

IN THE MATTER between **MIDWEST PROPERTY MANAGEMENT**, Applicant,
and **ADLE ABDULLAH**, 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:

MIDWEST PROPERTY MANAGEMENT

Applicant/Landlord

- and -

ADLE ABDULLAH

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 his obligation to not disturb other tenants in the residential complex and shall not create any disturbances in the future.

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

Hal Logsdon
Rental Officer

IN THE MATTER between **MIDWEST PROPERTY MANAGEMENT**, Applicant,
and **ADLE ABDULLAH**, 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:

MIDWEST PROPERTY MANAGEMENT

Applicant/Landlord

-and-

ADLE ABDULLAH

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: February 28, 2012

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Lindsey Dwojak, representing the applicant
Adle Abdullah, respondent
Omar Hussien, witness for the respondent

Date of Decision: March 2, 2012

REASONS FOR DECISION

The applicant alleged that the respondent had breached the *Residential Tenancies Act* by disturbing other tenants in the residential complex and committing an illegal act in the rental premises. The applicant sought an order terminating the tenancy agreement and evicting the respondent.

The applicant provided two letters dated August 22, 2011 and September 30, 2011 from a tenant in the residential complex complaining of incidents on August 21, 2011 and September 26, 2011. The letters outline loud stomping, yelling and screaming and indicate that the police attended the premises.

Another letter, dated January 30, 2012 from a different tenant in the residential complex was provided in evidence at the hearing. This letter complained primarily of the smell of marijuana that the complainant attributed to the respondent using the substance in his apartment. The letter also refers to two men carrying small furniture into the apartment on January 30, 2012 at 1:10 AM and a man running up the stairs and entering the respondent's apartment on the same night at 1:25 AM. The letter also refers to a large commotion involving the police. There is no date mentioned but the complaint appears to describe the August 22 incident reported by the other tenant. The letter also complains that a “guest occupant” of the respondent’s apartment was smoking in the elevator and in the hall.

The applicant stated that she had smelled marijuana in the building on occasion. The applicant also stated that she had received other verbal complaints regarding the respondent but did not provide details concerning the nature of the complaints or the dates they were received.

The respondent stated that he was out of the country on both August 22 and September 30, 2011. The respondent's witness confirmed that the respondent was out of the country and that he was occupying the premises during that period of time. The witness stated that he had allowed another person to stay there who unfortunately created the two disturbances. He stated that the person no longer occupied the premises and his absence had restored peace and quiet. The witness stated that he did not use marijuana or smoke tobacco and the respondent stated that the smell of marijuana was common in the building. The respondent and his witness asked that they be given an opportunity to continue the tenancy as the past disturbances would not be repeated.

I find the respondent breached his obligation to not disturb other tenants in the residential complex in August and September, 2011. In my opinion, the incidents in January, 2012 do not appear to be disturbances. I can not conclude that any illegal act has occurred in the premises from olfactory evidence. I cannot conclude from the evidence that the "guest occupant" was in fact someone that the respondent permitted in the building as it appears that the respondent's witness was perhaps the only other occupant of the premises and he testified that he does not smoke.

As the disturbances of August and September, 2012 appear to have abated, I do not think that

termination of the tenancy agreement and eviction are the most reasonable remedies. I shall issue an order for the respondent to comply with his obligation to not disturb other tenants in the residential complex and to not create any disturbances in the future.

Hal Logsdon
Rental Officer