in the next week so she could complete the outstanding items.

The photographs support the applicant's testimony and the municipality's observations. In my

opinion, the debris and garbage in the yard represent a state of uncleanness and are a breach of section 45 the *Residential Tenancies Act*. Although the respondent has made progress resolving the problem, there are, in my opinion, sufficient grounds to terminate the tenancy agreement and evict the respondent if the job is not completed.

An order shall issue requiring the respondent to complete the tasks outlined in the applicant's letter of July 4, 2011 and terminating the tenancy agreement on August 15, 2011 unless the tasks are completed. A separate eviction order to be effective on August 16, 2011 unless the tasks are completed on or before August 15, 2011 shall issue.

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Hal Logsdon  
Rental Officer