



THE INVESTMENT PROPERTY OWNERS ASSOCIATION OF NOVA SCOTIA

# INSIGHT

*The Positive Voice  
for Landlords*



## Tower Power

*A fresh vision for Fenwick Tower – based on inclusivity, creativity and community – is coming into focus.*

By Natalie Richardson

From the time he was a kid growing up near Fenwick Street, Joe Metlege has felt passionate about Halifax and the block where he grew up.

Little did he know that one day he would be working on a transformational development project that could change that very block and the existing landmark structure – Fenwick Tower – into a groundbreaking residential community for the city.

“I was born and raised in an apartment building on Tower Road which backed onto Fenwick Street. I’m a developer and I’m a businessman but I was a Haligonian first,” he says, explaining his drive to improve the city and the way development projects are done by including the community at large in the process.

“From the beginning we wanted to make the community a part of the public consultation process for the redevelopment of Fenwick” says Metlege, Vice President of Templeton Properties, a family-owned business started 38 years ago by his father Andrew. “We wanted to bring everybody in from the start, including neighbours, stakeholders, advocacy and residency groups which gave everybody a say in the vision for the project.” Something he says has not been done before.

Architectural drawings for the project, which Metlege hopes will get Council’s approval this fall, show the now concrete tower and surrounding asphalt transformed into a glass and stone structure surrounded by fully landscaped



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ground level townhouses, a high pedestrian traffic walkway (called Fenwick Passage) connecting South and Fenwick St, and community-oriented shops and services.

He predicts the makeover will only enhance the neighbourhood and focuses on creating an aesthetically pleasing, green residential structure. In fact the plan is to reduce the energy consumption of the tower by 50%, which Metlege says is part of Templeton Properties’ ongoing mission of “being green before it was cool to be green”. The tower will overlook safe, well-lit walkways in a park

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## Rebalancing the Relationship

*The Case for Revising the Residential Tenancies Act*

By David Napier



In Nova Scotia, the Residential Tenancies Act (RTA) makes the eviction of non-paying (or otherwise lease-breaking) tenants a lengthy and often costly process. But this long and frustrating ordeal is not one that property owners in other provinces are necessarily familiar with. Take New Brunswick, where landlords can have a non-paying tenant evicted within 30 days.

The existing “Notice to Quit” clause of the RTA is just one of many areas where Nova Scotia’s legislation fails property owners and favours tenants, which is why IPOANS has launched a campaign to have the RTA overhauled. The goal: an Act – and rental agreements that stem from it – that protect both property owners and not just tenants.

IPOANS has identified the following RTA clauses for revision:

- Damage deposits representing only half a month’s rent versus a the national norm of holding one month’s rent as security against rental arrears and property damages

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## Tower Power (Cont'd)

like setting where the neighbourhood can enjoy the convenience of a work/live residential structure.

"Right now there is about 70,000 sq. ft. of free space that is dark, abandoned and filled with gravel. I'd rather see 50,000 sq. ft. of well-lit, useable, friendly, safe space," says Metlege of the development plans adding that, if approved, construction could start in 12 months or optimistically by the spring.

Metlege says people need to vote for the redevelopment project and that despite overwhelming positive feedback there is some resistance to a change of this scale. "The bylaws are outdated and are at odds with modern urban design concepts," something he says needs to change for the city to become more progressive.

If Council does give Templeton Properties the green light, the ambitious project will include beautifying the buildings and surrounding



grounds through special touches like landscaped roofs, sculpture gardens and boutique style cafes and shops.

"The possibilities are endless for this development. Maybe this becomes an artists' community where there are opportunities for local artists to show their work we are open to any ideas that foster positive growth for the city."

Because of the environment of creativity and ownership for members of the community which was created at the first three or four

*We are open to any ideas that foster positive growth for the city.*

public meetings, Metlege says the support has been overwhelmingly positive. "People have said, 'Never before have we been invited to speak at a developer's meeting' and because they were included there is a sense of trust and appreciation."

As the Fenwick Tower project, which promises to be a landmark development for the Halifax as the tallest building in the city and the largest residential property east of Montreal, inches closer to fruition, Metlege muses about a conversation he had a while back with Councillor Jerry Blumenthal.

"He said to my father: 'Andy, for 20 years you've wanted to put in your landmark. Well this is your landmark.'"

## Rebalancing the Relationship (Cont'd)

- Disparity of notice provisions whereby tenants need only give one month's Notice to Quit versus the three months required of landlords
- A weak Collections Policy which enforces a prohibition on collections unless an Order has been issued
- Tenants to leave behind unwanted furniture, decorations and other "junk" that landlords must then store at their own expense while seeking permission to dispose of these items
- Abuse of the Medical Notice to Quit provisions in the Act – which should be completed in full to evidence "significant deterioration of health"
- A poor definition of who is a "tenant" versus subtenant (including subletters, split families, common law families, etc.)

- Tenants to appeal a mediated settlement to Small Claims Court after they have defaulted on their rent and been instructed to repay the money owed
- The inability of landlords to recover costs involved in re-renting apartments if required at the "mid-term" of a lease
- A failure to provide landlords with a means to deal with general problem tenants, including those who fail to follow municipal bylaws (e.g. unsightly premises)

The solutions proposed by IPOANS are not radical, and often mirror what has been done on other provinces. These include: a "14/14" Notice to Quit clause which dictates that after being 14 days in arrears a tenant can be notified by the landlord he or she has 14 days to vacate the premises. Also, damage deposits should represent a full month's rent, thereby normalizing rates and percentages with those in other provinces. Finally, IPOANS wants a clear(er) definition of who qualifies as a "tenant".

Positive steps forward like these will produce far fewer disputes between landlords and tenants (See "Working the System", p. 3) while delivering quicker, more amicable resolution of those disputes that do arise.

In short, a revised RTA will spell better tenancy experiences for all.

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## Working the System

She seemed like a good tenant when she signed the lease. And property manager, Ursula Prosegger of Urchin Property Management in Dartmouth, did the usual battery of background checks and sought references to ensure that this was so. But things quickly went sideways when the tenant stopped paying the \$525 rent on the basement apartment.



So began a litany of cases and appeals that pin-balled from the Residential Tenancies Board to Small Claims Court, swallowing almost a full calendar year of time and an enormous amount of the landlord's energy and resources.

"I probably worked 20 hours a week over six months on that case," recalls Prosegger of the most intense period of the dispute. This involved two trips to the RTB (one to arrange a payment schedule for the tenant), a "five to six week" wait for the initial hearing date, court and application fees, and eventually a trip to an appeals court.

This case is unusual but far from unique. In a more recent case, Prosegger is faced with the following timeline to deal with a non-paying tenant:

- **At the end of April the tenant stops paying rent**
- **By June 23rd an application is made by the landlord to recover the outstanding rent and related expenses (total claim: \$800)**
- **An RTB hearing date is scheduled for August 18**
- **The RTB decision comes down on August 20**
- **An order to pay and vacate is issued with an effective date of August 31**
- **On August 27 the tenant files a notice to appeal**
- **A small claims court date is set for September 7**

"The tenant is still in the unit," says Prosegger ruefully. "They're working the system. In the best scenario, they'll be out by September 30th."

## President's Update



**Jeremy Jackson**

As I write this piece, I can honestly say that our IPOANS office has never been busier!

Our Legislative Affairs team are busily preparing for a meeting on Oct 21st with Service Nova Scotia Minister Ramona Jennex and a number of her staff, including Director of Tenancy, Dean Johnson. On that agenda are two key items, including: 1) a discussion on our recent tenant petition regarding being excluded from the Property Tax CAP program; and 2) a review some of the key areas of concern relating to the Residential Tenancies Act, and some of the glaring deficiencies in its departmental systems and processes. Note that a version of this issue's lead story "Rebalancing the Relationship" was sent along to the Minister and her team as part of an

information package designed to help the Government better understand our position.

IPOANS involvement in the recent Water Commission Rate hearings did not go unnoticed. Through the diligent efforts of IPOANS Board member Peter Polley, we initiated a very vocal and well prepared Large Users group at these hearings. Stay tuned on the outcome of those hearings, tentatively scheduled for late fall.

Our Education Services team, led by Michael Kabalen, is busy wrapping up its final, 3-session, module of the inaugural NSCC Certified Apartment Manager course. By all accounts, the 15-week program has been a great success, both from the feedback we get from the 20 students enrolled and from an NSCC perspective. The team will now turn its attention to marketing the January-June 2011 program and we will again be counting on our membership to support this excellent, professionally developed and delivered, program. A big thanks goes out to our session leaders including Michael Kabalen, Mark Bergman, Kerri Miller, and Dave MacLean. Special thanks also to our guest speakers including, Isaac Hashem, Rex MacLaine, Peter Polley and Joe Metlege.

Contrary to what the weatherman is saying, it looks like the Fall and Winter seasons are heating up!

## Executive Director's Message



**Rex MacLaine**

The executive committee of your Association continued its regular meetings throughout the summer, and entered the Fall with a full agenda. As a result, IPOANS initiatives that were gathering steam in the spring – including a formal intervention at recent URB hearings into Water Rates, the construction of the new Association website, and a review of the Residential Tenancies Act (see "Rebalancing

the Relationship", p. 1) – will be at warp speed for the remainder of the year.

Also, the educational program, which had six sessions remaining before summer, has continued with twenty participants covering the Tenant Relations and Maintenance modules and will be completed before the end of November. Our plan is to offer the next session in January of 2011 and to complete the fifteen sessions by June 2011. Details will be mailed to all interested parties shortly.

Our Annual Golf Tournament was held on September 25th at Granite Springs Golf Course with 80 IPOANS members, suppliers and supporters in attendance. The weather and the food were great and the event was enjoyed by all.

We're looking forward to an eventful winter season. Meantime, I hope to hear from you on any issues of concern. I can be reached at [association@ipoans.ns.ca](mailto:association@ipoans.ns.ca).

# Ask the Expert



**“Build it and they will come.”**

***We've all heard that said before.***

**B**ut where technology is concerned, it just might be true. After all, the rate of growth is staggering. There are statistics about bandwidth growth, download speeds, HDTV, doubling the number of text messages sent every year. What all the numbers boil down to is this – people want to be connected through technology. Why not be on the leading edge and be able to provide your tenants something that gives you a competitive advantage over the other guy? Not to mention, saving money by doing it during your construction phase.

Building owners responding to their tenants demand for Information Services need to find sources of information they can trust in order to help themselves maximize the return on their investment

property. Tenants want to live where they have access to HDTV and high-speed Internet that they view to be the best. Understanding what is driving the demand for Information Technology (IT) is key. From there, you can justify the expense of placing good quality infrastructure that is properly designed, installed and tested. What you install today will affect the quality and quantity of services your tenants receive in the future.

Preparation for tomorrow's generation of tenant is more important than ever. Understanding what IT infrastructure is needed in your buildings to satisfy consumers needs allows you to take necessary steps to future proof your property.

The need for high quality IT is here. And it is happening in buildings you own. Bell Aliant is working with building owners to ensure tenants of your buildings are able to receive the services they view as an integral part of improving their quality of life at home.

How technology is changing? How you can prepare for this change? What do you need in your buildings to support this demand? These are all questions that Bell Aliant can help you with.

Professionals at Bell Aliant are ready to discuss the opportunities for building owners to support the services your tenants demand. Together we can work to identify the design of IT infrastructure within your building (build it) which can be the biggest challenge to allowing your tenants to gain access to the services they want (they will come). **For more information about Information Technology in-building infrastructure for the future please contact Bell Aliant at: [cabbling.design@bellaliant.ca](mailto:cabbling.design@bellaliant.ca)**

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