

Opinion

Halton Hills THIS WEEK

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Editorial

Letters, we get letters

I sometimes envision myself as a rainbow politically-hued Santa Claus while digging through the mail that accumulates on my desk.

After carefully sifting through the letters gingerly delivered by Canada Post - potential letter bombs moved to one side to be perused by our oxymoronic Canadian Security Intelligence Service which will no doubt forward them to Santa Claus anyway in about two years time - I continue to be amazed at the divergence of subjects offered by this virtual treasure trove.

I commend those who write letters to the Editor - even critical ones - because it shows these people care enough about a particular - or general - problem, to take the time to put their concerns in writing.

Far too many people bitch all too publicly to their confreres, but hesitate to go the next step and make their complaints known to the general public - via the media - for fear of treading on the toes of those all-seeing "powers-that-be" who, in effect, run their lives and cause their problems.

I also commend people who write about situations happening in our community about which they are aware, but don't know how to handle, and request we check into things to alleviate their concerns.

Although the request was transmitted through one of our staff, this was how we came to check out the sludge spreading program we reported on in our Wednesday edition story, "Sludge spreading causes concern".

There are also crank letters in the proverbial mailbag, and letters from organizations such as the Ontario Federation of Anglers and Hunters and the National Citizens Coalition.

That we are not happy campers is a given. Similarly, that we are in turn dissatisfied and at times disgusted with both our politicians and the political system is self-evident.

David Somerville, president of the National Citizens Coalition, an admittedly small 'C' conservative organization, reveals that a first-term Alberta provincial politician has come up with an idea that might just make elected representatives responsible in some way for grandiose - and eventually broken - promises to solve our debt problems made during election campaigns.

Jon Havelock, a Conservative MLA from Calgary has proposed that Alberta MLAs have their salaries cut when budget spending targets are not reached. His plan also calls for the lost salary to be reinstated if the deficit targets are exceeded in subsequent years.

A common sense solution to make politicians responsible for their economic spoutings when attempting to get elected.

But let's take things a step further, and I have suggested this before.

Candidates promises during any election campaign should be put in writing and signed by the wannabe "leaders of the people".

After say, a two-year period, when the election promises once again take on the tinge of verbal diarrhea, his/or her constituents would have the right to petition his/or her party to have that particular politician's salary cut reflecting the effect on the riding of promises made, but not kept.

If the party turns a deaf ear, a class action suit could be launched by the constituents using the "signed" promises document as, in effect, proof of failing to live up to - pardon the expression - an acknowledged social contract between the politician and the voters of his riding.

Let's make our politicians responsible to the electorate.

Colin Gibson

Thanks from the Red Cross Society

To the Editor:

I wish to thank Halton Hills This Week and Finn Poulstrup of Arthur F. Johnson & Associates Ltd. Realtor for once again sponsoring our summer blood donor clinic. We had 254 donors and collected 238 units of blood. I enjoyed meeting with publisher Ken Bellamy and Finn and I have acted upon Mr. Bellamy's idea of trying a clinic in the

Georgetown Mall Aug. 27. Although we were short of our objective, I believe the Mall walk-through clinic will put us over the 300 units for our summer objectives.

Mr. Bellamy's support of producing posters and finding the time to personally deliver many to various firms was greatly appreciated. I am aware of the time this requires.

Thank you once again

for the service you are providing for the Georgetown donor clinics.

Gerald Purdy
Chairman, Blood Clinics, Red Cross

Thanks for the help

To the Editor:

On behalf of the Acton Horticultural Society, I would like to express our appreciation and heartfelt thanks for providing us with excellent free publicity.

The planned bus trip to the White Rose "Festival of

Roses" was a great success. This was because it was repeated several times in the community calendar over the last few weeks.

I am very happy the paper provides space for local organizations and groups to promote events and meetings.

Trina Virgin
President - Acton Horticultural Society

Residential rentals and mortgage default

From the Halton Hills Legal Clinic

These are tough economic times. Many landlords are finding it hard to make mortgage payments. If a landlord can't pay his mortgage and a bank takes over the property, what does that mean for the tenant of residential premises? Can a bank evict a tenant? Who does the tenant pay rent to? What responsibilities does a bank have, if it takes over the property? Can a bank sell property when tenants live in it?

If the landlord of residential property has not paid the mortgage, and a bank or other lender is involved, the tenant should know about the Mortgage Amendment Act, 1991. The mortgagee of the rental property cannot automatically evict a tenant without notice. Also, a mortgagee should be aware of its obligations under the Act.

If a bank or lender is telling a tenant that the landlord has not paid the mortgage payments and rent must now be paid to them, the tenant first needs to know whether the lender or bank has become a "mortgagee in possession". If so, the lender or bank is deemed to be the new landlord of the property. The original landlord is no longer in law the landlord. This may require getting legal advice as to whether the lender or bank is a mortgagee in possession. If the original landlord or more than one mortgagee says that you should pay the rent to them, get legal advice at once.

The tenant should request notice in writing that there has been a change in landlord. Under section 47 of the Act, once a bank or lender is deemed to be the landlord, they must give the tenant a notice that there is a change in landlord. The notice must be in writing and say the new landlord's name and address. If the notice which you get is a Notice of Attornment, the circumstances may be different and you should talk to a lawyer.

If the tenant receives a notice of change in landlord, the tenant should pay rent to the new landlord. The former

landlord no longer has rights as a landlord, including the right to be paid rent. The new landlord will have the right to serve an eviction notice and to apply to court to evict a tenant who refuses to pay rent after a notice of change of landlord is given.

The lender or bank who is deemed to be the new landlord also takes over the obligations of a landlord under the Landlord and Tenant Act which apply to residential properties. This includes the responsibility to keep the property in a good state of repair and fit for habitation. If repairs are needed and the new landlord will not do them, the tenant can apply to Court for an order that the new landlord must carry out necessary repairs. The new landlord must also continue to pay for heat, fuel, electricity or water, where it is the landlord's obligation to supply it. Failure to do so is an offense under the Mortgage Amendment Act.

If the mortgage was registered before the tenancy started, and the mortgaged property is a single family home, the tenant may face eviction if the property is being sold by the mortgagee. A single family home includes one-

family homes and houses with up to two apartments. If the property is a single family home, the mortgagee does have the right to enter the home to show it to interested buyers. The landlord must give reasonable notice and must enter only at reasonable times. If the new landlord enters into a binding agreement of purchase and sale for the property, the landlord can evict the tenants with at least 60 days notice in writing, whether or not there is a lease for a longer period of time. However, such eviction is only allowed if the buyer requires the house for himself or certain close relatives to live in.

If the original landlord is later able to repay the amount owed on the mortgage, and demands payment of rent from the tenant, the tenant should require proof in writing from the lender or bank that they are no longer the landlord.

The above information is general information. For advice on your particular situation, you should contact a lawyer or you may call the Halton Hills Community Legal Clinic at 877-5256.

Research help requested

To the Editor:

John White was Halton's member of the provincial parliament in 1851 and after 1867, a federal member of parliament. In researching his fascinating career I find he, with many others, was involved in the early lumber industry in the country.

Can any of your readers provide information or sources on the early lumber industry in Halton? Specifically, I'm looking for the methods for moving the lumber. Were the streams large enough to be used? Was the timber moved along the streams to mills such as that at Bronte or was it hauled by road when the roads when the roads were passable or was the timber sawn at mills further inland and sent down the stream for shipping along the lake?

Any information on the many mills and their specific locations would also be quite helpful.

I can be reached at 419 Campbell Ave., Milton, Ont. L9T 1C1.

Thank you for your assistance.

Jim Dills
Milton



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