

# A how-to guide to rent review appeals

by Graeme Murray

The leases of many Haligonians expire December 31. Because landlords must warn tenants of rental increases three months in advance, many people are faced with the decision in early October to move or pay higher rents.

In a recent statement, Consumer Affairs Minister Laird Stirling says the Rent Review Act allows landlords to apply for increases in excess of government's six per cent guideline for rent increases.

Harold Durnford, the acting chairman of the tenant information hot-line, the Metro Area Tenants' Union (MATU), established in August, says six per cent has become a minimum increase and not a recommended maximum. He cites Dartmouth's Octagon Towers as an example of what is happening in Metro.

The landlord of the 200 unit apartment building is demanding rent increases from 35 to 56 per cent. Durnford adds that MATU is aware of the situation but is not involved because Octagon Towers has its own tenants' association which is well organized.

MATU is a 300 member volunteer, community organization created last March to promote tenants' interests.

Durnford says a situation like this may cost a person hundreds of dollars if they assume their only option is to pay. A tenant is allowed to protest if they think an increase above six per cent is not justified.

A landlord is required to notify the Rent Review Commission of a rent increase two months before a lease expires, says Durnford. This means the commission will not likely receive a letter from a landlord until the first week in November if a lease expires December 31.

In November, a rent review officer from the department of consumer affairs will send a letter to the tenant notifying them that they are reviewing the landlord's requests.

A tenant should arrange to meet with an officer to view the financial information supplied by a landlord to support the request, says Durnford.

If an officer holds a hearing, the tenant should attend, says MATU. A landlord will be there to present the reasons for requesting a high increase, and a tenant may talk about services the landlord claims to provide but doesn't. Durnford says a tenant may not complain about the condition of the building because it is a matter for the Residential Tenancies Board to investigate.

After the hearing, a tenant will receive a written decision from a rent review officer stating the approved rent and the effective date. A tenant must appeal within 15 days of the decision if they are going to appeal, according to rent review guidelines.

Occasionally, an officer will not hold a hearing. In this case a tenant should put in writing their reasons

for protesting the landlord's request. The written statement will be considered by the officer in making a decision on the increase.

If a tenant appeals, they must attend a hearing before the Rent Review Commission which will be similar to the first hearing. It would benefit a tenant to ask the commission clerk for financial information supplied by a landlord in the interim.

A few weeks after the commission hearing, a tenant will receive a formal decision which in turn can be appealed to the Supreme Court of Nova Scotia, but only on very technical grounds. A lawyer will be required, so it will be expensive.

A tenant opposing a rent increase must continue to pay rent but not the full amount of the requested increase until the matter is finally settled. They must, however, pay back rent owing when the decision is final.

The Residential Tenancies Act forbids a landlord to retaliate against a tenant for appealing a rent increase. But it happens, says Durnford.

If a tenant believes their landlord is punishing them for appealing to the Rent Review Commission, they can approach the Residential Tenancies Board which utilizes a formal complaint procedure involv-

ing the County Court at a cost to the tenant of five dollars.

If a landlord is found guilty of retaliation against a tenant by the County Court, they are liable to a fine of not more than \$1,000.

This is all very well, says Durnford, but the process can take weeks. Even if the final outcome favours a tenant, they may end up on the street if the landlord padlocks the apartment or seizes their belongings.

Durnford expects the MATU hot-line to get hotter as the month progresses. Although six volunteers man the phone-line now, six more people would be welcomed by MATU.

## Peace vote and Tiger fund



by Cathy McDonald

Putting a disarmament referendum on the student ballot and setting up a fund for the endangered Bengal Tiger species, were two decisions that sparked little interest at Sunday's student council meeting.

The Bengal Tiger topic is not new to Dal Council meetings. It caused a lot of controversy last summer when the organizers of Orientation contemplated bringing a tiger cub on campus to add to the week's "spirit".

Graduate students' rep Ken Edgcomb reminded councillors of the motion passed to set up a fund for the tiger, "a very famous motion ... (that was passed) amidst controversy."

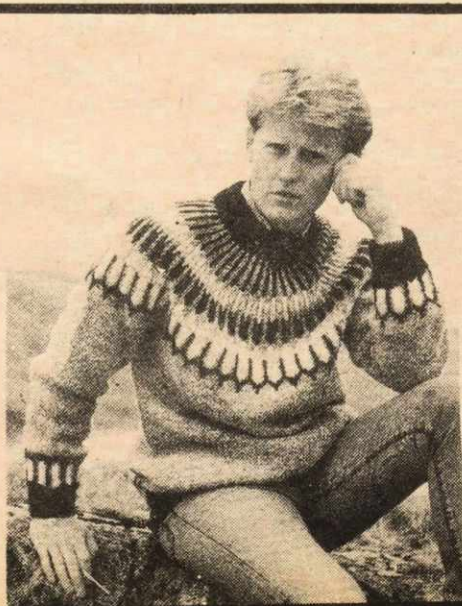
"We haven't done anything about it since" said Edgcombe, making his motion to set up a fund-raising committee for both the Tiger species and for varsity teams. He said the chairperson of the Winter Carnival committee, Neil McCarney, was interested in kicking off the drive during the mid-

year celebration, amidst much hoopla.

The motion passed without much discussion, as did another motion of international concern, that of nuclear disarmament. Council agreed with Board of Governor rep Atul Sharma's proposal to have students vote on the issue of nuclear disarmament during the March general elections. The referendum wording will be worked out by the Chief Electoral Officer along with the Dalhousie Disarmament Society, and will be ratified by council before December.



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