

# SPECTRUM

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## LEGAL EASE

### LANDLORD AND TENANT - THE RENTALS MAN

What is a Rentalsman?

In New Brunswick, the relationship between landlords and tenants in non-commercial situations is governed by a piece of legislation entitled the Residential Tenancies Act. The provincial government appoints officials known as Rentalsmen to administer the Act. The Rentalsmen are located in six regional centres throughout New Brunswick, including Fredericton.

What are the duties of the Rentalsman?

The mandate of the Rentalsman is to serve and assist both landlords and tenants. The Rentalsman offers information and advice on the rights and obligations of the parties to residential leases, and will ensure that these are enforced when necessary. Should a dispute arise, the Rentalsman is available to mediate or settle the problem. The Rentalsman will undertake such investigations as are necessary to bring forward the facts in any given case.

If I receive assistance from the Rentalsman, will I be expected to pay a fee?

No, there is no charge for making use of the services offered by the Office of the Rentalsman.

Am I protected from retaliation from my landlord if I make a complaint to the Rentalsman?

The Residential Tenancies Act protects you from what is known as retaliatory eviction. If you make a complaint against your landlord under the terms of the Act, and your landlord subsequently notifies you that your lease is being terminated, you should contact the Rentalsman. This must be done within fifteen days of receiving the termination notice. It is then up to the landlord to satisfy the Rentalsman that he or she did not terminate your lease in reaction to your complaint. A termination notice served at any time up to one year following your original complaint is

subject to this process.

Who holds my security deposit?

The security deposit which you make at the outset of your lease is held by the Rentalsman in a special fund set up for that purpose. You may pay your deposit either to your landlord or directly to the Rentalsman. If your landlord receives the deposit, he or she must forward it to the Rentalsman within seven days. You should receive a certificate from the Rentalsman stating the amount of your deposit and the rental premises to which it applies.

What do I do if my landlord had broken a term of my lease?

You should first notify your landlord as to the nature of your complaint. He or she then has up to seven days to rectify the problem. If that does not happen or you are still not satisfied, you should then contact the Rentalsman. You will be expected to supply the Rentalsman with a copy of the complaint you gave your landlord. The Rentalsman will look into your complaint and, if necessary, compel your landlord to rectify his or her breach of the lease. Should your landlord fail to co-operate, the Rentalsman may address the problem directly and require you to pay your rent to the Office of the Rentalsman until the cost of the action is covered.

How so I contact the Rentalsman in this area?

Write, telephone or visit in person the Office of the Rentalsman. P.O. Box 6000, 300 St. Mary's Street 3rd. Floor, Regional Centre Fredericton, N.B. E3B 5H1 Tel. 453-2557

NOTE: THIS LEGAL COLUMN IS WRITTEN FOR INFORMATION PURPOSES ONLY. IT IS NOT INTENDED TO BE A REPLACEMENT FOR PROFESSIONAL LEGAL ADVICE.

## Gregarious Gastronomer

The Gregarious Gastronomer

Hanging from the BANISTERS

by Miroslav Wiesner

On a hailing Wednesday in October, I was feeling cold, wet, and rather sorry for myself so I thought, "What better way to cheer up than a nice meal!" I have never been to Banisters, the restaurant adjoining the Cosmo Club, and, although my

skepticism was high, I thought I'd give it a try. I walked in expecting yet another yuppie eatery... You know the kind: great decor but hideous food.

The first part of my assumption was correct. The dining area was set in a wood and brass motif that was hunter green in color with a definite yet appropriate division of smokers and non (nice touch). The bar is located in the center of the restaurant whose walls are

## IN THE PINK

by James Gill

Massachusetts Representative Barney Frank will be going before the House Ethics Committee accused of allowing a hooker to operate of prostitution ring out of his Washington apartment. Ordinarily this would be just another case of alleged misconduct on the part of a person in public life, however, in this case the prostitute was Stephen Gobie, a man with whom Frank was having a relationship and this case will have implications for the gay and lesbian movement in the United States.

Frank's sexual orientation is already well known. In the spring of 1987 he became the first U.S. Congressman to openly declare his homosexuality. He was, up to that time, a strong figure on the Democratic Party's left wing, and his declaration altered little. He was re-elected by a landslide in 1988 in his largely working class District.

By and large it would seem that open homosexuality is not the bar to public life that people (lesbian and gay people included) seem to think. On the other hand, knowingly allowing a prostitution ring to operate from your apartment is probably political suicide.

The details of the scandal, as reported in the September 25 issue of Newsweek, do not make it clear what, if any, role Frank played in the whole affair. Certainly he was having a relationship with Gobie, and Gobie did have track record which would make him an unlikely paramour for a public figure. Frank himself admits that he hoped to help Gobie rehabilitate himself. However, all that means is that Frank is guilty of atrociously bad judgement.

covered in black & white prints and laser holograms.

I was greeted at the door by a friendly hostess who immediately sat me down in a very nice non-smoking section near a picture window facing King St. My waitress arrived quite promptly asking whether I would like a drink and an appetizer before my meal. The my first dish arrived very quickly which was surprising because this Wednesday was "All You Can Eat Spaghetti for only \$6.95". Which is a mere \$1.75 more than an actual plate of pasta.

I, being a non-alcoholic pop connoisseur, was not pleased with the quality of the cola that I received. Supposedly, since the restaurant is a neighbor to a bar, I was given bar pop which we all know is merely colored water. For an appetizer, I had the Fried Zucchini and Mozzarella. Rather simple in nature but difficult to prepare.

Whether Frank is guilty of anything more is really irrelevant for the gay and lesbian movement. We are now in the position of trying to assess the situation, and to exercise damage control, of necessary. Gobie appears to be the wild card in the whole scenario and is the real danger to us. Newsweek characterizes him as someone with ambitions to be the gay Sydney Biddle Barrows (the "Mayflower Madam"), and he claims that he could ruin half of Washington by opening up his rolodex.

This sort of situation does the lesbian and gay community no good at all. Were the situation heterosexual, Gobie would never be equated with the community at large, however, because he is gay, we all tend to get tarred with the same brush. The reality is that the gay and lesbian community makes up ten percent of every group, from the pillars of the community, right down to the less savoury elements of society. This creates a genuine dilemma for lesbian and gay activism.

When the United Church of Canada passed the resolution allowing for the ordination of gay and lesbian ministers, I remember my mother asserting that she would bet that there wasn't a man with an earring in sight on Victoria. This reflects the whole problem--do we have to present a clean and pure image of middle class values when we lobby for our rights? Certainly people like Gobie do not help our cause, but they are a part of it. The argument against such a portrayal is that we are misrepresenting the breadth of our constituency is so doing.

On the other hand, as long as we are going to be equated with the Gobies of the lesbian and gay community it is a natural

I this instance, both were well done. My waitress, Marjorie, was very helpful with and tolerant of my nit picking. When I requested a rather awkward change in the menu plan, she was happy to ask the kitchen. I had the Barbeque Combo which normally consists of Ribs and Chicken but to my delight, it was not a problem to have the chicken quarter changed to chicken wings. This I found to be quite impressive.

The meal arrived - perfect timing; enough time to chat with friends but not too much to be tiresome.

At first glance, the dish was well-presented. It came with a generous amount of coleslaw (or your choice of vegetable), fries, baked potato, or rice. From what my colleagues were eating, I could tell that the barbequed items were all made with the same sauce which had a nice smokey aroma to it but lacked slightly in flavor.

reaction of gay and lesbian activists to distance themselves from them. I, for one, would like nothing better than to have nothing to do with Stephen Gobie, but at the same time everything that I am doing is for his benefit as much as my own.

Whatever one thinks of this 'scandal' it adds to the litany of intrusions into the private lives of American public figures. I, for one, tend to think that this is counterproductive and if we must look for a bright side in this whole affair it is that in this country, at any rate, we seem to put more stock in Pierre Trudeau's statement that the state has no place in the bedrooms of the nation.

Next GALA Meeting: Tuesday, October 10, at 8:00 p.m. in Room 203 of the SUB (across from the Ballroom). We will be showing the documentary Before Stonewall.



Service was polite and always on the ball. And I did not feel rushed while eating. As I undid my belt buckle one notch, I was reminded that there was desert yet to come. I indulged in the Chocolate Decadence, which for all you chocolate lovers, is a variation on mud pie, normally made with brownies or a chocolate crust with ice-cream, whipped cream, and smothered with chocolate sauce. The decadence dessert I felt lacked in the richness of a mud pie. It did not satisfy my cocoa-caffeine fix.

All in all, the meal was good, the service excellent, but the price was rather exorbitant. Our meal for three, although rather filling, came to \$67 - a bit too much for the student's budget. One may enjoy frequenting this restaurant if you are certain to follow the specials which are a little more down to earth money wise. In truth, I give this restaurant 10 for service, 9 for atmosphere, 7.5 for flavor and 5 for price.

Remember, don't look at food as a standard chore in the complex process of life - enjoy what you eat!