

# the Dalhousie Gazette

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The Dalhousie Gazette is Canada's oldest college newspaper. Published weekly through the Dalhousie Student Union, which also comprises its membership, the Gazette has a circulation of 10,000.

As a founding member of Canadian University Press, the Gazette adheres to the CUP Statement of Principles and reserves the right to refuse any material submitted of a libelous, sexist or racist nature. Deadline for commentary, letters to the editor and announcements is noon on Monday. Submissions may be left at the SUB Enquiry Desk c/o Dal Gazette.

Commentary should not exceed 700 words, letters should not exceed 300 words. No unsigned material will be accepted, but anonymity may be granted on request.

Advertising copy deadline is noon Friday before publication. The Gazette offices are located on the 3rd Floor SUB. Come up and have a coffee and tell us what's going on.

The views expressed in the Gazette are not necessarily those of the Student Union, the editor or the collective staff.

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## Editorial

Barbara Frum posed the question on the January 9 edition of CBC's *The Journal*: "Are Canadians getting leaner and meaner because of the past few years of hard times?"

Answers were paradoxical—two pollsters said Canadians in general were more inclined to protect their own interests and welfare. Four "average Canadians" responded that while their own situations were made more difficult due to the recession, each felt they acted towards co-workers and friends in a more co-operative spirit. They were also concerned about the future of Canadian youth.

This same call for a spirit of co-operation and worry for this generation is echoed in the briefs being presented to the Commission of Inquiry into Post-Secondary Education, and not only by the Students' Union of Nova Scotia (SUNS), our representatives. Dalhousie's Jan. 6 presentation to the Commission could be expected to stress the financial quandary of post-secondary institutions and the need for academics' job security. It did but it didn't stop there.

The university's presentation drew attention to the need for guaranteed funding arrangements with the provincial government. Otherwise it would be impossible to plan or even maintain a quality education at undergraduate, graduate and research levels of post-secondary education.

The lag time between planning and implementing a course may take as long as three to five years. Without funding guarantees, this process, so necessary for keeping curriculae current, is precarious at best.

And it looks like Dalhousie wants students to still go to classes, despite its reputation with some people that this university doesn't really care. Dalhousie's brief criticized the provincial government's practice of penalizing scholarship recipients by including all but \$600 of the award with earned income when determining eligibility for student aid. And it called for student aid to be made available for part-time students.

Dalhousie wants the province to reaffirm that qualified students will get an education "regardless of their financial status or other non-academic considerations." It is publicly agreeing with the stand that SUNS takes on accessibility.

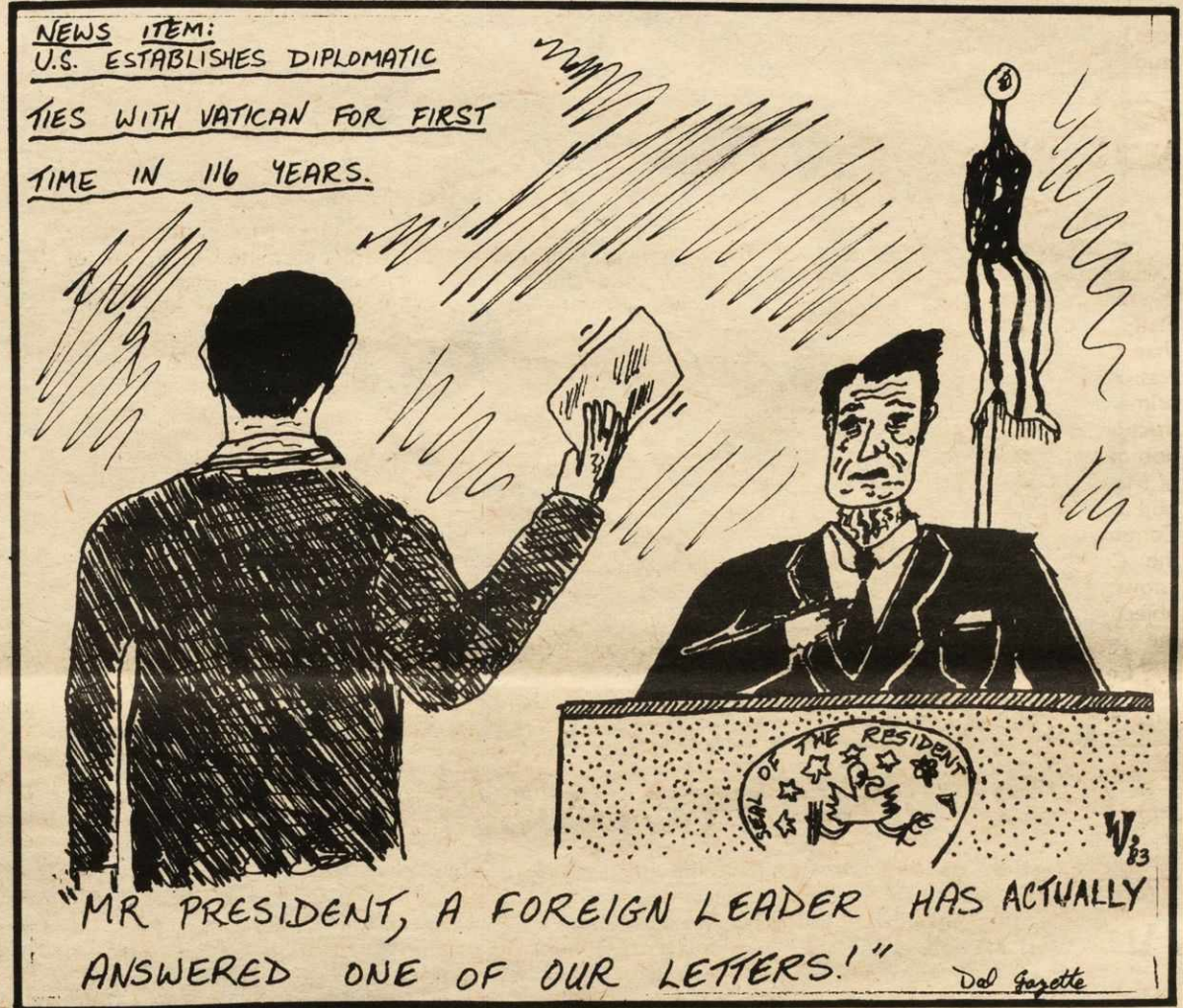
To the optimists it is beginning to look as though Dalhousie's pro-student submission to the Commission is not an isolated incident. After a January 10 meeting with university president Andrew MacKay, student union president Tim Hill said, "MacKay doesn't seem so hawkish on tuition this year."

Although MacKay proposed a 25 per cent tuition increase last year the Board of Governors approved a 15 per cent overall increase in tuition late in May.

This year Hill wants the tuition bargaining process to begin earlier because there are few students around after April. After his meeting with MacKay, Hill felt "reasonably confident" the process would begin much sooner this year.

With education cutbacks, Frum's paraphrased question "Will universities and students become leaner and meaner?" still remains to be answered. But it looks as though one professor's December 1982 appeal for "a loud and sustained cry of protest" against the shoddy treatment of post-secondary education may be a 1983 New Year's resolution realized in 1984.

C.R.



## Fenwick rent dispute anticlimactic

by Simon Davidson

The Fenwick rent dispute ended last month with an anticlimax. It will be remembered by readers of the Gazette that the rent review board followed by the rent review commission

### News Commentary

had decided that Fenwick Place was within their jurisdiction and consequently they were able to restrict rent raises dating back to 1977. This had raised hopes amongst many of the tenants of considerably cheaper accommodation for the current year with savings of up to 37.5 per cent. The question of jurisdiction finally came before the Nova Scotia Supreme Court of Appeal on December 7th.

The university was represented by a Queen's counsel and a junior counsel. The rent review commission lawyer represented the tenants. The

court had two options as to the approaches it took. It could either take a very narrow approach construing the words of the statute simply as they stood on the page or alternatively they could look to the purposes of the statute as an additional aid to construction.

Perhaps not surprising for a court whose reputation is not high amongst enlightened lawyers, they took the narrow view and the university won the case. Consequently, the rent review commission does not have jurisdiction to examine the level of rents charged at Fenwick or at any other university residences. Even taking this narrow view, the decision is unsatisfactory in its own terms in a number of respects. Primarily, it does not give any guidance as to the limits of the university's exception to the Rent Review Act.

A wider reaching criticism is

that it fails to take into account the wider policy issues at stake. The protection is solely for the benefit of tenants giving no advantages to the landlord. There is a good argument which restricts exceptions to the legislation to circumstances where policy demands it. It is difficult to see why the university owned premises that are let as ordinary apartments should not be protected as other ordinary premises. However, despite the obvious important issues involved, the Court of Appeal dismissed the matter within an hour—an efficiency most out of character.

The tenants in Fenwick are left without any protection against the whim of the university in setting rents, and must trust to their good faith.

Simon Davidson is a Fenwick tenant who was involved in the Fenwick rent review case.