

IN THE MATTER between **Northwest Territories Housing Corporation**, Applicant,
and **Margaret Arden**, 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, **Adelle Guigon**, Deputy Rental Officer,
regarding a rental premises within **the city of Yellowknife**.

BETWEEN:

NORTHWEST TERRITORIES HOUSING CORPORATION

Applicant/Landlord

- and -

MARGARET ARDEN

Respondent/Tenant

ORDER and EVICTION ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 43(3)(d) of the *Residential Tenancies Act*, the tenancy agreement between the parties will terminate November 30, 2015, and the respondent must vacate the rental premises on or before that date.
2. Pursuant to section 63(4)(a) of the *Residential Tenancies Act*, the respondent will be evicted from the rental premises known as #208, 5465 - 52 Street, in Yellowknife, Northwest Territories, on December 1, 2015.

DATED at the City of Yellowknife in the Northwest Territories this 9th day of November
2015.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Northwest Territories Housing Corporation**, Applicant,
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AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter
R-5 (the "Act");

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NORTHWEST TERRITORIES HOUSING CORPORATION

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-and-

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Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	October 28, 2015
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories
<u>Appearances at Hearing:</u>	Ella Newhook, representing the applicant Bob Bies, representing the applicant Margaret Arden, respondent
<u>Date of Decision:</u>	October 28, 2015

REASONS FOR DECISION

An application to a rental officer made by Yellowknife Housing Authority as agent for Northwest Territories Housing Corporation as the landlord against Margaret Arden as the respondent was filed by the Rental Office September 22, 2015. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as #208, 5465 - 52 Street, in Yellowknife, Northwest Territories. The applicant personally served a copy of the filed application on the respondent September 29, 2015.

The applicant alleged the respondent had repeatedly and unreasonably disturbed the landlord's and other tenants' enjoyment and possession of the rental premises and residential complex. An order was sought to terminate the tenancy and evict the tenant. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for October 28, 2015, in Yellowknife, Northwest Territories. Ms. Ella Newhook and Mr. Bob Bies appeared representing the applicant. Ms. Margaret Arden appeared as respondent. Four witnesses appeared to testify for the applicant: Blessing Desire-Tesar, Evangeline Kapotaon, Shannon Adey, and Aya Burshan.

Tenancy agreement

The written residential tenancy agreement entered into evidence established a tenancy between the parties for subsidized public housing commencing April 1, 2008. There was no dispute regarding the validity of the agreement. I am satisfied a valid tenancy agreement for subsidized public housing between the parties is in place in accordance with the *Residential Tenancies Act* (the Act).

Disturbances

Ms. Newhook and Mr. Bies testified and provided evidence of numerous complaints of disturbances reported by Ms. Arden since November 2014. Ms. Aya Burshan testified on behalf of the applicant as a representative of the building owner, NPR Limited Partnership. Ms. Arden's complaints made to both the landlord and the building owner were made against her neighbours

and employees of the landlord and building owner regarding: suspicion of unknown parties entering her premises without her consent or knowledge, suspicion of parties unlawfully entering other tenants' premises, unauthorized construction noises coming from other apartments, allegations of drug dealing and other transactions occurring within the residential complex by her neighbours, and surveillance equipment being installed in her apartment to monitor her movements. All of the complaints were investigated by the landlord or building security staff and all were found to be made without substantial merit.

The landlord and building owner both received numerous complaints from Ms. Arden's neighbours regarding the false allegations of drug dealing and disturbances, and that Ms. Arden had been verbally abusive and threatening to her neighbours and their guests. The three witnesses who attended this hearing appeared without subpoena and without being otherwise requested by the applicant. They are all residents of the residential complex. Two of them – Ms. Desire-Tesar and Ms. Kapotaon – are direct neighbours to Ms. Arden and the primary target of Ms. Arden's complaints. Ms. Adey is a resident in the residential complex and also has employed both Ms. Desire-Tesar and Ms. Kapotaon from time to time; she was approached by Ms. Arden at a local mall, where Ms. Arden proceeded to accuse Ms. Desire-Tesar and Ms. Kapotaon of being drug dealers.

Verbal communication was made with Ms. Arden regarding the false and/or unsubstantiated complaints, and two written warnings – dated November 20, 2014, and May 13, 2015, – were given to her cautioning her against continuing to make unsubstantiated complaints. Ms. Arden's behaviour triggered concern for her mental health and well-being in the landlord, who additionally offered recommendations to Ms. Arden regarding seeking help from a health professional. The landlord reiterated over the last year that Ms. Arden's continued behaviour in this manner would result in this application to a rental officer to terminate her tenancy.

Ms. Arden testified to her medical history and disabilities. She reiterated the basis of her complaints over the years, including: that her neighbours (today's witnesses) were dealing drugs, being noisy, tearing up floorboards in their apartments, breaking into her apartment from the balcony, and that Ms. Desire-Tesar's toddler was using foul language when referring to

Ms. Arden; that someone must have been doing work in her apartment because the sprinkler heads had moved marginally; that someone has been entering her apartment, stealing and replacing her medication with Calcium pills; that unauthorized service persons had been entering the residential complex, her apartment, and other tenants' apartments. She could not provide direct or substantive evidence of who might be responsible for these allegations, nor did Ms. Arden have any direct knowledge of whether or not certain persons were permitted or authorized to be in the residential complex at any given time; she did not see anyone committing drug-related transactions and yet directly accused several persons of doing so.

I am unable to find Ms. Arden's testimony credible as most – if not all – of it is unsubstantiated and hearsay. I find Ms. Desire-Tesar's, Ms. Kapotaon's, Ms. Adey's, and Ms. Burshan's witness testimonies credible because they spoke of matters to which they had direct knowledge and their testimonies were consistent. Additionally, I find Ms. Newhook's and Mr. Bies's testimonies credible because they also spoke of matters to which they had direct knowledge and provided documentary evidence in support of their claim.

I am satisfied that the landlord has done their due diligence in investigating all of Ms. Arden's complaints, and I am satisfied that the complaints are substantially unfounded. I am satisfied that this behaviour has disturbed the landlord's and other tenants' enjoyment of their rental premises and the residential complex. I am also satisfied, on a balance of probabilities, that Ms. Arden is unlikely to cease making these false accusations and complaints against her neighbours, the landlord, and the building owner. I find that Ms. Arden has repeatedly and unreasonably disturbed the landlord's and other tenants' enjoyment and possession of the rental premises, contrary to section 43 of the *Residential Tenancies Act*. I am satisfied that termination of the tenancy agreement and eviction are justified under the circumstances.

Order

An order will issue terminating the tenancy agreement between the parties on November 30, 2015, requiring Ms. Margaret Arden to vacate the rental premises on or before that day, and evicting Ms. Margaret Arden from the rental premises on December 1, 2015.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Complaints to landlord's call centre from respondent dated: September 15, 2015; August 22, 2015; August 2, 2015; August 1, 2015; July 25, 2015; July 23, 2015; June 28, 2015; June 22, 2015; May 18, 2015; May 11, 2015; May 9, 2015; May 7, 2015; April 25, 2015; April 19, 2015; March 14, 2015; November 16, 2014
- Exhibit 2: Emails between Connie Lane, Jenna Conrad, Tirzah del Valle, Colleen Wellborn, Connie Diener, Ella Newhook, Jacklyn Smith, and Bob Bies dated: August 14, 2015; August 14, 2015; July 23, 2015; June 2, 2015; May 20, 2015; November 19, 2015
- Exhibit 3: Northern Security Services incident reports dated: August 2, 2015; August 1, 2015; July 23, 2015; June 28, 2015; June 22, 2015; May 11, 2015; May 9, 2015; April 26, 2015; April 25, 2015; April 19, 2015
- Exhibit 4: Applicant's correspondences to respondent dated: May 13, 2015; November 20, 2014
- Exhibit 5: Written complaint from a tenant to Ella Newhook dated May 12, 2015
- Exhibit 6: Written complaint from a tenant to Sloane Morris dated May 5, 2015
- Exhibit 7: Residential tenancy agreements dated: June 30, 2010; March 7, 2008
- Exhibit 8: Email between Jenna Conrad, Janet Stephenson, and Bob Bies dated October 14, 2015