

IN THE MATTER between **NPR LIMITED PARTNERSHIP**, Applicant, and **TANYA MCLEOD**, 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 -

**TANYA MCLEOD**

Respondent/Tenant

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to sections 43(3)(a) and 43(3)(b) of the *Residential Tenancies Act*, the respondent shall comply with her obligation to not disturb other tenants in the residential complex and shall not create any disturbance in the future.

DATED at the City of Yellowknife, in the Northwest Territories this 14th day of October, 2011.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **NPR LIMITED PARTNERSHIP**, Applicant, and **TANYA MCLEOD**, 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-

**TANYA MCLEOD**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** September 27, 2011

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

**Appearances at Hearing:** Maigan Lefrancois, representing the applicant

**Date of Decision:** October 14, 2011

### **REASONS FOR DECISION**

The respondent was personally served with a Notice of Attendance but failed to appear at the hearing. The hearing was held in her absence.

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

The applicant provided an email dated June 24, 2011 which she stated was from another tenant in the four unit complex. The email complained about parties over the weekends and specifically a party lasting to 4:00 AM on June 23, 2011. The email states “ I am pretty sure it is unit #56 and the tenants are a young couple (She moved from the apartments across from us some time ago).” The applicant stated that the description fit that of the respondent.

The applicant also provided photographs showing beer cans below the respondent’s balcony and stated that the landlord’s staff had seen the cans being thrown from the respondent’s balcony. No eye witnesses or affidavits from eye witnesses were provided.

There is no evidence to suggest that the respondent was notified, verbally or in writing, of the disturbances. There was no evidence of a notice of early termination pursuant to section 54(1)(a) being served on the respondent.

The applicant stated that the same tenant had made other complaints about disturbance caused by the respondent. The applicant was unsure if there had been any further complaints after June 23.

On the balance of probabilities, I find there have been disturbances by the respondent. In my opinion there is not sufficient evidence to conclude that the incidents have continued or have been severe enough to warrant the termination of the tenancy agreement.

An order shall issue requiring the respondent to comply with her obligation to not disturb other tenants and to not create any disturbance in the future.

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Hal Logsdon  
Rental Officer