

City morally obligated to step in, says worker

Susan Eagle, right, wants London to look into gaining the authority needed to help the tenants in their fight against their landlord.



By Dahlia Reich
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The City of London has no legal authority to seize rent money from tenants of the Cheyenne Avenue apartments, a move that would protect them from eviction.

But that's not an excuse community outreach worker Susan Eagle is willing to accept. The city, said Eagle, has a "moral mandate" to help the tenants.

Eagle made the request to have the city seize the rents at last week's community and protective services committee meeting. But Controller Jack Burghardt has said the city has no power to do so. The issue is expected to be raised at council today.

SEEK AUTHORITY: Eagle wants the city to look into gaining the authority needed to help the tenants in their fight against landlord Elijah Elieff.

The City of Toronto, for example, has the authority to pay a landlord's outstanding utility bill and then go after the landlord for the money.

At the Cheyenne apartments, several tenants are paying rent into a trust fund rather than to Elieff, who hasn't paid an electricity bill of more than \$13,000. London PUC (now the hydro-electric commission) has agreed not to cut off power while the Cheyenne tenants go through the courts to have the trust fund directed to pay the bill.

But recently, Elieff has started sending eviction notices to tenants. He is technically allowed to do so since the tenants are refusing to pay rent to him, Eagle said.

PROTECTION FOR TENANTS: If the city paid the bill and then went after Elieff, the tenants would be protected from the threat of eviction, she added.

"I would rather see the city taking a few risks than making a whole lot of tenants vulnerable," she said. "And I think we can make a very strong case that the city has a responsibility for its own citizens. Supposedly, folks get elected out of their concern for the citizens."

Eagle said the tenants are in a no-win situation. "If they pay the landlord, they have no electricity and if they pay the trust fund, they get evicted. What kind of position is that to put any tenant in, let alone tenants who don't speak English and are having trouble getting settled here?"

Most of the tenants at 95 and 105 Cheyenne Ave. are recent immigrants from Cambodia and Vietnam.

NOT THE FIRST TIME: Assistant city solicitor Patricia Cox said the city has been approached before to pay outstanding utility bills.

"The danger in having the city pay an outstanding bill is that the city becomes a collection agency for the various utilities."

The problems facing the Cheyenne tenants, Cox said, is "essentially a landlord and tenant matter. The city doesn't have any standing with respect to any procedure under the Landlord and Tenant Act if it (the city) isn't the landlord or the tenant."

But the city recently sent a letter to the provincial government asking that the act be revised to allow tenants to direct their rent to a utility supplier, Cox said.

"That, I feel, would be a better way of doing it because then we wouldn't be acting

See **CHEYENNE** page B2 ►

London Free Press

CHEYENNE: City hall called an appropriate middleman

► From page A1

as a middleman."

But Eagle feels the city is an appropriate middleman.

"If that means paying a bill and then taking legal action against a landlord, that's a far preferable route than having the tenants take that legal action against the landlord, especially when they are subject to eviction, which the city isn't."

UNHEARD OF: Eagle has not heard of a similar landlord-tenant problem going as far as the Cheyenne battle.

Normally, tenants would move out and the landlord would be forced to pay the bill, she said. "Maybe the whole system is set up to have tenants quit every time they get into a feud like this. But these tenants haven't quit yet."

The hydro-electric commission isn't fighting Elieff for the money through civil court because it would have to cut off electricity first in an effort to force payment, said Doug Gardiner, superintendent of account services. And that would hurt the tenants, he said.

Elieff refused comment.