

# Pelham Seniors Apartments tenants allege mistreatment

In brief statement, building management responds that majority of residents are "Satisfied or Very Satisfied"

BY SAMUEL PICCOLO  
The VOICE

**E**LEVEN TENANTS—nine current and two former—of the Fonthill apartment building operated by the Pelham Non-Profit Housing Corporation have come forward alleging what they describe as bullying, illegal apartment entries, illegal fees, and other violations of landlord-tenant legislation. Most of the complaints relate directly to the conduct of Pelham Town Councillor Catherine King, who is the building's property manager; Mike Fairman, the building superintendent; and Geoff Kirkwood, president of the corporation's board.



Catherine King, Building Manager.

TOWN OF PELHAM PHOTO



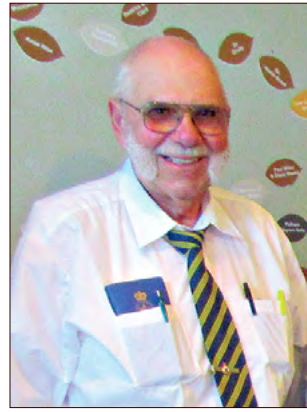
Mike Fairman, Building Superintendent.

FILE PHOTO



Geoff Kirkwood, board president.

FILE PHOTO



Jake Dilts, board vice-president.

FILE PHOTO

Tenants Pam Young, Irene Shepperd, former Town of Pelham Mayor Ralph Beamer and his wife Barbara, Marielle Kohl, and Jeanne May all agreed to speak on the record. (May moved out of the building at the end of January. Kohl left in 2013.)

Five other current tenants also echoed the concerns of these individuals and have requested that their names be withheld. Over the course of several weeks, the Voice has personally interviewed all tenants who have come forward, in some cases multiple times.

While the tenants and those who have attempted to assist them have provided the newspaper with copious documentation—including written correspondence, video and audio recordings, and photographs—none of the following allegations have been proven in court, with the exception of certain rulings by the Ontario Landlord and Tenant Board referred to in the story.

Citing privacy laws, the president of the corporation's board declined to answer virtually any question put to the board or staff by the Voice.

## How and where

The Town of Pelham Non-Profit Housing Corporation was established in 1980. Local area churches were the "movers and shakers" that sought to provide affordable housing for seniors, according to former Town Councillor Brian Walker, who served on the corporation's board for nearly a decade.

Walker said that the apartment building was financed by a 35-year mortgage through the Canadian Mortgage and Housing Corporation, an arm of the federal government.

Until 2009, a relationship existed between the Town of Pelham and the corporation, a relationship Walker called "minimal," with one councillor sitting as Town representative on the board. According to Land Registry Office data, the corporation's name was changed to the "Pelham Non-Profit Housing Corporation" in early 2010, dropping any reference to the Town.

The building, located just to the east of Pelham Public Library's Fonthill branch, offers 63 one-bedroom apartments, and one two-bedroom apartment, for those 55 years and older. Some tenants pay full market rent, others are subsidized by Niagara Regional Housing (NRH) on a rent-geared-to-income program.

According to NRH administrator Shelly Upton, when the provincial social housing program was transferred to the municipal level in 2001, NRH assumed Canadian Mortgage and Housing's responsibilities.

Upton said that once the building's mortgage was paid off, Pelham Non-Profit Housing entered a three-year contract with NRH in 2016.

Under the contract, NRH provides subsidies for 20 tenants under a "rent-geared-to-income" program.

According to Upton, the housing corporation does

not have shareholders in the traditional sense. The not-for-profit corporation's board is the building's ultimate authority. It appoints and regulates itself, without further oversight.

## Superintendent

Many of the allegations made by the tenants centre around the conduct of the maintenance superintendent, Mike Fairman, who began working at the building in the fall of 2010 and remains in the same position today. Tenants describe a pattern of Fairman entering apartments without permission, neglecting his responsibilities, and having an often rude demeanor.

The tenant handbook provided to Pam Young when she arrived in 2011 described the superintendent as a "live-in position which the board of directors feels is an added sense of security for tenants. This also allows for a timely response to tenant concerns. The superintendent is the only two-bedroom unit. He is available by phone and is on-call 24 hours a day. He is off four days per month, as well as for annual vacation."

But three years ago this spring Fairman moved out of the building. A revised copy of the tenant handbook from 2015 omits mention that the superintendent is a "live-in" position.

According to the tenants, they were not informed of this change in on-site security.

"We had a live-in superintendent at that building for thirty years," said Young.

"One morning there was a moving truck and Mike was moving out. It was very disrespectful that no one was notified. Catherine [King] didn't even call the tenants association to say what was going to be happening."

The two-bedroom unit previously occupied by Fairman was not, to the knowledge of the tenants who spoke to the Voice, listed for rent, but instead immediately occupied by existing tenants perceived to be close to Catherine King.

## Apartment entries

Tenants say that even prior to his moving, Fairman was unreliable and sometimes hostile when asked to complete various tasks, including the act of letting paramedics into an apartment.

According to Jeanne May, in February 2015, just before Fairman moved out, a tenant fell while locked in her apartment. Paramedics and the fire department responded. While they were able to enter the building, they were not able to enter the woman's apartment due to a locked door that she was unable to reach.

"I heard them say, 'We can't get in, the master key's not working,'" said May, who is 64.

"I was walking past and I said, 'I'll knock on Mike's door. He's got the master key.'"

Prior to this tenant's fall, another tenant had fallen in a different apartment. According to tenants speaking to the Voice, emergency services were unable to en-



In the lobby: Present and former Pelham Seniors Apartments tenants, fr

**They think that they can do whatever they want. I've never [lived] anywhere I'm afraid to go to bed at night because I don't know who's coming in.**

ter the premises in time to help. The man died.

"I didn't want anybody to die over it again," said May.

According to May, when she knocked on Fairman's door, he was belligerent.

"I said, 'They can't get in Dorothy's apartment. You've got the master key, will you let them in?' And he started yelling at me and said, 'It's not my job.' Then he went back into his apartment, then he came back out and unlocked the [woman's] door."

Though Fairman had ultimately responded to May's request for help, he evidently complained to building manager Catherine King.

A week later, May received a letter from King.

King wrote that it had been reported that May "interfered with EMS personnel responding to another tenant...and interrupted the tenant of apartment 101 for no apparent reason at approximately 11:15 PM."

Apartment 101 was occupied by Superintendent Fairman. King made no acknowledgement in her letter that this was Fairman's unit.

King accused May of "vexatious conduct."

"Vexatious conduct, such as this," King went on, "is known or ought reasonably to be known to be unwelcome and will not be tolerated. Please be aware that it is a policy of the Corporation to provide a safe environ-



From left, Barbara Beamer, former Mayor Ralph Beamer, Jeanne May, Pam Young, Irene Shepperd, and Marielle Kohl. Five other current residents did not wish to be photographed.

DAVE BURKET PHOTO

ment, free from harassment for everyone associated with the organization. Any further incident will be taken seriously and result in additional action being taken."

Building management's perceived attitude toward tenants in medical distress troubled all those who spoke to the Voice. They pointed to a September 2014 memo written by King in which she denied that the building's staff were able to assist in such circumstances.

"From time to time we are faced with tenants appearing to be in medical distress and while we want to be able to provide assistance, we are not a care facility and have no right to enter the apartment in this situation or provide medical assistance," wrote King.

"Please understand that that by unlocking a tenant's door or entering an apartment for a possible medical concern puts not only the corporation but you and our staff at risk of liability. It is unfortunate but it is in all of our best interest not to intervene."

In fact, the Ontario's Residential Tenancies Act does allow for apartments to be entered in cases of emergency.

"A landlord may enter a rental unit at any time without written notice in (a) cases of emergency; or (b) if the tenant consents to the entry at the time of entry," reads the Act.

Executive Director Michael Foster, of Justice Niagara, an organization providing free legal services to low-income individuals, said that a medical emergency could fall under this clause, and that a policy not to enter apartments in medical emergencies is a decision that a building may make on the advice of a lawyer.

"Is that a good policy? You can argue that," said Foster. "I've never seen a building have a policy one way or the other for medical emergencies. That doesn't mean they don't exist."

Foster said that a building shouldn't necessarily be criticized for such a policy, though he did describe it as "overly cautious."

While tenants say that Fairman was reluctant to assist in cases of emergency, on numerous occasions he entered tenants' apartments without the required 24 hours written notice, which would be in violation of provincial law.

According to Irene Shepperd, a resident for five years, there were at least two instances in which Fairman entered her apartment without her knowledge or consent.

"One time I came in and I thought, 'What's that smell?'" said Shepperd. "I looked around and around, and it was coming from the kitchen. I noticed somebody had come in and caulked between the kitchen counter and the wall. I didn't put a work order in, and I didn't say anything to anybody about [needing caulking]. I noted the dates and talked to Catherine—she told me that no one had come in."

Shepperd says that King grew angry when she suggested that it had been Fairman in the apartment. "She told me that I could be sued for making that accusation when I couldn't prove it," said Shepperd.

In another instance, Shepperd says that Fairman confessed that he had entered her apartment without her knowledge.

"I'd found the doors to my patio and everything around it different," recalled Shepperd. "I talked to Catherine and she again told me that I could be sued



Tenant Pam Young reviews some of the hundreds of pages of documents she has gathered over the last seven years in support of what she and other tenants allege is improper conduct by board members and management at the Pelham Non-Profit Housing Corporation. VOICE PHOTO

for making accusations like that. I said, 'Well, who else would go into my apartment and go out on to my balcony?' She said, 'Well, I'll talk to Mike, but I don't think it's him.'"

This time, Fairman called

to apologize.

"He admitted to coming into my apartment because the contractor for the balconies was there, and while he had him there he decided to take him out on my balcony," said Shepperd. "I'm

sorry [but] that's after the fact. I spoke with a lawyer, and I picked up this little brochure called 'Tenant Law Series.' It's on harassment and discrimination,

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Opened in 1980, the Pelham Seniors Apartments are located just east of Pelham Public Library's Fonthill branch. **VOICE PHOTO**

**SENIORS**

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and it has listed in here, describes harassment and says that it's illegal for your landlord, or anyone acting for your landlord, such as a superintendent, or a property manager to harass you. One of the examples is entering your home without giving you proper notice."

In another instance, which Shepperd says occurred recently, she was in her apartment when a knock came at the door.

"He knocked a couple of times—the first time I thought, 'I don't feel like talking to anybody.' It was just one of those days. But then I went and I looked out and I saw Mike standing there. When I opened the door he had his key in his

hand. He said, 'Oh, I hope I'm not bothering you, I just have a little something I need to do inside.' He was changing the screws on the light-switch plate in the bathroom from metal to nylon screws because of a safety issue," said Shepperd.

"I thought, 'Hmm, if I hadn't opened the door you would've come in.' I thought, here's another

time that he just does what he wants when he wants, with no notification."

Shepperd also called Fairman, "A little too touchy."

"He was calling me 'hon' all the time, always touching me, holding on to my hands—in stores downtown he'll come up and touch me."

Shepperd said that Fairman's behavior "creeps me out."

Another tenant, who has lived in the building for less than a year, plans to move out as a direct result of Fairman's conduct.

"Mike has been in my apartment twice without twenty-four hours notice," said the tenant, who asked to remain unnamed. "The first time, another tenant saw him come out of my apartment." (The witness confirmed to the Voice that they had seen Fairman departing the tenant's apartment.)

"The other time I was in bed, ill," said the tenant. "I heard someone tapping at

the door, and I just didn't feel like getting up. The next thing I knew, he was [inside the unit]. 'What are you doing here?' I said to him. And he said, 'Oh, I just have to change a few screws in the bathroom.'"

The tenant said that in all the places that she's lived, she's never experienced such unannounced entries.

"They think that they can do whatever they want," said the tenant. "I've never [lived] anywhere I'm afraid to go to bed at night because I don't know who's coming in."

Jeanne May also had her apartment entered without notice.

On June 12, 2013, May submitted a work order for various repairs, including on the rubber strip running along the exterior of her doorsill.

"I had put in a work order for that rubber outside the door, which had come loose," said May.

In addition to the rubber strip, May requested other repairs on the same work

request.

"I put in for these other little things too. I gave [Catherine King] the work order at about a quarter after twelve. I said I didn't want anybody in my apartment today. It wasn't that bad, but I wanted it cleaned up a bit, floors washed," recalled May.

On her work request, she did not provide authorization for Fairman to enter her apartment.

"Let me know first ahead of time because I am out often, or busy," wrote May.

The other requests on this form were for the removal of a pepper shaker behind her stove, tightening of a towel rack, painting of water spots on her ceiling, a fix of her patio door handle, and an examination of her sink's drain.

But when May returned home, she saw that her apartment had been entered in her absence.

"There was a letter under my door telling me how Mike had been in there and that Mike had said all these things that weren't even true about my apartment."

"Please be aware that safety issues are prioritized," wrote Catherine King, in a letter copied to the Board of Directors, "and as you noted a problem with the of the entrance door, our maintenance personnel visited your apartment. Other than the threshold, the other items you have requested attention to cannot be addressed until the excessive amount of clutter in your apartment is sorted out. Additionally, you are in violation of the fire code because pathways and exits were blocked and flammable items and papers were near and on the stove."

May disputes that pathways and exits were blocked, and feels as though the comments about papers near the stove were unfair.

In any event, Pelham's Fire Prevention Officer, William Underwood, told the Voice that there are no provisions in the fire code that deal with storage in individual dwelling units.

"The Ontario Fire Code does not apply to individual dwelling units with respect to the quantity of items stored in them," responded Underwood when queried, nor to the location of those items, including papers in a kitchen.

May confronted King about the letter, and about the fact that her apartment had been improperly entered.

"She started yelling at me that they had a right to come inside my apartment because it was a safety issue," said May. "I said, 'Yeah, outside the door. Not

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Fairman and King allegedly entered Marielle Kohl's apartment in September 2012 without proper notice. Their entry was video recorded by Kohl's friend Larry Sztogryn. **SUPPLIED VIDEO/VOICE SCREEN CAPTURE**

## SENIORS

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inside my apartment. Nothing I put on the work order inside the apartment was a safety hazard. it was loose screws—minor little things. But they came in.”

For the remainder of the requests on May's work order, King provided written notice. But the last repair, of part of a window screen, wasn't completed until March 2014—fully nine months after May requested it.

### Video evidence

The entry of apartments without permission extends back several years. Marielle Kohl, who moved out of the building in 2013, said that Fairman and board member Jake Dilts used a key to come in while she was ill.

One day in December 2011, Kohl was lying in bed.

“I was sick and closed my bedroom door a bit. And then I heard, ‘click, click.’ I thought, ‘What the heck is that?’ I opened my bedroom door and there's Mike and Jake. They said, ‘Uh-oh.’”

Kohl told her friend and helper Larry Sztogryn what had happened.

Sztogryn said at first he didn't believe it.

“I thought, how could they blatantly do this? That's breaking the law, that's break and enter,” said Sztogryn.

With Sztogryn's assistance, Kohl sent a letter to building management in January 2012, stating that she believed the December entry to be illegal and citing the specific parts of her lease that had been violated.

Nine months later, in September 2012, notice was given to Kohl's floor announcing when annual inspections were to take place, providing a date and a two-and-a-half-hour window when they were to occur.

In response, Kohl sent King a letter advising her that the memo addressed to the entire floor was “not legal notice for a request to enter my apartment unit.”

Sztogryn said that Kohl predicted—despite her letter to King—that her apartment would still be entered.

“I said, ‘No way that they'll do this. They have it in writing.’ But Marielle said that they would, so I said, ‘Let's set up the video camera,’” recalled Sztogryn.

Kohl and Sztogryn waited all morning in Kohl's apartment.

“There was no knock,” said Sz-

togryn. “We heard the key in the door, the tumbler turned, and then she knocked. I had the video camera pointed right at the door. I said, ‘You've just illegally entered this apartment. Please leave.’ [King] argued for a little while, and then they left.”

“Catherine was really upset,” said Kohl. “She was telling us we stopped her from doing her work. We said, ‘We're not stopping you. We just want a notice when you want to come in, because this is not your home. This is my home. [I] didn't have any privacy there. Toward the end, I was hiding my jewelry, I was hiding my stuff. It's crazy doing that in your own home. I've lived my whole life in apartments. I worked in every province except for Newfoundland, and the all the laws are the same in all provinces. I know the law.”

Kohl says that she did not feel safe in the apartment for fear that it could be entered at any time.

“It affected her for a long time,” said Sztogryn. “It still does.”

### Handicap access

With Sztogryn's assistance, Kohl prepared a package of the building's infractions and filed a complaint with the Landlord and Tenant Board.

In addition to the unannounced entries, Kohl, who has had hip and knee replacements and is disabled, also noted that the handicap access door to the building was locked.

On February 5, 2012, she sent a letter to the building advising them that this violated the Human Rights and Disabilities Act.

“Access to my apartment building by locking the push button handicapped door discriminates against all disabled people,” wrote Kohl. “The handicap access door is repeatedly locked when I return home in the evening.”

In the letter, Kohl requested written confirmation that the “discriminatory action” would

cease.

Despite Kohl's letter, observations by Sztogryn at various times of day found that the door continued to be locked almost every day for another month, in one case at 1:30 in the afternoon. Sztogryn says that no explanation was ever given.

“That's never supposed to be locked. It's supposed to be accessible by the button or the key. Her key didn't even work.”

On the day of the Landlord and Tenant Board hearing, in November 2012, the building's representative settled with Kohl, giving her four months' rent for free.

At the end of those four months, Kohl moved out.

“I was against her settling because we had a very solid case, and she could've got a lot more than what she did,” said Sztogryn. “However, she was satisfied with what she got, and then she [moved out.]”

But by moving out, Sztogryn said, Kohl had to give up her place in the rent-geared-to-income program, and now pays much more in rent.

### Toilet dispute

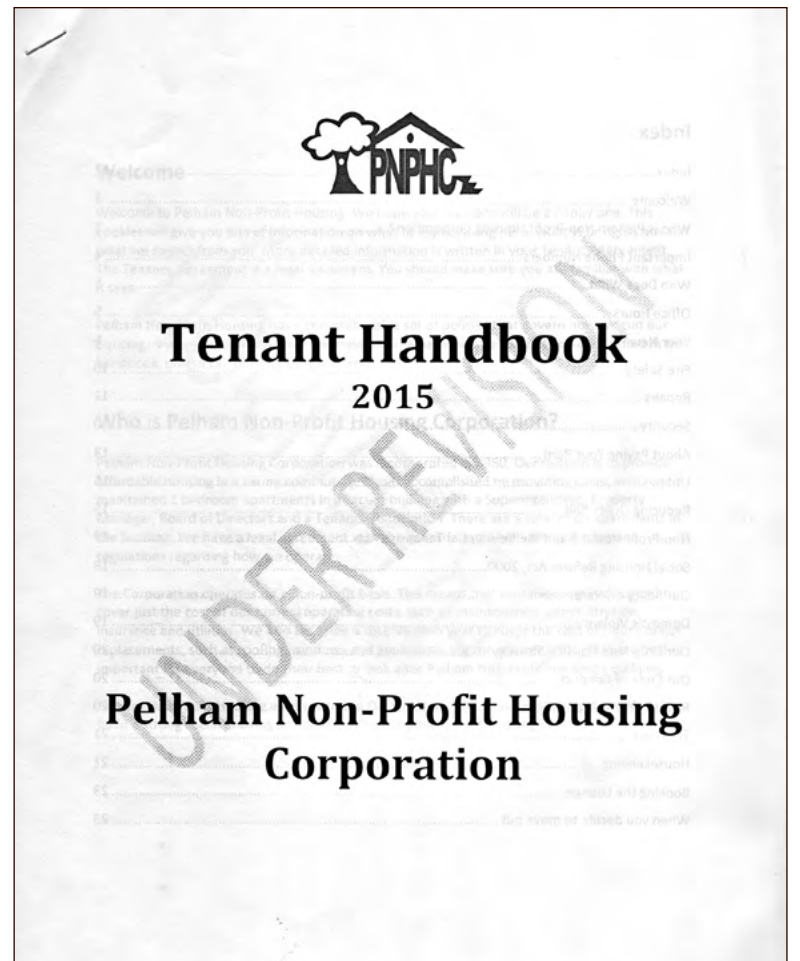
At the end of last year, former Town of Pelham Mayor Ralph Beamer and his wife Barbara, who are 82 and 81, were having trouble with their toilet clogging. The couple called Fairman to resolve the issue, believing that it was Fairman's responsibility, and that he had tools suitable to unclog the drain.

But according to the Beamers, Fairman asserted that he could not find the correct tool. Instead he called Roto-Rooter.

In a letter to the Beamers on December 18, King said that Roto-Rooter's report had found that too much toilet paper was being flushed down the drain.

“Please work with us to eliminate the problem by following these recommendations,” wrote King.

**Toward the end, I was hiding my jewelry,  
I was hiding my stuff.  
It's crazy doing that in your own home.**



A handbook containing recommended guidelines has not been updated, as far as the Voice could determine, since 2015. **VOICE GRAPHIC**



A handicapped access button inside the front entrance. **VOICE PHOTO**

She told the Beamers to flush multiple times and hold the handle down until the toilet cleared. But it was King's final two suggestions that angered them.

“Invest in a small auger to aid in clearing the drain; dispose of the toilet paper in a garbage pail,” she concluded. “Thank you for your cooperation.”

“She said that she wanted me to go out and buy one of those special plungers. I said, ‘In your wildest dreams,’” said Ralph.

Barb said she felt humiliated by the suggestion that soiled toilet paper be put in a garbage bin.

“They did bully us, and they made us feel like we were doing something totally wrong,” said Barbara. “I felt it was elder abuse, the way they spoke to us.”

Barbara said that she felt so embarrassed that she was crying as she read the letter from King.

That night, Pam Young visited the Beamers.

“Barb was just sobbing,” said Young. “And they were so diligent about the problem. That's when I knew that what's been going on needed to change. To think that you're thinking, ‘Oh no, I've got to take a poop.’ And then you're feeling really anxious because, ‘Oh no, what if it plugs the toilet.’”

“I called Justice Niagara about it,” said Young. “They told me that unless there were towels being shoved down the toilet, it's never the tenant's responsibility.”

After the incident, the Beamers' son spoke to King about the issue, and was told that it would be looked into. The Beamers consequently received an offer from the building to replace their toilet.

### Personal relationship

According to numerous tenants of the building, Fairman and King were—and may still be—involved in a romantic relationship.

“Since I moved in, people were telling me that they were going together,” said Jeanne May.

According to May, whose apartment was directly above Fairman's when he still resided in the building, she observed King entering his apartment at night and leaving early in the morning.

“Her car was parked in the visitor area, not in her normal spot,” said May.

“She came in through his gate through his patio door. I could always hear when the patio door opened.”

Tenants said that in light of this apparent personal relationship, they did not trust that King would exercise sufficient authority over Fairman, giving him preferential treatment.

“I figured she was backing him up all the way,” said May.

An advertisement soliciting candidates for the superintendent's position ran in the Voice in August 2010. The email address to which candidates were to respond was not a housing corporation email address, but an email address at a company owned by Catherine King, CatMark Office and HR Services.

As of mid April, King's Linked In page identified her as the “Owner/Manager” of CatMark, stating that she has been employed by the company from 2009 to present,

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and employed by the Pelham Non-Profit Housing Corporation from August 2010 to present. King was first elected as a Ward 2 Pelham Town Councillor in 2010, and reelected in 2014.

Former Pelham Town Councillor Sharon Cook, who served on the building's board for ten years, said that King's relationship with Fairman was widely known during her time on the board.

"I had heard so much about it that I had a private meeting with Catherine. I just let her know that this is what's going on, I said, 'Whether you're doing it or you're not doing it, I could care less. That's not my issue. If it's being done in a place of work and residents are becoming more aware of it, then that's the issue I have. So if you want to knock knees with this guy, go someplace else.'"

Cook said that King didn't say much in that meeting.

"She didn't deny it," said Cook. "I think she said, 'We were watching a movie' or something. The point was, 'Take it out.' I liked Catherine, I thought she was doing

a good job. But if that's what was going on, take it out of the building."

**Challenged charges**

In addition to the Beamer's concern that they were asked to buy their own plumbing tools, tenants also described a general pattern of improper fees being imposed, with the building's administration only acknowledging their illegality after Landlord and Tenant Board opinions or decisions, or if the impropriety was otherwise brought to their attention.

Under the Residential Tenancies Act, a tenant may not be charged an added fee that was not included in the original lease agreement, unless the fee is agreed to by both parties.

**Air conditioning**

On February 18, 2016, all tenants were notified that the Board of Directors had decided to implement a \$25 dollar charge per month between May 1 and October 1 for "tenants operating an air conditioner and/or free standing cooling unit."

On Friday April 29, someone—reportedly a tenant's

family member—posted a notice regarding the proposed charge at various spots in the building.

"I have spoken to the Landlord and Tenant Board regarding this matter and was unequivocally assured that any and all tenant occupying the premise on or before February 18, 2016 will not have to pay any such fee," read the notice.

"The Board of Directors may pass any motion it pleases, however it cannot unilaterally re-write Ontario Landlord and Tenant Legislation."

The letter was signed, "Citizens Advocating for the Elderly," and its author said that they would be, "watching this situation closely."

"They were put up on every floor," said Pam Young. "When Catherine found them on Monday morning she took them down right away."

A little over two weeks later, tenants who had lived in the building before February 18 received a notice from King.

"While the newer tenants are required to pay the additional charges for the extra hydro used to operate an air conditioner/freezer or other large appliance which use the most energy, you do not fall in to that category,"

wrote King.

Instead, King asked these tenants to volunteer to pay.

"Do you know? The cost per month to operate a room air conditioner ranges between \$26.67 to \$40.00 per month," asserted King. "We have already seen the building's electricity cost rise 37.8% so far this year!"

"I didn't even have an air-conditioner. I wrote back on the form, 'I'm not paying this,'" said May.

None of the tenants who spoke to the Voice agreed to pay the voluntary fee.

**Parking**

The building also imposed a parking fee on tenants whose leases did not permit such a charge.

When Jeanne May arrived at the building in 2010, her tenancy agreement (and others at the time) included a parking space in the monthly rent. Beginning in 2012, the building imposed a monthly parking fee.

In February 2017 after consulting with Justice Niagara, May petitioned the Landlord and Tenant Board for the refund of her monthly fees from May 2013 onwards. A month later, the Landlord and Tenant Board ruled in her favour.

"I agree with the Tenant,

and find that the monthly parking fee is an illegal charge under Section 134 of the Residential Tenancies Act," read the ruling.

May's reimbursement was limited only to one year of remedies, and the ruling ordered the building to pay her \$210.

When it was first proposed, Larry Sztogryn and Marielle Kohl informed management that the planned parking charge was improper.

In a meeting in March 2012, board member Jake Dilts told Sztogryn and Kohl that the entire parking system was going to be revised, and that the building was "applying to charge for parking."

"It looks like it's going to go through, and we're going to be able to do it after June 1, 2013," said Dilts, whose remarks were recorded.

Despite Dilts seeming to acknowledge that the parking fee could not be imposed until more than a year later, the building imposed it on June 1, 2012.

**Another parking charge**

Beginning in January of this year, management imposed another parking increase upon some tenants, only for King to back down when challenged on the point by Barbara Beamer.

"She wanted to raise it from fifteen dollars to twenty-five [per month]," said Beamer.

"In my contract it says fifteen. I went down there with my contract and showed her. She was very adamant that it didn't matter, that [the fee] was going to be raised. She turned and went over to her desk, and said, 'Here. Here's the number to the Landlord and Tenant Board. You call and find out yourself.' She was rather hostile. When she gave me the number it was almost to me like a dare, [like she was saying] 'I'm sure you won't do it, but I'll give it to you.' That's the way I felt about it. That she was pushing me. She didn't think I would actually do it. That's what she thinks with all us old people—that we're just pushovers."

Beamer called the Landlord and Tenant Board twice, and both times was told that the fee increase was illegal. She was also told the same by Justice Niagara.

On February 28, Beamer sent King a note, saying that she had called the Landlord and Tenant Board and also sought legal advice.

"Both of these offices advised me that the parking increase is not legal," wrote Beamer.

Three weeks later, the Beamers received a notice

See SENIORS next page

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**SENIORS**

*continued from previous page*

from King in which she acknowledged that the Beamers had overpaid for parking. Included was a cheque reimbursing them for the month that they paid they increase they should not have been charged.

“She just was pushing me and pushing me. If she could’ve got away with it, she would’ve,” said Beamer.

**Laundry machines**

Part of Marielle Kohl’s complaint to the Landlord and Tenant Board—the complaint package that was settled on the day of the hearing—was about the installation of coin-operated laundry machines.

In a January 2012 letter, Kohl advised the board that under her lease agreement she was already paying six dollars per month for laundry in the utilities portion of her rent.

“I do not agree with the implementation of coin-operated laundry facilities based on what the Law says and my continuing Tenancy Agreement,” wrote Kohl.

According to Larry Sztogryn, the six dollar per month laundry fee was returned to tenants only after he and Kohl threatened to take the building to the Landlord and Tenant Board over it.

**Board composition**

When Pam Young moved in to the building in 2011, the handbook she was given detailed the composition of the Board of Directors.

The handbook said that the corporation was “gov-

erned by a Board of Directors with five citizen members, three tenant members, and one council representative who are appointed for a four-year term by the Town of Pelham.”

The 2015 version of the handbook, which was being provided to new tenants as late as 2017, contained a different description. Sometime between 2011 and 2015, the board’s composition changed to “no less than five citizen directors and no more than seven citizen directors,” removing the Council representative and tenant members.

(Former board member Sharon Cook said that the tenant handbook was a collection of guidelines, not a hard-and-fast set of regulations. A tenancy agreement provided to the Voice makes no mention of a handbook.)

In March 2015, in minutes taken of a meeting with tenants, King wrote that there were five members of the board. (Advertisements soliciting volunteers for the board ran periodically in the Voice. No such ad has run since 2013.)

According to several tenants, they were confused as to which version of the handbook applied, and Pam Young says that existing tenants were not issued with revised copies.

In the minutes of another meeting, in December 2015, King said that she would “endeavour to complete the revision of the handbook within the first quarter of 2016.”

In mid-2017, at least one new tenant was given a copy of a handbook from 2015, with an “Under Revision” watermark.

But despite the handbook

suggesting that a minimum of five members were required, a Corporation Profile Report obtained by Young in 2016 showed that at the time there were just four members of the board, none of whom were tenants of the building.

In this report, the board’s President is Geoff Kirkwood, Jake Dilts is Vice-President, with Mark Rewbury and Wendy Thomas the two other members.

**Beamer applies**

In April 2017, frustrated by the way in which the building was run, and at the urging of other tenants, former Pelham Mayor Ralph Beamer submitted an application to join the board. In his application, Beamer outlined his qualifications, including his three terms as Mayor, one term as Councillor, three terms on the Regional Finance Committee, Director and President of the Niagara Peninsula Fruit Grower’s Association, and Director the Canadian Horticulture Council.

A week later Beamer received an email from board president Geoff Kirkwood, rejecting his application.

“It was agreed that a past decision to not have tenants sit on the Board will be upheld, for reasons of conflict,” wrote Kirkwood.

“I asked what the conflict would be, and they kind of hemmed and hawed,” said Beamer. “Finally I said, ‘Maybe if I got a new fridge when I was on the board you’d have to put a new fridge in the whole building?’ They got a little huffy. They said, ‘Oh, no, no, no, it’s just that too many conflicts come up.’ There’s no

conflicts at all.”

Former Pelham Town Councillor Brian Walker, who served on the building’s board for nearly 10 years, said that there were tenants on the board in his time. Walker said that he thought this was a good thing, and that it allowed tenants to be directly involved in the governance of their own building.

“When tenants came on, we never felt that anybody would have a conflict, because if you made a decision, for example, concerning the rent, that would affect all the tenants in the building and not a specific individual. That wouldn’t be a conflict for a tenant.”

“Our meetings were always open,” he said. “The tenants who were interested could all come and sit in on the meeting, and raise the questions they had about how it was being run.”

Former board member Sharon Cook said that the board’s approach was starkly different during the years that she was on it.

“They won’t even let them in on the meetings,” said Cook, referring to the fact that tenants are now only permitted to attend the Annual General Meeting. Cook said that when she was on the board, there was often a group of tenants in attendance at all monthly meetings.

Since Cook left the board she has attempted to rejoin twice, with her candidacy rejected both times.

“I’ve been asked twice by Jake [Dilts] to get back involved,” said Cook. “The

first time I got a [rejection] letter from Catherine at the board’s direction,” said Cook.

“The second time I guess Jake had taken it to the board and they said, ‘No way.’”

**Tenants’ Association**

Rather than join the board, Geoff Kirkwood suggested to Ralph Beamer that he consider involvement with the tenants’ association. Kirkwood described the tenants association “the most common way for tenants to be involved” in the building, asserting that the association served several purposes.

One purpose was to “force tenants to wrestle with problems to find solutions, rather than just dumping them on the board.”

Kirkwood also asserted that one of the purposes of the tenants’ association was that it “allow[s] the Board to explain what is going on and why things are the way they are.”

The tenants who spoke to the Voice shook their heads at the mention of the tenants’ association, saying that it did nothing to address real concerns.

“It’s the luncheon special,” said one of the tenants who asked to remain anonymous.

“It’s just food and tea parties and pizza parties,” said Pam Young.

Sandra Jacobs, the Tenants’ Association head, did not respond to requests for comment.

**Board meetings**

According to the tenants, they are permitted to attend a single board meeting per year—the annual general meeting,—at which they must apply to be able to speak.

Last year’s AGM came a month after Jeanne May had been refunded some \$200 dollars of the roughly \$600 dollars she was forced to pay in illegal parking fees.

“I knew there was a bunch of people who [moved in] before me or around the same time, and they didn’t have to pay [the fees] either. I was telling Pam and the other tenants about it,” said May. “My sister said, ‘Why don’t you get a petition for all of the other tenants to have them say they want their money back too?’”

According to May and several others present at the AGM, arrangements were made for the president of the tenants’ association to raise the parking fee refund question.

“[The president] was supposed to mention to the board that the other tenants wanted their money back. Instead she got up and started talking about all the stuff she’d been doing with the lunches, and said, ‘I’m retiring, so I hope everybody gives me a big party,’” said May.

“We’re all sitting there thinking, ‘You’re supposed to be telling him about the parking.’ [Another woman] got up and started saying that we’re here because we

*See SENIORS next page*



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DATE	FRONT HANDICAPPED DOOR	PARKING SPACES AVAILABLE	GARBAGE	LAUNDRY LOUNGE
31/2012	locked in evening			
2/1/2012	locked in evening			
2/2/2012	locked at 9:30 pm	6 spaces open including #37 (mine)		
2/3/2012	locked at 9:30 pm	37-15-16-51		
2/4/2012	locked at 7:30 pm	37-15-16-51		
2/5/2012	locked at 9:15 pm	37-15-16-51		
2/6/2012	unlocked at 9:45 pm			
2/7/2012	elevator out of service all day until 4:30 pm			
2/8/2012	unlocked at 10:00 pm	space #37 empty		
2/9/2012	unlocked at 8:30 pm	37-15-16-51		
2/10/2012	locked at 10:30 pm	37-15-16-51		
2/11/2012	locked at 10:30 pm	37-15-16-51		
2/13/2012	locked at 12:30 am			
2/13/2012	unlocked today	37-15-16-51		
2/14/2012	unlocked today	37-15-16-51		
2/15/2012	locked at 9:15 pm	space #37 empty		
2/16/2012	locked at 7:30 pm	37-15-16-51		
2/17/2012	locked at 9:30 pm	37-15-16-51		
2/18/2012	locked at 9:00 pm	37-15-16-51		
2/19/2012	locked at 10:00 pm	37-15-16-51		
2/20/2012	locked at 1:15 pm & 10:00 pm			
2/21/2012	locked at 9:00 pm	37-15-16-51		
2/22/2012	locked at 11:00 am & 9:30 pm			
2/23/2012	locked at 9:30 pm		room open	room open
2/24/2012	locked at 10:30 pm	37-15-16-51 - 41	do not use garbage chute on weekend	do not use garbage chute on weekend
2/24/2012			room locked	locked
2/25/2012	locked at 9:00 pm	51-41-16-15	must keep garbage in apt. all weekend	must keep garbage in apt. all weekend
2/25/2012			open	open
2/26/2012	locked at 9:30 pm	15-16-51	must keep garbage in apt. all weekend	must keep garbage in apt. all weekend
2/27/2012	locked at 9:30 pm	15-16-51		
2/28/2012	locked at 10:15 pm	37-51-16		
2/29/2012	locked at 9:45 pm	37-51-16	locked	locked
3/1/2012	locked at 10:30 pm	37-16-51	locked	locked
3/2/2012	locked at 10:00 pm	car from #15 to #37	must keep garbage in apt. all weekend	must keep garbage in apt. all weekend
3/3/2012	locked at 9:30 pm	car still in #37	locked	locked
3/4/2012	locked at 10:00 pm	car still in #37 from #15	locked	locked
3/5/2012	locked at 10:30 pm	car still in #37 from #15	locked	locked
3/6/2012	locked	51-15-16 open King states she has open spaces when I ask		
3/7/2012	locked at 9:30 pm	51-15-16	open	open
3/8/2012	locked at 10:30 pm	51-15-16	locked	locked
3/9/2012	working properly 9:45 pm	51-15-16	no garbage on weekends	locked
3/10/2012	working properly 10:30 pm	51-15-16	locked	locked
3/11/2012	working at 11:30 pm	51-15-16	locked	open
3/12/2012	working at 9:30 pm	51-15-16	locked	open
3/13/2012	working at 11:30 pm	51-15-16	locked	open
3/14/2012	working at 11:30 pm	51-15-16	locked	locked
3/15/2012	working at 11:45 pm	51-15-16	locked	locked
3/16/2012	working at 12:00 midnight	51-15-16	no garbage on weekends	locked
3/17/2012	working at 11:00 pm	51-15-16	locked	locked
3/18/2012	working at 9:45 pm	51-15-16	locked	locked
3/19/2012	working at 10:30 pm	51-15-16	locked	locked
3/20/2012	working at 11:30 pm	51-15-16	locked	open
3/21/2012	working at 12:30 am	51-15-16	locked	locked
3/22/2012	working pm	51-15-16	locked	open
3/23/2012	working at 9:30 pm	51-15-16	no garbage on weekends	locked



April 26, 2017

Ms Jeanne May  
Apt #214

Dear Ms May:

**Re: Meeting Procedure and Protocol**

The Board expects ethical and professional behaviour of itself and those in attendance at meetings.

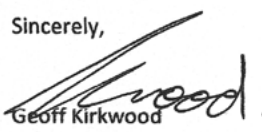
Your outburst at the Annual General Meeting was not acceptable.

The matter filed with the Landlord & Tenant Board pertaining to parking charges had been treated as a matter of privacy on the part of the corporation. Unfortunately, you did not see fit to protect your own information and as a result have caused undue stress to our staff and placed financial strain on the organization.

Not every tenant has the same agreement so, while our staff was investigating and handling the situation, your actions were meddlesome and interfered with the harmony of the tenants residing at 45 Pelham Town Square.

In the future, please be mindful of our meeting procedures and protocol.

Sincerely,

  
Geoff Kirkwood  
President

Cc: Catherine King – Property Manager

Left, after tenant Marielle Kohl notified management in early 2012 that a handicap access door was "repeatedly locked when I come home in the evening," her friend Larry Sztogryn began recording on paper when handicap access was, and was not, available. Right, Geoff Kirkwood's letter to tenant Jeanne May, characterizing her mention—at last year's Annual General Meeting— of a victory before the Landlord and Tenant Board to other tenants as "meddlesome" and an "outburst."

SUPPLIED DOCUMENTS/VOICE

GRAPHICS

SENIORS

continued from previous page

want our parking money back. [The Board was] kind of hemming and hawing, saying 'Well, we've got to do this, and we've got to that.' I'm thinking, '[the board is] not going to give it to them.'

During this standoff, May called out from her seat.

"I said loudly, 'I already took you guys to court and I won,' They didn't like that," said May.

Several days later, May received a letter from Geoff Kirkwood, reading in part, "The Board expects ethical and professional behaviour of itself and those in attendance at meetings. Your outburst at the Annual General Meeting was not acceptable."

"The matter filed with the Landlord and Tenant Board pertaining to parking charges had been treated as a matter of privacy on the part of the corporation. Unfortunately, you did not see fit to protect your own information and as a result have cause undue stress to our staff and placed financial strain on the organization."

Geoff Kirkwood accused May of being "meddlesome" and of having "interfered with the harmony" of the building's tenants.

Justice Niagara's Executive Director Michael Foster said that tenants are under no obligation to keep Landlord and Tenant Board rulings confidential.

"They're public," said Foster.

On the same day that Kirkwood sent the letter to May chastising her for speaking at the meeting, Pam Young received reimbursement of \$180, included in a letter from Catherine King.

This reimbursement came after the Landlord and Tenant Board had already ruled in Jeanne May's favour. Young said she told King nearly a year earlier that she should not have had to pay the charge.

"I told Catherine in July 2016 that I should not be paying a month-

ly fee for parking as my Tenancy Agreement explicitly states that parking is included in my monthly rent. She said she would check it out. She sent me a letter on July 27, 2016 that was very typically written in her 'speak'. Lots of talk—but no answers. I'm very ashamed that I was too afraid to make waves about it at that time," said Young.

Indeed, though King's July 27 letter was captioned, "Parking Fee," King did not directly address Young's contention that she should not be paying the added fee.

According to Jeanne May, nine or ten tenants ended up being reimbursed for the parking charge.

**Bullying and retaliation**

Jeanne May says that she felt persistently bullied by building super Mike Fairman. In one instance, she was in the laundry room and had to use the washroom. She went to use the public washroom nearby, but before she could open the door to it, Fairman came out.

"Mike came out and yelled at me and said something like, 'What? No privacy,'" said May. "He told me that I had to go upstairs to my apartment and use my bathroom. It was a public bathroom."

May also says that he mocked her over her practice of collecting beer cans to return for a refund.

"I would go [out walking] early in the morning, and I used to find beer cans. I thought, 'That's ten cents.' I was on welfare, so I was making very little money," said May.

"I thought, 'If I get enough of them, I can buy a loaf of bread.' I used to bring them and [Mike] and Jake [Dilts] used to see me, because this would be early in the morning. They used to make fun of me and joke around, and make snotty comments, I felt, about me being an alcoholic, when I didn't even drink. I took great offence at this. I had complained to them a number of times to stop. Jake stopped, but Mike kept it up. My friends would

give me their wine bottles because they knew I was using them for bread and stuff. The last time somebody had given me some, I was walking back to the apartment and Mike saw me and he made another snotty comment about an alcoholic."

May also recalled another instance of Fairman chastising her, in spring 2012.

"It was in the middle of the night, about two o'clock in the morning," said May. "I was still up and I went into the kitchen to get some tea. And I heard this really loud bang. The elevator was [not far] from my door. So I opened my door, and Mike was there at the elevator with the elevator repair guy. I said, 'Is there something wrong?' He said, really nastily, 'Oh you have to know everything.' I thought, 'What? Where did that come from?' I was just looking to see what the loud bang was."

At the beginning, May says that she kept quiet about her broader concerns of the building's management.

"But you get to a certain point and that's it. When they came in my apartment and sent that letter [about its clutter], I said, 'That's it.'"

May thinks that her outspokenness resulted in retaliation from the building's administration.

Last summer, some months after speaking up at the Annual General Meeting, May received a warning letter from Kirkwood. At the time, May's father was severely ill and she was spending time caring for him at his home in Fenwick. Kirkwood's letter came on August 8.

"Niagara Regional Housing has a very long waitlist for affordable housing," wrote Kirkwood, "and as such there are rules in place to ensure that units are available to those most in need. The rules for subsidy don't allow more than 90 days absence in a year and you have already been absent well over that time."

Kirkwood told May that she must either reside in her apartment full-

time, or provide a written intention to pay market rent for the unit.

"On August 30th, 2017, we will assess again whether you are living in the apartment full-time," concluded Kirkwood.

May said that she spoke to a lawyer about the letter.

"The lawyer said, 'Yeah, there is that rule. But there's also an exemption, and it's you're taking care of an ill family member in their home.'"

Indeed, policy C-33 of Niagara Regional Housing allows for extenuating circumstances in the case of caring for an ill family member in their home.

On August 23, Justice Niagara staff paralegal Keri-Lynn Lee sent a letter to Kirkwood advising him that May was caring for her 88-year-old father.

"[May] has been informing the administrative staff at [Pelham Non-Profit Housing Corporation] each time her father enters and leaves her rental unit as [she] had been advised to do after a previous confusion regarding her father staying in her rental unit. The tenant has not been informing the administrative staff each time she enters or leaves her rental unit independently," wrote Lee.

"It is hoped that the information above will assist with clarifying any confusion regarding [May's] status of residing in the unit full-time."

According to May, the building's board was well aware that her father was seriously ill and that she was providing care for him.

On September 1, Kirkwood replied to Justice Niagara, writing, "We question the validity of Ms. May's statement to you," and said that more information would be provided.

Last autumn, the corporation hired the law firm Lancaster, Brooks, and Welch regarding the matter of May's tenancy. On December 8, lawyer Ryan Pearson sent a letter to Justice Niagara in which he said that May had only

begun residing permanently in her apartment as of September 1.

"I think they didn't end up doing anything because they'd heard I'd went to [Justice Niagara]," said May. "I told [Justice Niagara] that it was retaliation because I had just taken them to court for the parking, and I opened my big mouth and told everyone."

However, Ryan Pearson also implied that May had not been truthful with Justice Niagara.

"Contrary to the information you have been provided by Ms. May, it appears that Ms. May resided in her father's Fenwick home for a period of approximately 260 days. It is the writer's understanding that Ms. May would usually return for one night a week (if at all) to the apartment with her father. On these occasions Ms. May would call the office to report that she and her father were in the apartment unit and the length of time they would be staying. It is therefore our position, that unless Ms. May had come to the apartment unit without a guest, she has not actually lived in the apartment...."

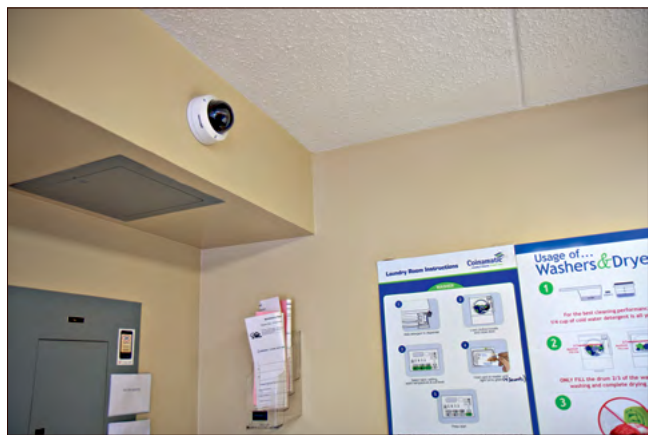
On January 9 of this year, Justice Niagara replied to the law firm, asserting that May had always been a permanent resident of her apartment, and restating, "The tenant has not been informing the administrative staff each time she enters or leaves her rental unit independently."

Though the matter was dropped, May moved out in February. Her father died on March 6.

May says that this was an added stress on her and her father during the last months of his life.

"My father said, 'Get out of there,'" said May. "It was really bothering him. He saw what it was doing to me. I would tell him what was going on. He couldn't take the stress. He kept telling me over and over to get out of there."

May's father left her his house in his will. May says that if he hadn't,



Several video surveillance cameras have been installed in the building, including in the laundry room. Some tenants express concern that the system is used to monitor residents in a manner contrary to guidelines set out by the Privacy Commissioner of Canada.

VOICE PHOTOS

**SENIORS**

*continued from Page 20*

she'd have been stuck—unable to afford leaving rent-geared-to-income, yet unable to continue living in such a stressful place.

"This is a fear of others," said Pam Young.

"If you 'Go along to get along' you enjoy a sense of security, in that you're 'In like Flynn' with management. If you challenge the board and management regarding their unenforceable rules and illegal charges, you deal with a sense of dread. For rent-geared-to-income tenants, the constant worry is that [the corporation] will simply not renew its agreement with Niagara Regional Housing to supply a rent subsidy for RGI tenants."

Young's fears about losing her NRH subsidy stem from a comment made to her by Catherine King in a March 2017 letter, a letter primarily concerned about using a debit card to pay rent.

"You will pay a monthly rent of [amount] until such time as your income necessitates otherwise or we cannot continue offering our tenants rent geared to income assistance," wrote King.

Young says that she was furious when she read the letter.

"The added comment 'or if we can no longer afford to offer rent geared to income

assistance' had nothing to do with pre-authorized debit. Always the jabs. Always under her thumb. Always be 'on your knees in gratitude' mode," said Young.

Upset as she was, she wrote an angry letter to King, which she did not send. Instead, Young went to speak to King directly.

"I went to her. I started to cry. I asked her why she had to add the comment about no longer being able to offer RGI," said Young.

Young recorded the meeting.

"You really hurt me and distressed me," Young is heard to tell King.

King said that she included mention of possibility that RGI may not be offered because the relationship between NRH and the building could end.

"Is there any reason why NRH wouldn't renew it?" Young asked her.

"It's not a question of them," replied King. "They need us. It's a question of, would we—would the board—want to renew it?"

Young asked King why the board wouldn't continue the relationship with NRH, considering that the building receives market rent on subsidized units.

King said that she agreed with Young, but did not say why the board would consider ending the relationship.

However, NRH's Shelly Upton said that current

RGI tenants have "security of tenure," and that NRH's subsidy for them would continue even if the contract between the building and NRH is not renewed.

Currently, NRH has a contract to provide Pelham Non-Profit with subsidies for 20 tenants.

"If we decided to divorce... if one of those twenty turns over, we've mutually agreed that they would be filled with market rent. If one of those tenants stays for the next twenty years, we've agreed to continue to provide funding for the life of the tenancy," said Upton. "That's one of the really nice things about the rent supplement."

"Ms. Young does not have anything to worry about," said Upton after being shown King's letter by the Voice.

"She has security of tenure under the rent supplement program."

Young said that she feels trapped in the building.

"Fonthill is my home and there is nowhere else to go that offers affordable housing. That being said, I love my apartment, and the vast majority of my neighbours here are lovely people, and we all get along well," she said. "I do not wish to move."

**Restricted lobby use**

Another tenant, who asked the Voice to withhold their name, said, "Within a month of me moving in, I was told by Catherine that we weren't supposed to sit in the lobby unless we were waiting to be picked up or we were catching our breath after coming in," said the tenant.

When the tenant asked King why such a rule was in place, King reportedly said that visitors coming in to see her would be waiting in the lobby, and that if tenants were sitting there her guests would have no space to sit.

In a memo to Pam Young last November, King wrote that "lengthy visiting is not permitted in the lobby."

In an audio recording of a meeting with Young in May of 2016, Geoff Kirkwood is heard to say, "The areas out there are not for sitting and having long discourses and whatnot. That's a waiting area for somebody coming to pick you up or take you back or whatever."

Kirkwood provided his guideline for permissible times for tenants to talk in the lobby.

"The weather takes two seconds," he said. "Am I going to object to that? No. Two minutes? No. Ten minutes? Yes. Twenty minutes? Yes."

May recalled an instance when she and two other tenants were seen seated in the lobby.

"The next time I saw Catherine, she yelled at me, because I was out there and we were talking," said May, who said that King had also reprimanded one of the others in the group.

"We were not allowed to sit out there."

**Security cameras**

Many tenants also expressed concern at the number of security cameras present in the building.

Last August, Pam Young sent King a letter asking her to hold a meeting to "address the numerous questions and concerns swirling among the tenants" regarding the recent installation of the cameras.

Young also made mention of her concern about the length of time that protective padding was being left up in the elevator. Earlier in the summer, a tenant had fallen one night when the elevator didn't open flush to the floor, and lay there for some three hours before she was found. The tenant who fell told Young that the padding, put in place during move-ins and move-outs, prevented her from grabbing hold of the railing to prevent her fall or to pull herself back up.

King wrote back the next day, ignoring Young's request for a meeting, and not addressing her concern about the elevator padding.

"The Video Surveillance System was installed for the purpose of increasing the safety and security of tenants, staff and members of the public, to protect public safety, our corporate assets and property and to detect and deter criminal activity and vandalism," said King.

King asserted that several tenants had expressed their appreciation for the "value-added service" and told Young to have concerned tenants meet directly with her.

This, Young says, is a strategy King often employs, and speculating that she does so, "to contain the unrest and keep it to a minimum."

"I can only guess as to why, but there is strength in numbers, and perhaps it's more challenging for her to deal with the masses and be accountable to the many as opposed to smoothing the ruffled feathers of a one-on-one."

Young replied, pointing out that her request for a public meeting had been ignored and that her concern about the elevator padding had also been ignored. She repeated her request for a

public information session.

A week later King answered.

"Dear Pam," she wrote. "Thank you for your letter of August 21st. Your concern has already been addressed."

In verbal conversations, Young says that King refused to answer some of her questions and concerns.

"She said that the cameras were there to deter criminal activity, so I asked her if there had ever been any crime in the building," said Young. "She wouldn't answer. She said, 'I don't have to answer that.'"

Young said she told King that she did, in fact, have to answer, prompting King to say that at one time she thought someone was watching her from their car in the parking lot.

"She also said that it appeared that someone had tampered with the money machine in the laundry room. I asked her if the cameras were on all the time. She wouldn't answer."

A security camera is present in the laundry room. A tenant who requested their name be withheld says that they asked King why a camera was necessary in this location.

"She replied, 'Well, we have to make sure that things are done properly, and to keep an eye on people.'"

Young obtained a copy of the Guidelines for the Overt Video Surveillance in the Private Sector, from the Privacy Commissioner of Canada, and believes that the building's use of the cameras violates several of these guidelines, which do not carry the force of law.

One guideline says that cameras observing parking spaces "cannot be used to track the movements of tenants."

Young and May believe that management planned to use the cameras to observe May's comings and going as she cared for her father.

Another guideline says, "Individuals have a right to know who is watching them and why, what information is being captured, and what is being done with recorded images."

"We all feel like they're using the security tapes against us," said Irene Shepperd.

Young said that it's unsettling to constantly be worried about what the next "scheme" will be.

"There definitely is a pattern here. Who will be brave enough to step up the next time and say 'This isn't right'? We're tired and don't want to have to fight for justice," said Young, who, like

May, is also 64.

"We love our apartments. We love living here. We just wish we had a landlord we could trust, one who would respect the laws of the province of Ontario and abide by them rather than trying to take advantage of seniors and count on them to just go along. Our tenancy agreements are legally binding contracts. The tenants are not the ones continually trying to change the legal terms—the landlord is."

There are many residents, said Ralph Beamer, "who don't want to stir the pot at all, because they're afraid of losing their apartments—they're being intimidated. This is crazy, eleven of us sitting around here [trying to get something done]."

Irene Shepperd said that she had taken to wearing a heart monitor so that she can note the physical effects that the stress of living in the building has upon her.

"It's about the safety of our emotional health. We're all just trying to live happy, normal lives, but there's so much uncertainty all the time," she said. "We can't have a normal conversation."

Prior to moving to the building five years ago, Shepperd lived in an apartment in St. Catharines. She says that there were a lot of Brock University students tenants. The building was noisy, rife with drug use, and the site of frequent parties.

"There were two fires—one across the hall from me, and one kitty corner," said Shepperd. "It was a scary place. The hydro would go out, and the parking garage was all underground. When this happened, I'd have to walk eleven floors up a dark stairwell."

When she was offered a unit in the Fonthill building off the waiting list, she thought it was the perfect spot—only seniors, just four floors, and in a quiet area.

According to Shepperd, when she moved in King told her that transitioning to rent-geared-to-income in the building would not be a problem.

"I wanted to be able to retire," said Shepperd. "She said it would be no problem to get into rent-geared-to-income—that I would just have to tell her beforehand, and that when a spot came open, I would be able to move right in. I was suspicious that she wouldn't give it to me in writing, but she just kept assuring me. [Because of this] I just let things go. I didn't want to make any waves. After my

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**SENIORS**

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shoulder operation, I said, 'It's time for me to retire,' and I asked to be transferred. Catherine said, 'Oh, we're not doing that anymore.' All those times keeping my mouth shut, all those times being yelled at. It was all for nothing."

Shepperd said she contacted Niagara Regional Housing and was informed that she wasn't even on the waiting list for rent-geared-to-income, despite being under the impression that she had been for the previous five years.

At 71 she is still working, at a long-term care facility. She jokes that she might go to work one day and not come home—just move right in to her workplace.

Pam Young echoed Shepperd.

"You toe the line, because you want to get in rent-geared-to-income, and you don't want to make any waves. So you allow yourself to be bullied."

**Housing challenges**

Brock University professor of public health and gerontologist Paula Gardner, who does research on Niagara Regional Housing and age-friendly communities, said that senior housing creates opportunities and challenges.

"Often [seniors are] in a residence for the first time, so they're a bit out of their element," she said, speaking generally.

"Coming from their own home, they're not sure of what the Landlord Tenancy Act is. They're not sure of what their rights are."

Gardner said that these challenges extend to the managing of such buildings, since managers must work with tenants who feel as though they're out of their element.

She described the concept of first, second, and third places. For most people, a home is their first place, work their second, and the neighbourhood their third. But because seniors are typically retired, their neighbourhood—their apartment building—ends up becoming much more significant.

"For older people, when they don't work outside the home, and when the home is sometimes iso-

lating, it's these other places that can become second places or first places," she said.

"We always talk about how age-friendly communities or housing are just friendly communities," said Gardner.

Gardner said that participation in the governance of buildings has a positive effect on the friendliness of communities.

"One of my graduate students is talking to seniors for her thesis project. One of the things that is really significant for them is having a place to voice their opinions about things. They're just so happy to be asked," she said.

Gardner said that having tenants as board members is happening more and more.

"Like condo boards, I think that's happening—I'm sure it is. I think places are receptive to that."

Gardner said that the presence of tenants on boards has a positive impact on the friendliness of buildings.

"It normalizes things. Growing older—there are great losses. We can be losing our houses, we can be losing our spouses, we can be losing our friends. We lose some of our identity around our workplace. We're losing some of our functional abilities. So anytime that we can have gains or growth, or provide opportunities for that. To be respected dignifies community members. I think there's great value in that."

**Ownership and authority**

The question of who actually owns the building has also troubled tenants

Town Public Relations and Marketing Specialist Marc MacDonald confirmed that there is no formal or official relationship between the Town and Pelham Non-Profit Housing Corporation.

Niagara Regional Housing's Shelly Upton said that the corporation has no individual beneficiaries, and that its profits must be re-invested into the building. Upton said that there would be clause in the building's articles of incorporation that would stipulate how any property would be sold.

"It may very well say, 'can only be sold to another non-profit hous-

ing corporation,'" said Upton.

Contacted by telephone and asked by the Voice what would happen if the building were put up for sale, board member Jake Dilts answered, "If the building goes up for sale, let's go back to the Town of Pelham."

Asked for clarification, Dilts grew agitated by the line of questioning.

"Who asked you to ask all this information? Is our tenants? Is it the Town of Pelham? Who's asking for all this information you're trying to come up with? Why are you asking all these questions? Did somebody bring something up against us? I know you work for a newspaper, but I don't need propaganda. We've got a couple of people in that building that are trying to create problems for the rest of the organization. It's quite a well-run building, and gives a place where seniors can stay and live very comfortably."

Dilts repeatedly asserted that there were troubling tenants.

"We have people in that building that are trying to create problems for us. I've sat on that board for a lot of years. And I don't need the gossip that comes out of the papers and comes out of the people to be presented."

Subsequent requests for comment from Dilts went unanswered. The Voice also made multiple requests for comment, both by telephone and through email, of Catherine King, Geoff Kirkwood, and Mike Fairman.

Reached by telephone, Geoff Kirkwood said, "I'm making no comment whatsoever at this time," and declined to provide an email address. A day later, Kirkwood sent an email to the Voice, copied to Catherine King, stating that the corporation was seeking legal counsel and requesting that the paper indefinitely delay publication of this story, "to allow us the time to respond appropriately."

When contacted by phone, Mike Fairman said, "Not interested, buddy," and hung-up.

Reaching Catherine King by telephone, the Voice advised her that an email requesting comment would come shortly. King neither acknowledged nor responded to the email, nor to two follow-up emails containing additional questions.

In total, the Voice submitted some 42 specific comment requests between King, Fairman, Kirkwood, and Dilts.

Nine days after the lion's share of these questions were posed, board president Geoff Kirkwood responded.

In a four-page letter sent to the Voice last Saturday, Kirkwood opened with a definition of what constitutes defamation, noted that the organization was a "private corporation," and summarized certain legislation governing its activities.

He also referenced an undated but "recent Tenant Satisfaction Survey" which showed that "the majority of the tenants indicated that they feel safe and are either Satisfied or Very Satisfied with the Property Condition, Maintenance & Repairs, Staff Contact and the Social Activities offered by the Tenants' Association."

Of the 42 questions posed by the Voice, Kirkwood addressed four (Kirkwood's letter is available on our website: [www.thevoiceofpelham.ca/kirkwood\\_letter](http://www.thevoiceofpelham.ca/kirkwood_letter)).

First, Kirkwood summarized the corporation's relationship with Niagara Regional Housing.

Second, concerning the departure of building superintendent Mike Fairman from his on-site, two-bedroom unit, Kirkwood wrote, "The decision to apply Tenant Eligibility rules to the Superintendent's Premises was a financial decision and identified the unit as part of the overall available number of housing units."

Kirkwood did not address Fairman's alleged relationship with Catherine King, though did add, "... the Board is required to keep confidential information of any private information about the affairs of the Corporation, its members, tenants and staff."

Third, in response to a tenant who told the Voice that they were ill in bed and didn't feel like answering the door, only to find Fairman inside their apartment a moment later, Kirkwood acknowledged the legislated 24-hour-notice rule, and wrote, "There was an incident when notice had not been given due to extenuating circumstances. An apology was provided to the tenant along with an offer to return at another time but the tenant al-

lowed the work to be carried out."

Finally, as to why the building installed so many video surveillance cameras, Kirkwood responded that the system was there, "for the purpose of increasing the safety and security of tenants, staff and members of the public and to detect vandalism."

At press time, no further comment had been received by King, Fairman, Kirkwood, or Dilts.

**Looking ahead**

The tenants who spoke to the Voice said that they just want their concerns to be heard, even if they're not confident that change will come.

"There's a tenant who lives here [who has concerns] who said, 'What's the point? Unless we've got fifty percent, what's going to change?' They take the fatalistic view," said Pam Young.

"Catherine may quote [the complaint protocol]. We're long past that. We don't trust her. She has made this comment to me, 'The tenants are treated like children because they act like children.'"

Irene Shepperd described having a similar interaction with King around the time that she moved in. Shepperd said that she was in King's office when a tenant's relative stopped in to speak with King.

"[The relative] left, and then Catherine made a comment like, 'They seem to think that I'm here to babysit their parents,'" recalled Shepperd.

"Then she sort of paused, because I was just staring at her, like I couldn't believe what she was saying. Then she looked at me funny, and said, 'Oh, I keep forgetting you're one of them.' I assumed she meant senior."

Young said that King's position as a Pelham Town Councillor makes tenants doubtful that the municipality could offer assistance to them.

"I have heard several tenants say they would feel very uncomfortable going to the Town for help by virtue of the fact that Catherine is a councillor," said Young.

"We need a new superintendent—who lives in the building. We need a new manager. We need a new board," said Young. "We need a fresh start." ♦

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