

IN THE MATTER between **Hay River Housing Authority**, Applicant, and **Kayla Beck**,  
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, **Adelle Guigon**, Deputy Rental Officer,  
regarding a rental premises located within the **Town of Hay River in the Northwest  
Territories**.

BETWEEN:

**HAY RIVER HOUSING AUTHORITY**

Applicant/Landlord

- and -

**KAYLA BECK**

Respondent/Tenant

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to sections 43(3)(d) and 54(1)(a) of the *Residential Tenancies Act*, the tenancy agreement between the applicant and the respondent regarding the rental premises known as 104-46 Woodland Drive in Hay River, Northwest Territories, is terminated on November 30, 2013, and the respondent must vacate the rental premises on or before that date.

DATED at the City of Yellowknife in the Northwest Territories this 5th day of November  
2014.

---

Adelle Guigon  
Deputy Rental Officer

IN THE MATTER between **Hay River Housing Authority**, Applicant, and **Kayla Beck**,  
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 **Adelle Guigon**, Deputy Rental Officer,

BETWEEN:

**HAY RIVER HOUSING AUTHORITY**

Applicant/Landlord

-and-

**KAYLA BECK**

Respondent/Tenant

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>October 25, 2013</b>
<b><u>Place of the Hearing:</u></b>	<b>Hay River, Northwest Territories, via Teleconference</b>
<b><u>Appearances at Hearing:</u></b>	<b>Adam Swanson, representing the applicant Kayla Beck, the respondent</b>
<b><u>Date of Decision:</u></b>	<b>October 25, 2013</b>

## **REASONS FOR DECISION**

### **Application**

The application to a rental officer made by the Hay River Housing Authority as the landlord against Kayla Beck as the tenant regarding the rental premises known as 104-46 Woodland Drive in Hay River, Northwest Territories, was received and filed by the Rental Office on September 20, 2013. Mr. Adam Swanson, representing the applicant, personally served a copy of the application package on Ms. Beck on September 30, 2013.

The applicant applied for an order terminating the tenancy and evicting the tenant for repeatedly disturbing the quiet enjoyment and possession of the rental premises by other tenants and the landlord. Evidence in support of the application is listed in Appendix A attached to this order.

### **Hearing**

A hearing was scheduled for October 25, 2013, at which both parties were present.

### **Submissions**

Mr. Adam Swanson, representing the applicant, submitted several documents reporting complaints of Ms. Beck and/or individuals she permitted on the premises causing disturbances. The disturbances were alleged to have occurred repeatedly between February and October 2013, and consisted of yelling, loud music, slamming doors, obscene gestures, verbal confrontations with the caretaker, threatening other tenants, and permitting guests to enter and exit the premises at unreasonable hours. In most of these instances Ms. Beck and/or her guests were intoxicated.

Several warnings were issued to Ms. Beck regarding the unacceptable behaviour and that an application would be made to the Rental Office if the behaviour did not improve.

Ms. Brenda McAuley is the caretaker for the residential complex. She testified as the applicant's witness and corroborated the events as reported. Both Mr. Swanson and Ms. McAuley referenced video recordings of the building hallways which showed the comings and goings of tenants and guests, and which they testified corroborated the allegations of Ms. Beck's and her guests' movements on the days of the disturbances, specifically the September 14, 2013, events. Mr. Swanson advised the recordings were video only and had no audio. Mr. Swanson reiterated his desire for an order to terminate the tenancy due to repeated disturbance of the quiet enjoyment and possession of the premises.

Ms. Beck acknowledged she is an alcoholic and she took responsibility for all except one of the disturbances. She disputed the events of the weekend of September 14, 2013, of which extensive partying with guests coming and going throughout the night and into the early morning were alleged. She demanded to see the video which supposedly proved there were people coming and going from her apartment on that day. It was not made available at hearing.

Ms. Swanson advised me she has registered for an office administration course scheduled to start November 12, 2013. She said when she is studying she works hard and does not have friends over, and she does not anticipate having anymore problems once the program starts. She is concerned she will not be able to find another place to live right away, which would interfere with her ability to study and apply herself. She does not want to leave the place she is in, but she accepts responsibility for her behaviour.

#### Determinations

##### *Tenancy agreement*

The tenancy agreement dated January 15, 2013, shows a fixed-term tenancy starting January 15, 2013, and ending October 31, 2013. Neither party disputed the tenancy agreement or the terms of the tenancy agreement. I find a valid tenancy agreement is in place.

##### *Disturbances*

The evidence provided by the applicant speaks directly to the charges of disturbing the quiet enjoyment and possession of the rental premises and residential complex by other tenants and the landlord. Except for the events in September, the disturbances were not disputed by the respondent. I accept the documentary evidence as submitted by the applicant and the testimony of Ms. McAuley, while acknowledging the disputed events of September 14, 2013. Even putting aside the September allegations, the remaining disturbances are repeated and invasive of the other tenants' quiet enjoyment of the premises. The onus of the applicant to prove the disturbances have occurred has been met and I find Ms. Beck is in breach of her obligation.

Termination of the tenancy agreement is justified under the circumstances. In an effort to permit Ms. Beck sufficient time to find alternate accommodations without compromising her studies, I proposed to terminate the tenancy agreement on November 30, 2013. Both parties acknowledged, accepted, and appreciated this date. An eviction order will not be issued at this time.

Order

An order will issue terminating the tenancy on November 30, 2013, and requiring the tenant to vacate the rental premises on or before that date.

---

Adelle Guigon  
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Applicant's Statement of Facts
- Exhibit 2: Residential Tenancy Agreement dated January 15, 2013
- Exhibit 3: Landlord's Note to File dated September 16, 2013, regarding complaints of partying
- Exhibit 4: Landlord's Note to File dated September 16, 2013, regarding video footage
- Exhibit 5: Landlord's Note to File dated August 16, 2013
- Exhibit 6: Landlord's Final Warning Correspondence dated August 9, 2013
- Exhibit 7: E-mail from Brenda to Willa-Jean Conroy dated July 30, 2013
- Exhibit 8: E-mail with hand-written notes from Brenda McCauley to Willa-Jean Conroy dated July 17, 2013
- Exhibit 9: Landlord's Correspondence dated June 18, 2013
- Exhibit 10: Landlord's Note to File dated June 18, 2013
- Exhibit 11: Landlord's Final Warning Correspondence dated April 23, 2013
- Exhibit 12: Landlord's Note to File dated April 23, 2013
- Exhibit 13: Landlord's Note to File dated April 23, 2013
- Exhibit 14: Landlord's Note to File dated April 23, 2013
- Exhibit 15: Landlord's Warning Correspondence dated March 5, 2013
- Exhibit 16: Landlord's Note to File dated March 5, 2013
- Exhibit 17: Landlord's Note to File dated March 4, 2013
- Exhibit 18: Landlord's Note to File dated February 19, 2013
- Exhibit 19: Landlord's Final Warning Correspondence dated February 6, 2013
- Exhibit 20: Landlord's Note to File dated February 5, 2013
- Exhibit 21: Landlord's Notice of Termination of Tenancy dated September 17, 2013