

Tenancy Board loses powers

Court decision adds to tenant's burden

by Bruce Galloway

If Halifax's high rents and the lowest vacancy rate in years aren't enough, students and other low income tenants have yet another problem to deal with: the Nova Scotia Supreme Court recently deprived the Residential Tenancy Board of its power to arbitrate in tenant/landlord disputes.

Because of Halifax's low vacancy rate landlords can virtually pick and choose tenants. As a result, single parents and students are often treated unfairly.

One documented example of this type of discrimination is the practice of R.W. Ferguson Investment Limited. Until

recently, this company made students pay three months rent with their damage deposit when they rented in September. Mr. Ferguson defended this policy by explaining that before it was instituted students would vacate in May, leaving him with an empty apartment to try to fill in the "soft-market" summer months. The paying of three months rent, covering June, July and August of a lease signed the previous September, forced students to find a sublettee and ensured Ferguson didn't incur a loss.

The legality of Ferguson's policy has not been determined. However, John Allen, Provincial

Coordinator for the Residential Tenancy Board advises students against following such a policy. Allen said paying more than one month's rent in advance is "very unwise."

Until recently a tenant faced with such a situation could appeal to the Residential Tenancy Board whose decision was binding on both parties. No more. On November 20, 1981, the Supreme Court of Nova Scotia declared *ultra vires* the legislation under which the Residential Tenancy Board operated.

"Before this decision," explained Coyle, "the Tenancy Board acted as an administrative

tribunal which dispensed justice cheaply, quickly and fairly." Now if a landlord or tenant has a problem which can't be solved by mutual agreement, the only legal alternative is to go to court. Michael Coyle of Dalhousie Legal Aid notes that there has been a dramatic increase in the number of cases involving tenant/landlord disputes.

The hassle and cost of court has led some landlords to resort to the principle of "self-help" in dealing with unwanted or undesirable tenants. Coyle pointed to an increasing number of incidents of landlords cutting services or changing locks to force out a tenant. Although the tenant

can complain to the Residential Tenancy Board, the landlord does not have to abide by its opinion.

Coyle described one incident where a single mother was informed by her landlord in the first week of December that she had to vacate immediately. When the woman refused the landlord stated, "I'll have you out of here by Christmas." The landlord then shut off the power and the heat to drive her out. The woman came to Dalhousie Legal Aid where her case is now being handled.

Presently the Nova Scotia government is appealing the November decision to the Supreme Court of Canada.



Coop housing sign of the times

by Bruce Galloway

Record low vacancy rates and escalating rents are leading a growing number of Metro area residents to cooperative housing.

"The last year or so has seen the demand for cooperative housing increase dramatically," said Rob McLaren, manager of Access Housing. Access Housing, a non-profit resource group, provides expertise to people interested in starting cooperative housing projects. In the last nine months of 1981 Access Housing was involved with the planning and buying of ninety-three cooperative units in the Metro area. McLaren expects that the figure for 1982 will be over 150.

Cooperative housing generally involves the ownership of a number of residential units by a non-profit corporation. Residents own a membership share which entitles them to have an equal say in the policy and direction of the cooperative. Instead of "rent," cooperative members pay a monthly fee which goes towards mortgage and maintenance costs.

Brian O'Neal, president of Black Rose Cooperative describes the coop ideal as "no-frill" housing. O'Neal said cooperative housing provides a good alternative to renting for low and modest income groups.

Just recently, the Dalhousie Association of Graduate Students (DAGS), has begun to look into the possibility of forming a cooperative housing project. Terry

Dyer, president of DAGS, said the idea has been around for two or three years but has never been seriously investigated. This year several people became interested, and as a result, one of DAGS's standing committees is researching the procedure for submitting an application.

Dyer stresses that as yet, the project is in the formative stage. "However, we believe there is a demand for housing of this nature and as such it should be a service we provide," explained Dyer.

One of the greatest problems facing prospective cooperative corporations is funding. The vast majority of cooperative projects in Halifax depend directly on funding from the Canadian Mortgage and Housing Corporation (C.M.H.C.). McLaren said although the demand for cooperative housing has increased it seems unlikely that funding will grow proportionally.

Bernie Hughes program officer at the C.M.H.C. in Halifax admits that although the final decisions about the new budget have not been made it appears likely funding will remain at the same level as last year.

"This year," said Hughes, "the emphasis will be on reaching lower income families." Last year C.M.H.C. subsidized coop units in mainland Nova Scotia.

Under C.M.H.C. policy, cooperative housing can receive subsidies which reduce interest on mortgages to as little as 2%.

Week-long student union elections seek double turn-out

by Heather Roseveare

Dal Student Union General Election '82 will be held March 15-19.

The chairman of Dal's Student Council, Burt McCann, says the voting will follow a "somewhat unusual procedure." The elections committee and one registrar's book will visit each classroom during the week to get the students' votes.

In addition, a general voting

booth will be in operation on Monday, March 15, at the SUB.

President John Logan wants to try the new method "so we can get more people." He expects voter turnout this year will at least double.

Some councillors expressed doubt as to whether all students could be reached in one week. Logan says "no problem." Law and med students for example, can be polled collectively which

will save time, he said.

In a letter to all faculty at Dal, Chris Axworthy, president of the Dalhousie Faculty Association, urged all professors "...to look favourably on the idea of setting aside a few minutes for this purpose..."

The nominations period started Monday, February 15, and will close March 1. Campaigning will take place during the two weeks prior to election week, March 1-12.

Medium II rejects council firing of editor

MISSISSAUGA (CUP) Peter Stasierowski was one of the last to find out he had been fired by the Erindale College Student Union on February 3. Stasierowski, editor of the college student newspaper, Medium II, wasn't aware that his job was being reviewed and was not allowed to attend the closed council session.

Joe Raftis, an ECSU vice-president and the chairperson of the council, said Stasierowski was fired because of his "failure to fulfill his obligations as editor and his apparent lack of time and

motivation to make himself available on request."

He said the decision to fire Medium II's editor could not be left to the newspaper staff because "they are all bosom buddies and they're stupid." If the staff didn't accept the council move, said Raftis, ECSU might close the paper.

The Medium II staff were outraged by the council decision, and claim it violates the student union constitution. "The ECSU constitution states 'It is recognized and affirmed that the

Medium II be free from the influence of student government in respect to its management policies,'" said Barry McCartan, news editor of the paper.

Raftis said he did not consider the council action unconstitutional, but the Medium II staff is refusing to accept the firing as valid.

Stasierowski is "an excellent editor and he's still got his job until such time as the staff of the paper decides otherwise," said McCartan.

In another closed meeting Feb-

ruary 4, the ECSU council reportedly rapped Raftis for his comments on the newspaper's staff but did not consider closing the newspaper.

The firing followed a volley of disputes between the newspaper and council this year. ECSU voted last fall to force the staff into using word processing equipment to produce editions, instead of the traditional typesetting. The staff dismissed the council decision as internal interference, saying the word processing method makes the

paper look sloppy.

McCartan said he thought a compromise had been reached in the dispute earlier that week, but Stasierowski's firing "shocked" the staff.

McCartan said a revamped Medium II constitution, not yet approved by the council, would have prevented the firing of the newspaper editor by ECSU.

Stasierowski said he would "wait and see what happens" before making any decisions.

"I am too busy putting out a paper to worry about being fired."