

IN THE MATTER between **Northwest Territories Housing Corporation**, Applicant, and
Raymond Keogayuk, 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 **town of Hay River in the Northwest Territories**.

BETWEEN:

NORTHWEST TERRITORIES HOUSING CORPORATION

Applicant/Landlord

- and -

RAYMOND KEOGAYUK

Respondent/Tenant

ORDER and EVICTION ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 43(3)(d) and 54(4) of the *Residential Tenancies Act*, the tenancy agreement between the parties will terminate May 31, 2016, 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 premise known as #201, 46 Woodland Drive, in Hay River, Northwest Territories, on June 1, 2016.

DATED at the City of Yellowknife in the Northwest Territories this 22nd day of April
2016.

Adelle Guigon
Rental Officer

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BETWEEN:

NORTHWEST TERRITORIES HOUSING CORPORATION

Applicant/Landlord

-and-

RAYMOND KEOGAYUK

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: April 20, 2016

Place of the Hearing: Hay River, Northwest Territories, by teleconference

Appearances at Hearing: Adam Swanson, representing the applicant

Date of Decision: April 20, 2016

REASONS FOR DECISION

An application to a rental officer made by Hay River Housing Authority on behalf of the Northwest Territories Housing Corporation as the applicant/landlord against Raymond Keogayuk as the respondent/tenant was filed by the Rental Office March 14, 2016. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Hay River, Northwest Territories. The applicant served a copy of the filed application on the respondent by registered mail signed for March 24, 2016.

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, and sought an order to terminate the tenancy agreement and evict the tenant.

A hearing was scheduled for April 20, 2016, in Hay River, Northwest Territories. The rental officer appeared by telephone. Mr. Adam Swanson appeared representing the applicant. Mr. Raymond Keogayuk was notified of the hearing by registered mail deemed served April 8, 2016, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Attempts to contact the respondent by telephone were unsuccessful due to the respondent's telephone number not working. The hearing proceeded in the respondent's absence pursuant to section 80(2) of the Act.

Tenancy agreement

The applicant provided into evidence a residential tenancy agreement establishing a tenancy between the parties commencing April 1, 2014. The tenancy agreement is for subsidized public housing. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

Disturbances

The applicant provided into evidence numerous documents supporting the allegation that the respondent has repeatedly and unreasonably caused disturbances. Ms. Brenda McAuley, caretaker for the residential complex, appeared to testify on behalf of the applicant.

Throughout the tenancy, the respondent has continuously played his music at blaring levels, to the extent it could be heard on occasion from within a vehicle in the parking lot. At least 12 incidents were documented and all were witnessed and responded to by Ms. McAuley, who reported receiving complaints from other tenants of the building as well. The respondent was noted to be intoxicated for most of the incidents. The applicant argued that although the respondent is generally not a “bad guy”, his disruptive behaviour, even after multiple warnings being given, continues to be disruptive and disrespectful, and simply cannot continue. There is no confidence that the respondent will be able to change his pattern of behaviour.

Based on the evidence and testimony presented, I am satisfied the respondent has repeatedly and unreasonably disturbed the landlord’s and other tenants’ enjoyment and possession of the rental premises and residential complex over a lengthy period of time. His failure to comply with multiple requests to resolve this behaviour and respect the other occupants of the building provides justification for the termination of the tenancy and eviction under the circumstances.

Order

An order will issue terminating the respondent’s tenancy agreement on May 31, 2016, and evicting him from the rental premises June 1, 2016.

Adelle Guigon
Rental Officer