

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,  
and **TYPHANY PORTER**, 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:

**YELLOWKNIFE HOUSING AUTHORITY**

Applicant/Landlord

- and -

**TYPHANY PORTER**

Respondent/Tenant

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to section 54(4) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as Apartment 201, 5020 - 53rd Street, Yellowknife, NT shall be terminated on October 22, 2013 and the respondent shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 18th day of October,  
2013.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,  
and **TYPHANY PORTER**, 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:

**YELLOWKNIFE HOUSING AUTHORITY**

Applicant/Landlord

-and-

**TYPHANY PORTER**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:**                      **October 17, 2013**

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

**Appearances at Hearing:**                      **Ella Newhook, representing the applicant**  
   **Chelsea Armstrong, representing the respondent**  
   **Typhany Porter, respondent**

**Date of Decision:**                      **October 18, 2013**

### **REASONS FOR DECISION**

The applicant alleged that the respondent had repeatedly disturbed other tenants in the residential complex. The applicant served a Notice of Early Termination on the respondent on September 23, 2013 seeking vacant possession of the premises on October 4, 2013 on the grounds of repeated disturbance and impairment of the safety of other tenants and the landlord (sections 54(1)(a) and 54(1)(g) of the Act). The respondent remains in possession of the premises. The applicant sought an order terminating the tenancy agreement and evicting the respondent.

The premises are contained in a 19 unit apartment building. The tenancy agreement commenced on June 19, 2013. The applicant testified that the first reported disturbance was on June 28 and that disturbances have continued unabated to the present. The applicant stated that since the application was filed, the disturbances have become worse.

The applicant provided written complaints from seven other tenants in the residential complex as well as notes to file outlining verbal complaints received. The applicant stated that she had personally attended the residential complex and had personal knowledge of one complaint. Many of the complaints noted the attendance of the police at the premises and arrests of occupants. The applicant noted that the police had been called to the premises repeatedly since the tenancy commenced. The complaints note fighting and screaming and highly intoxicated guests at all hours of the day and night. Several complaints note that other tenants in the building fear for their safety due to the level of violence involved in many of the disturbances.

The respondent disputed only one of the many reported incidents which noted that she was screaming at her children. She testified that she did not have custody of her children on that date.

The respondent's representative, who is also her assigned social worker, acknowledged that the respondent had frequently disturbed her neighbours. She asked that the respondent be given some time so that her admission to a treatment centre and temporary accommodation arranged. She suggested that any eviction be delayed for one month. The applicant objected to any delay, citing the severity and frequency of the disturbances and the serious concerns regarding the safety of other tenants.

I must concur with the applicant. The disturbance are not only disturbing the quiet enjoyment of the premises by other tenants, they pose a threat to their safety. The fact that the disturbances are increasing in intensity and frequency makes consideration of any delay unreasonable. Other tenants have surely put up with the respondent's behaviour for long enough.

I find the respondent in breach of her obligation to not disturb other tenants in the residential complex. An order shall issue terminating the tenancy agreement on October 22, 2013. An eviction order to be effective on October 23, 2013 shall be issued separately.

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Hal Logsdon  
Rental Officer