

NEWS

Landlords, your leases and the law

BY JERRY WEST

Cleverly hidden in the blue pages under the provincial department of consumer affairs are the rent review and residential tenancy divisions. In spite of the departments' penchant for hide-and-go phone directory assistance, they are very happy to help tenants deal with difficult landlords. In fact, it's their job.

"The function of the residential tenancy division is to referee disputes between tenants and landlords," says Wendy Doggett, office manager of the division.

The tenancy division prepares cases to be heard by a board. The board's decisions are enforceable as decisions of the county court, so their word is as good as law.

"One problem that students often have is they move in with someone they don't know" cautions Doggett. "Under the law each tenant is jointly and severally responsible, so if one roommate moves out when the summer comes, the other can be stuck with the whole lease."

Doggett also recommends a tenant pay close attention to the damage report filed at the beginning of the year.

"It is in the tenant's best interests," says Doggett, "if the report is not filed at the beginning of the year, the landlord can charge the tenant for all the past years' damage when the lease is up."

Doggett also warns while a landlord can be made to repay tenants

for any loss or inconvenience due to the previous state of the property, this is not a good enough reason for terminating a lease.

"All complaints have to go through the board," says Doggett, "but usually the only way a lease would be invalidated [freeing the tenant of responsibility] is if the property is uninhabitable."

The rent review division is similarly bound by rigid restrictions. Every year a guideline is set for rent increases, at the end of August. If a landlord wants to increase the rent by more than this guideline (usually three or four percent) he or she must make an application to the division. An officer for the division will then decide if the rent increase will be allowed.

"If the landlord makes a capital expenditure equal to the rent increase, the increase will generally be allowed," says Gene Windsor, Manager of rent review.

The division defines a capital expenditure as "any expenditure completed this year which can not reasonably be expected to have to be completed again next year."

Unfortunately this means the landlord can make cosmetic changes, like putting up a fence, that doesn't benefit the tenant and still raise the rent.

"The tenants are given three months' notice before the decision is made though," says Windsor, "and if they disagree with the increase, they can appeal to us within fifteen days of the decision."



Dating

• CONTINUED FROM P. 3

- coercing women to have sexual contact or intercourse
- remembering that communication is the key to avoiding potential date rape situations and that men should never assume they know what a woman wants — ask. If you're still unsure ask again — don't make the assumption that intercourse is acceptable.
- keeping in mind that a desire for affection (hugging and kissing) does not necessarily indicate a desire for intercourse
- being aware of social pressures and not buying into the idea of sex as "conquest". Sex is an intimate consensual act of sharing.
- realizing that being turned down is not a personal rejection, but instead, the rejection of a single act at a particular time. Your self-esteem need not depend on your sex life.
- always remember that no means no, don't argue or coerce the person you're with.

If you are raped and are seeking support use one of the reference numbers on page 3. You don't have to go through this experience alone.



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