

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **NORMAN HOWE AND NOELLA BASE**, Respondents;

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 -

NORMAN HOWE AND NOELLA BASE

Respondents/Tenants

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 Apartment 109, 5123 53rd Street, Yellowknife, NT shall be terminated on March 14, 2012 and the respondents shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 2nd day of March,
2012.

Hal Logsdon
Rental Officer

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **NORMAN HOWE AND NOELLA BASE**, Respondents.

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-

NORMAN HOWE AND NOELLA BASE

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: February 28, 2012

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Ella Newhook, representing the applicant
Norman Howe, respondent

Date of Decision: March 2, 2012

REASONS FOR DECISION

The applicant alleged that the respondents had disturbed other tenants in the residential complex, thereby breaching a previous order prohibiting them from creating any disturbances. The applicant sought an order terminating the tenancy agreement and evicting the respondents. The premises are subsidized public housing.

A previous order (file #10-12479, filed on November 25, 2011) ordered the respondents to comply with their obligation to not disturb other tenants and to not create any future disturbances. The applicant provided a written complaint from the property manager concerning disturbances on January 5 and January 6, 2012. The property manager dispatched an employee to attend the premises on the morning of January 6, 2012. He reported that there was loud yelling and reported that Mr. Howe told him that two sisters were fighting.

The applicant also provided a letter of complaint from another tenant in the building who complained of fighting on January 5, 2012 and loud partying on the morning of January 6, 2012. The complainant also stated that there was loud noise, music and fighting on January 7, 2012.

The applicant also provided a security report indicating that a highly intoxicated person was discovered sleeping in the stairwell at 10:09 PM on January 7, 2012 who identified herself as an occupant of the respondents' apartment. The police attended the building and questioned the respondents who said they did not want her there.

The respondent acknowledged that Ms. Base and her sister were fighting in the apartment on January 5, 2012. He stated that he called the police to have Ms. Base's sister removed.

The respondent denied that there was any noise on January 6, 2012 and stated that Ms. Base was at the hospital being treated after she slipped and fell. The respondent provided two hospital reports in evidence. The respondent also denied that there could have been any loud music as they do not own a stereo.

The respondent acknowledged that the intoxicated person found in the stairwell on January 7, 2012 was Ms. Base's sister but denied letting her into the building, stating that he did not know how she got in.

Clearly there was a disturbance on January 5, 2012. While Mr. Howe may have taken some action to curtail the disturbance, it was nevertheless created by their guest and Ms. Base. The evidence suggests that Ms. Base and her sister were again arguing and fighting on the morning of January 6, 2012. Although Mr. Howe claims Ms. Base was at the hospital, the report he provided in evidence indicates that she arrived at the hospital at 4:12 PM and left at 7:00 PM. The other hospital report indicates she was at the hospital in the afternoon of January 8, 2012.

There is no conclusive evidence that the respondents permitted Ms. Base's sister in the building or in their apartment on January 7, 2012 nor is there any corroborating evidence of any disturbance. Nevertheless, the respondents have on two occasions breached their obligation to

not disturb other tenants when they were ordered not to do so. In my opinion there are sufficient grounds to terminate the tenancy agreement. An order shall issue terminating the tenancy agreement on March 14, 2012. An eviction order to be effective on March 15, 2012 shall be issued separately.

Hal Logsdon
Rental Officer