

Milroy tenants' case denied Lose court battle to stop conversion

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Tenants of the Milroy apartment building failed Thursday in their bid to overturn a city council decision that allows the building to be converted to condominiums.

The renters had sought a Court of Queen's Bench ruling to quash a Jan. 14 decision by Saskatoon city council that approved a plan by building owner Viking Developments Corp. to convert the apartments to condos.

"The decision was that the court is not interfering with city council's decision. The application to set aside the decision approving the condominium plan was denied," said lawyer Andrew Mason, who represents tenants of the 156-unit Milroy apartment building on Fifth Avenue North.

Tenants oppose the conversion, citing the unusually low vacancy rate in rental units in Saskatoon. In 2007, the vacancy rate in the downtown was one per cent, and 0.6 per cent citywide.

"Taking these units out of the rental stock of the city, you are significantly reducing the availability of rental accommodation for everyone who wishes to rent," Mason said.

"That affects not only renters. It affects employers who need to have employees who can afford to live. If they can't afford to buy, they must rent. It's a fundamental part of the economy.

"The Milroy tenants are really standing up and making a stand for maintaining the supply of rental accommodation in the city," Mason said Thursday.

The tenants tried to persuade the court that city council did not correctly interpret or apply a section of the provincial Condominium Property Act. That section requires councillors to be satisfied a condominium conversion will not significantly reduce the availability of rental accommodation in the area, Mason said.

"That was the basis on which this case was argued and that would be the basis on which any appeal would be taken. It's not about the Milroy tenants. It's about every renter in the city of Saskatoon (who) is being affected by this condominium conversion in particular and by condominium conversions in general," he said.

Tenant Martin Been said "the law has failed us."

"It's a real sad day for all the tenants. . . . It's an uncertain renters' market out there," he said.

Been said he will ask his fellow tenants if they want to chip in again to pay a lawyer to appeal the decision, but they've already spent money to bring it this far and may not want to pay more.

Mason had argued city council's decision should be set aside because council either misinterpreted the provincial legislation governing condo conversion or simply disregarded it.

City solicitor Theresa Dust said the court agreed with the city's position, which was that council had a hearing process that was fair to the tenants and that it properly and reasonably interpreted the Condominium Property Act.

Now that the court application has been decided, the city will continue its review of the condominium conversion policy, Dust said.

Administration will present the court decision to executive committee at its March 31 meeting. The policy debate is likely to be postponed to executive committee's April 14 meeting, Dust said.

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