

IN THE MATTER between **Northwest Territories Housing Corporation**, Applicant, and **Barb Eilon**, 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**, Rental Officer, regarding a rental premises located within the **city of Yellowknife in the Northwest Territories**.

BETWEEN:

NORTHWEST TERRITORIES HOUSING CORPORATION

Applicant/Landlord

- and -

BARB EPILON

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 42(3)(a) of the *Residential Tenancies Act*, the respondent must comply with her obligation not to interfere with the operation of safety devices within the rental premises or residential complex.
2. Pursuant to section 43(3)(a) of the *Residential Tenancies Act*, the respondent must comply with her obligation not to disturb the landlord's enjoyment and possession of the rental premises and residential complex.

DATED at the City of Yellowknife in the Northwest Territories this 26th day of April 2016.

Adelle Guigon
Rental Officer

IN THE MATTER between **Northwest Territories Housing Corporation**, Applicant, and
Barb Eilon, 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:

NORTHWEST TERRITORIES HOUSING CORPORATION

Applicant/Landlord

-and-

BARB EPILON

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	April 19, 2016
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories
<u>Appearances at Hearing:</u>	Ella Newhook, representing the applicant Barb Eilon, respondent
<u>Date of Decision:</u>	April 19, 2016

REASONS FOR DECISION

An application to a rental officer made by Yellowknife Housing Authority on behalf of the Northwest Territories Housing Corporation as the applicant/landlord against Barb Eilon as the respondent/tenant was filed by the Rental Office March 2, 2016. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Yellowknife, Northwest Territories. The applicant personally served a copy of the filed application on the respondent April 14, 2016, after service by registered mail was unsuccessful.

The applicant alleged the respondent had been verbally abusive to the landlord's employees during an emergency maintenance issue, and had interfered with the proper functioning of a smoke detector in the rental premises. An order was sought for the respondent to comply with her obligations not to disturb the landlord's enjoyment or possession of the rental premises and residential complex, and to comply with her obligation not to interfere with the operation of safety devices in the rental premises and residential complex.

A hearing was scheduled for April 19, 2016, in Yellowknife, Northwest Territories. Ms. Ella Newhook appeared representing the applicant, with one witness: Mr. Cameron O'Keefe, the landlord's maintenance foreman. Ms. Barb Eilon appeared as respondent.

Tenancy agreement

The parties agreed and evidence was submitted establishing a tenancy agreement between them for subsidized public housing at the rental premises known as #203, 5020 - 53 Street, in Yellowknife, Northwest Territories. The tenancy commenced April 1, 2012. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the *Residential Tenancies Act* (the Act).

Issues

On January 6, 2016, the landlord's maintenance personnel received notification that a major water leak was occurring at the residential complex at 5020 - 53 Street. Personnel were immediately dispatched to the location to determine the source of the leak and effect repairs. During the course of tracking the leak from the main floor up to the roof the personnel required access to various apartments in the building in order to track the water through the walls. Upon attending the respondent's premises the respondent was immediately irritable and annoyed, and throughout the personnel attendance was belligerent and verbally abusive towards them. Her behaviour escalated when the personnel photographed and noted the smoke detector in the premises had been covered by a plastic bag, rendering it ineffective and breaching mandatory fire safety regulations.

The personnel vacated the premises and continued their work tracking the water leak, only to be followed to the main foyer by the respondent, who continued to berate them. As a consequence of the respondent's violent behaviour towards them, the personnel were not comfortable returning to the respondent's rental premises without supervisory presence, and could not continue their maintenance efforts until Mr. O'Keefe arrived. Mr. O'Keefe's presence seemed to calm the respondent's demeanor down somewhat. Mr. O'Keefe observed symptoms in the respondent suggesting she had been drinking alcohol.

The respondent's verbal abuse was also directed at the landlord's main office. The respondent repeatedly called the receptionist and Ms. Newhook, each phone call becoming increasingly abusive. Both Ms. Newhook and Mr. O'Keefe recognized the behaviour as out of character for the respondent, but could not ignore the aggressiveness of the behaviour and its abusive characteristics.

The respondent acknowledged her behaviour that day as aggressively abusive and inappropriate, and offered a sincere apology to the applicant's representatives (which was accepted). She explained having received a devastating and unfortunate medical diagnosis just a few weeks before, which she was still learning to deal with. She did not offer this explanation as an excuse for her behaviour, just to provide context for it. She confirmed, as the applicant's representatives indicated, that the behaviour was out of character for her and she regrets it.

With respect to the covering of the smoke detector, she acknowledges she should not be covering it, explaining that the only reason she did was because it seemed to go off nearly every time she cooked something. She agreed to try and find other ways to mitigate the sensitivity of the device by using the range fan more frequently, opening the window when weather permits, and using the fan on the HVAC system.

I am satisfied the respondent has failed to comply with her obligations not to interfere with the operation of safety devices and not to disturb the landlord's enjoyment and possession of the rental premises and residential complex. An order will issue requiring her to comply with those obligations.

Adelle Guigon
Rental Officer