

CHEYENNE APARTMENTS**Time is running out for owner**

If Elijah Elieff's company doesn't come up with more than \$400,000 by Friday, the National Bank can sell the controversial buildings.

By Shelley Lawson
The London Free Press

The National Bank will be in a position to sell the controversial Cheyenne apartments if the owner, Elieff Investments Ltd., doesn't pay off the mortgage by Friday.

Tom Robson of London, the lawyer representing the bank, said Wednesday the bank took power of sale action against the property owner, a company owned by Elijah Elieff, 46 days ago.

The Cheyenne apartments have been the focus of media attention for several years because of their deteriorating condition and the plight of tenants to get the buildings repaired.

Power of sale allows the bank to sell the buildings at 95 and 105 Cheyenne Ave. at fair market value and withhold the mortgage amount from the sale proceeds. Unlike in a foreclosure action, the bank would not become owner or landlord of the buildings in a power of sale action, Robson said.

Elieff's company has until Friday to pay off the mortgage, Robson said. According to the notice of sale under the mortgage issued to stakeholders in the property, Elieff's company defaulted on mortgage payments and

the National Bank is demanding more than \$400,000 in principal, interest and costs by Friday.

NO PAYMENT: No payment had been made as of Wednesday night, Robson said.

Under the power of sale action, the National Bank may still be responsible for the outstanding work orders pertaining to health and safety conditions at the buildings, said Robert Carson, director of environmental health at the Middlesex-London Health Unit.

The Occupational Health and Safety Act makes the "occupier" — defined as the party in control — responsible for health and safety conditions.

"There could be some legal argument to be made," Carson said.

The health unit has issued orders for a list of issues, including sewage-soaked carpets on the ground floor of 105 Cheyenne and feces in the laundry room.

At the same time, Ontario Hydro has given Elieff a July 27 repair deadline after health inspectors found a slashed exterior electric cable and an easily accessible 400 amp hydro service in the laundry room at 105 Cheyenne.

The fire department inspects the property weekly and has written Elieff a notice of

violations about missing fire doors and extinguishers, said fire inspector Craig Stevens.

The city, under new provincial legislation, approved a bylaw to direct tenants' rent money to the landlord's unpaid utility bills. The bill was passed after Cheyenne tenants were plagued all winter with threats of losing heat and electricity because of the landlord's unpaid bills. Elieff still owes Union Gas \$3,600 and the Middlesex-London health unit \$5,000 for gas bill arrears it paid in February.

Elieff has been summoned to small claims court Friday over \$2,400 he was ordered to pay a former tenant by the rent review board for overcharging on the tenant's rent, said community worker Susan Eagle. This tenant is one of two people with liens against the buildings at 95 and 105 Cheyenne Ave.

LOST DEPOSIT: The other is a woman who was required to pay first and last months' rent before being shown the apartment for rent. When she decided not to lease the unit, Elieff refused to reimburse her the deposit, Eagle said.

The tenants' association, which has twice offered to buy the buildings for conversion into co-op housing, intends to make an offer to the National Bank, Eagle said. Any offer from the association would be conditional on housing ministry approval, she added.

"Our concern is the bank will want to sell it fast," Eagle said. "We would have to wait for ministry approval."

Elieff could not be reached for comment.