

IN THE MATTER between **Northwest Territories Housing Corporation**, Applicant,
and **Neil Woledge**, 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 **city of Yellowknife in the Northwest
Territories.**

BETWEEN:

NORTHWEST TERRITORIES HOUSING CORPORATION

Applicant/Landlord

- and -

NEIL WOLEDGE

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 43(3)(a) of the *Residential Tenancies Act*, the respondent must comply with his obligation not to disturb the landlord's or other tenants' possession or enjoyment of the rental premises or residential complex.

DATED at the City of Yellowknife in the Northwest Territories this 23rd day of
September 2015.

Adelle Guigon
Deputy Rental Officer

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REASONS FOR DECISION

<u>Date of the Hearing:</u>	September 9, 2015
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories
<u>Appearances at Hearing:</u>	Ella Newhook, representing the applicant Neil Woledge, respondent
<u>Date of Decision:</u>	September 9, 2015

REASONS FOR DECISION

An application to a rental officer made by Yellowknife Housing Authority as the applicant/landlord against Neil Woledge as the respondent/tenant was filed by the Rental Office August 5, 2015. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as #11, 5124 - 52 Street, in Yellowknife, Northwest Territories. The applicant personally served a copy of the filed application on the respondent August 7, 2015.

The applicant alleged the respondent had repeatedly disturbed the landlord's and other tenants' quiet enjoyment of the rental premises and residential complex and sought an order for termination of the tenancy agreement and eviction. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for September 9, 2015, in Yellowknife, Northwest Territories. Ms. Ella Newhook appeared representing the applicant. Mr. Neil Woledge appeared as respondent.

Preliminary matters

The application to a rental officer identified the landlord as Yellowknife Housing Authority. The written tenancy agreement identifies the landlord as Northwest Territories Housing Corporation, authorizing Yellowknife Housing Authority to act as its agent. A discussion with representatives of both Northwest Territories Housing Corporation and Yellowknife Housing Authority led to an agreement to amend the application to a rental officer to identify Northwest Territories Housing Corporation as the applicant. The application and the style of cause will reflect this amendment going forward.

Disturbances

Ms. Newhook testified that since the filing of the application to a rental officer further discussions were had with Mr. Woledge. The positive discussions resulted in Mr. Woledge being transferred to a unit separated from the particular tenant with whom he was having difficulties. Since the transfer took place Mr. Woledge's behaviour has improved and the complaints of

disturbances have ceased. The matter seeming to be resolved, Ms. Newhook withdrew the applicant's request for termination of the tenancy agreement and eviction, requesting only an order that Mr. Woledge comply with his obligation not to disturb others' enjoyment of the premises and complex.

Mr. Woledge acknowledged his behaviour prior to the filing of the application to a rental officer as inappropriate and showed remorse for his actions. He agreed with Ms. Newhook that since transferring to a different unit the issues between himself and his former next door neighbour seem to have resolved. He acknowledged avoiding his former neighbour is the best course of action to prevent further direct issues. Mr. Woledge advised that many of the disturbances that were complained of were regarding the volume level coming from speakers he previously had secured to the shared wall between units. The most aggressive incident which ultimately prompted this application to a rental officer was admittedly inappropriate but also out of character for him, and was the result of a very stressful period in his life. He expressed appreciation for Ms. Newhook and her efforts to assist with resolving the matter.

I am satisfied the disturbances complained of did occur. Section 43 of the *Residential Tenancies Act* prohibits tenants from disturbing the landlord's or other tenant's possession or enjoyment of the rental premises or residential complex. I am further satisfied that the disturbances are unlikely to recur. I find Mr. Woledge has failed to comply with his obligation not to disturb the landlord's or other tenants' enjoyment of the rental premises or residential complex, and an order will issue requiring Mr. Woledge to comply with this obligation.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Log of notes and statement by John Pierce dated August 4, 2015

Exhibit 2: Email from terry@theedge.ca to Cameron O'Keefe dated June 25, 2015

Exhibit 3: Statement from John Pierce dated June 23, 2015

Exhibit 4: Residential tenancy agreement dated April 1, 2009