

IN THE MATTER between **Shelter Canadian Properties Ltd.**, Applicant, and **John Paulette**, 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:

**SHELTER CANADIAN PROPERTIES LTD.**

Applicant/Landlord

- and -

**JOHN PAULETTE**

Respondent/Tenant

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay his rent on time in the future.
2. Pursuant to section 43(3)(a) of the *Residential Tenancies Act*, the respondent must comply with his obligation not to disturb other tenants' possession or enjoyment of the rental premises or residential complex.

DATED at the City of Yellowknife in the Northwest Territories this 11th day of January 2016.

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Adelle Guigon  
Deputy Rental Officer

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BETWEEN:

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-and-

**JOHN PAULETTE**

Respondent/Tenant

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>December 9, 2015</b>
<b><u>Place of the Hearing:</u></b>	<b>Yellowknife, Northwest Territories</b>
<b><u>Appearances at Hearing:</u></b>	<b>Tanya Kidston, representing the applicant</b>
<b><u>Date of Decision:</u></b>	<b>December 9, 2015</b>

### **REASONS FOR DECISION**

An application to a rental officer made by Shelter Canadian Properties Ltd. as the applicant/landlord against John Paulette as the respondent/tenant was filed by the Rental Office November 10, 2015. The application was made regarding a residential tenancy agreement for the rental premises known as #405, 100 Beck Court, in Yellowknife, Northwest Territories. The applicant personally served a copy of the filed application on the respondent November 10, 2015.

The applicant alleged the respondent had accumulated rental arrears and caused disturbances. An order was sought for payment of the rental arrears, termination of the tenancy agreement, and eviction. Evidence presented is listed in Appendix A attached to this order.

A hearing was scheduled for December 9, 2015, in Yellowknife, Northwest Territories. Ms. Tanya Kidston appeared representing the applicant. Mr. John Paulette was sent notice of the hearing by registered mail deemed served November 25, 2015, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Mr. Paulette did not appear at hearing, nor did anyone appear on his behalf. The hearing proceeded in his absence pursuant to section 80(2) of the Act.

#### *Tenancy agreement*

Ms. Kidston provided evidence and testimony satisfying me that a residential tenancy agreement is in place between the parties in accordance with the Act for the rental premises identified as #405, 100 Beck Court, in Yellowknife, Northwest Territories.

#### *Rental arrears*

At the time of making this application evidence was provided establishing that Mr. Paulette had failed to pay his rent and had arrears owing in the amount of \$4,398. Since then, Ms. Kidston learned that Mr. Paulette had actually been away attending school and upon his return he has paid off nearly all of his arrears. As such, Ms. Kidston withdrew the applicant's request for payment of rental arrears seeking only an order for payment of future rent on time.

Evidence of the previous rental arrears was provided in the form of tenant payment records and satisfies me that Mr. Paulette has in fact been late paying his rent. As such, I find an order for payment of future rent on time is appropriate.

### *Disturbances*

At the time of making this application evidence was provided supporting allegations of disturbances coming from Mr. Paulette's apartment. The disturbances had been occurring over a period of four months, and the complaints were being made primarily from one neighbour. Since the making of the application, two things occurred: the offended tenant moved out (because of the disturbances) and the tenant returned from school. The disturbances essentially ceased or were dramatically reduced upon Mr. Paulette's return from school. Ms. Kidston learned that the disturbances were largely caused by family members that Mr. Paulette permitted to reside in his apartment during his absence. Ms. Kidston testified that she had a conversation with Mr. Paulette, who was apologetic and agreed to exert more control over his own behaviour and that of his guests. In light of this promise, Ms. Kidston withdrew the applicant's request for termination of the tenancy agreement and eviction, seeking only an order that Mr. Paulette comply with his obligation not to disturb other tenants' enjoyment or occupation of the rental premises and residential complex. I am satisfied this request is appropriate under the circumstances.

### *Orders*

An order will issue requiring Mr. John Paulette to pay his future rent on time and to comply with his obligation not to disturb other tenants' enjoyment or possession of the rental premises and residential complex.

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Adelle Guigon  
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Tenant payment record for rent from April 3 to November 10, 2015

Exhibit 2: Applicant's rent notices to respondent dated: August 10, 2015; September 11, 2015;  
October 9, 2015

Exhibit 3: 10 written complaints of disturbances dated between March 30 to July 19, 2015

Exhibit 4: Applicant's disturbance notices to respondent dated: July 8, 2015; April 2, 2015;  
April 27, 2015