

IN THE MATTER between **6370 NWT LTD.**, Applicant, and **CLAYTON BEARARD**,
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:

6370 NWT LTD.

Applicant/Landlord

- and -

CLAYTON BEARARD

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 and shall not
create any disturbances in the future.

DATED at the City of Yellowknife, in the Northwest Territories this 30th day of March,
2012.

Hal Logsdon
Rental Officer

IN THE MATTER between **6370 NWT LTD.**, Applicant, and **CLAYTON BEARARD**,
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:

6370 NWT LTD.

Applicant/Landlord

-and-

CLAYTON BEARARD

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: March 21, 2012

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Neil Konge, representing the applicant
Clayton Bearard, respondent

Date of Decision: March 21, 2012

REASONS FOR DECISION

The applicant alleged that the respondent had repeatedly disturbed other tenants in the residential complex and had permitted overcrowding in his apartment. The applicant sought an order terminating the tenancy agreement and evicting the respondent.

The applicant stated that there had been numerous incidents of parties and loud music causing other tenants in the four unit complex to complain about the noise. The applicant stated that he had personally attended the building on two occasions in February, 2012 and witnessed the disturbances. The applicant also stated that the respondent had permitted more than two persons to occupy the premises, breaching article 10 of the tenancy agreement which restricts occupation to two persons.

The respondent denied having more than two persons occupy the premises on a on-going basis. He acknowledged that he had created disturbances but stated that he had ceased the parties and traffic to and from the apartment and could maintain peace and quiet in the future. The applicant acknowledged that the disturbances had abated and agreed to continue the tenancy agreement provided there were no future incidents.

I find the respondent in breach of his obligation to not disturb other tenants. I do not find sufficient evidence to conclude that the respondent has created overcrowding. While it is clear that there have been times when there are more than two persons in the apartment it is not

apparent that more than two persons live there on an on-going basis.

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

Hal Logsdon
Rental Officer