



Centrale BewonersRaad

Residents

Number 2, November 2009

Update

Introduction

The Residents Update is the newsletter published multiple times per year by the Centrale BewonersRaad (CBR), i.e. the Central Residents Council. The CBR looks after the interests of campus residents and using this newsletter the CBR provides information on recent developments. This is the english edition. Most news was already published on the CBR website, which is also available in English.

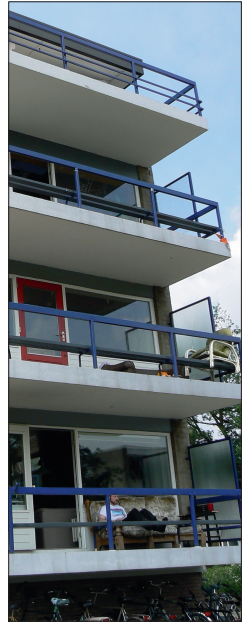
In this edition attention is paid to the progression in the conflict with the lessor (De Veste), the statement of the service costs of the year 2008, the construction efforts at the Witbreuksweg and the evening residents meeting that will be held again on the 12th of November.

Residents Meeting at 12 November

On the 12th of November another evening residents meeting will be held. This meeting is held primarily because the articles of association of the CBR foundation are going to be changed. This is necessary to address doubts on the legitimacy of the CBR as the tenant's organisation for the university campus. According to the so-called 'Overlegwet' (the law on deliberation between tenants and the lessor), the board of a tenant's organisation needs to be elected from and by the tenants. Currently, new board members are appointed by the board itself. This situation is being used by De Veste (the lessor) in the current conflict to openly question the legitimacy of the CBR.

This situation needs to be mended as soon as possible and that is why the CBR board has decided to change the articles of association accordingly. This means that the board needs to be elected by the residents. This will need to be addressed at the residents meeting. We expect that the current board is going to be re-elected. However, tenants are also allowed to nominate candidates of their own. It is important that many residents attend this evening meeting.

All residents are invited for this meeting by means of an individual letter. It is appreciated when residents indicate that they would like to attend the meeting, so that we can take their presence into account when arranging for chairs and coffee.



Construction at WBW

In the last edition of this newsletter we reported that all livingrooms on the ground floor of the Witbreuksweg pyramids had to be cleared to comply with the imposed fire safety regulations. After much resistance, many living groups agreed with a rebuilding that provides them with an alternative living room. Up to this moment, De Veste refuses further explanation about how and why certain choices pertaining to this rebuilding were made. The fire department is also not prepared to discuss matters with residents. Meanwhile, most hallways at the first floor have also been cleared to comply with the fire safety rules.

The CBR recently requested all permits and floorplans for all student buildings on campus from the fire department. We've contacted the inspection department of the dutch ministry of housing, spatial planning and the environment (VROM), partly because various sources indicated that fire safety experts see no reason for clearing the livingroom. The inspection department at VROM has evaluated our case and they have reported that they cannot interfere with the actions of our local municipality unless regulations are consistently violated by them.

Unfortunately, it is too late already regarding the living room of most living groups at the Witbreuksweg. They already have a new living room and some also have one resident less per group. As far as we know, a few groups are still resisting and running an investigation of their own. The CBR is still going to send a letter to the city council on the matter of fire safety in general.

Website available in English

The website is now also available in English to be able to better inform the non-Dutch speaking residents. By clicking on the English flag in the right upper corner of the site the information on the website is switched to English. Translation of news items can sometimes take a few days.

Improvement of the Nightrider

As most residents probably know, there is a nightly bus service on Thursday called the 'Nightrider', which takes campus residents from the city centre to the campus. Unfortunately this service was not very popular anymore. Based on interviews with residents the CBR made a proposal for a new bus schedule and this proposal was offered to Acasa. We recently received positive news.

The most important reason for the low popularity of the Nightrider is that it was not possible to get into the city late at night. Due to the lack of public transport, most campus residents travelled by bike into the city, and then consequently also travelled back by bike. That is why the bus service was not necessary or useful for most people for getting back to campus.

Because many campus residents go to the city after the regular bus service ends, we proposed to let the Nightrider take people into the city as well, instead of only transporting people back to campus. We also proposed to let the Nightrider schedule start earlier, so that there is no time gap after the regular bus service ends. Recently, Acasa and Connexxion established the new bus schedule, which matches our proposal.

From now on, the Nightrider rides every half hour on Thursday night, between half past twelve and half past four, from Enschede Central Station to the campus and back. From now on it is possible to get into the city late at night by public transport, even from the Witbreuksweg! As before, tickets can only be purchased from the bus driver. The price is EUR 1,20 per ticket. Please check our website for up-to-date information and the bus schedule.

Service Costs of 2008

We are getting more and more questions about the service costs statement of 2008. Many of tenants wonder what exactly it is they are paying for, suspect something is not correct on their statement or do not agree with the way the costs are distributed over the groups.

This is a problem that has existed for many years. That is why the CBR has been trying to gain insight into the relevant information of 2008 since april of this year. This information includes for example the invoices paid by the lessor, the meter registrations from the household supply meters and the calculations used by De Veste to distribute the costs. As explained elsewhere in this news letter, the negotiations about this are showing very little progress, despite numerous formal requests. However, providing this information to tenants is obligatory by law, according to the 'Burgerlijk Wetboek', book 7, article 259, paragraph 4.

Due to the fact that we are currently unable predict when the CBR will get access to this information, we advise tenants with questions about their service costs statement to request access to this information from De Veste on a personal basis. This can best be done by means of a letter. More information, including an example letter is to be found on the CBR website in the new item called 'Service Costs 2008'.

This advise has been available on our website for a

Acasa Room Search Day

We are not happy about the room search day organized by Acasa/De Veste on the 4th of July. Although (almost) all vacant rooms were occupied in the end, many students that were looking for housing had to be disappointed. For 38 vacant rooms 140 people were invited. We think this amount is unnecessarily high. We also regret the fact that the search commenced at 8:30 in the morning in light of the campus pop festival the night before. That is why some houses had a notice on their front door indicating that potential housemates are only welcome starting 12:00 in the afternoon.

The 38 rooms could have easily been filled within a much shorter timespan starting at a more reasonable time. This could have prevented much annoyance for the residents and the people searching for a room. It is not possible anyhow to travel from any distant corner of the country to Enschede using public transport.

while and a number of residents has already made use of this. Mean while, some residents also have received a reply to their request from De Veste. In those replies, the lessor invites residents for a short meeting during which invoices and other documents pertaining to the service costs can be inspected under supervision of representatives of the lessor. Such a meeting is scheduled for one hour and the managing director and a bookkeeper of De Veste are present. Unfortunately, residents are not allowed to make copies of the relevant documents for closer inspection at home, not even after the meeting is finished.

The CBR has the opinion that a meeting lasting only one hour is barely enough to provide any insight at all. It is also strange and undesirable that residents don't get the opportunity to take copies of relevant documents home. The justification provided by the Veste is based on a very particular interpretation of the law. They stress that a lessor is only required to provide an opportunity for inspection and is not explicitly required to provide copies. They want to supervise inspections performed by residents, because they feel that guidance is necessary. The CBR has the validity of this interpretation of the law under investigation. The managing director did, however, promise that follow-up meetings are possible when questions remain.

In summary, the CBR is puzzled on why De Veste is acting so difficult about providing residents with the information and documents they should normally be able to review in an unrestricted manner. The exact reason for De Veste's attempts at keeping the information obscured remains a mystery. Also read the article in this news letter about the service costs vote for a similar story.

Dispite the fact that only limited insight will be offered to you for the time being, you can already get an idea of the situation during such a meeting. When you want to accept the invitation for a meeting, it is important to prepare yourself, so that you know what you would like to inspect during that hour. When we obtain more clarity about the interpretation of the law regarding this issue, we will of course report this as soon as possible.

Conflict with De Veste

In the previous edition we described the conflict between the CBR and De Veste that emerged with the appointment of the new CBR board. This conflict is based on multiple points. First of all, the new CBR board aims to limit the invasive behavior of the lessor as much as possible. De Veste executes inspections within living groups and, according to many residents, De Veste takes this much too far. Residents feel that way mainly because De Veste tries to deeply interfere with their household. That is why the CBR withdrew its support for the 'liveability' rules as formulated by De Veste. Secondly, the CBR requests more openness to the tenants from De Veste regarding her policies. Currently, this is still cause for concern. This also pertains to the service costs statement of the year 2008, as you can read elsewhere in this newsletter.

In April of this year, this policy of the CBR led to De Veste cancelling all further deliberation with the CBR. Unfortunately, this situation still persists. According to the law and the participation agreement between De Veste and the CBR, De Veste is obliged to deliberate with the tenants organisation. According to the participation agreement, the CBR also has the right to request information from De Veste that is important for its activities. That is why the CBR approached a lawyer to force De Veste to provide the requested information and to continue deliberations as before. This was challenged by De Veste at multiple points, one of which is the fact that De Veste indicated that the CBR does not comply with the law to be a tenants organisation. De law de-

Now what did I vote for?!

A few weeks ago, all campus tenants received a letter min which a voting was declared about raising the service costs. This increase is meant to improve the service costs specification. Each group is offered the possibility to have an individual set of household meter and thus providing individual specifications for the use of water and energy. The lessor states that this can be accomplished by increasing the monthly service costs with 1,40 EUR.

The current situation is such that most living groups within the same building are measured and billed together, so they pay the same regardless the true consumption of the individual groups. This has led to a lot of complaints and in some cases the problem was taken to the 'huurcommissie' (a nationwide committee to protect tenants' rights) with the tenants generally winning the case. However, when individual meters are missing completely, the lessor is allowed to make a common service costs statement. This is exactly what the proposal would resolve.

The CBR was not informed of or involved in the realization this voting, as seems to be common practice these days. In essence the CBR was glad that the lessor finally wanted to improve the service costs specification. However, the tenants are ill-informed about how exactly the proposed solution is to be implemented, so the tenants did not really know what they were going to vote for.

On our website, we published the questions that

mands that the board of a tenants organisation is elected from and by the tenants. Also, De veste rejected the CBR's annual financial report for the year 2008 and the budget plan for the year 2009, which results in the fact that the yearly expenses of the CBR were not yet paid by De Veste.

To remove doubts on the legitimacy of the CBR as tenants organisation, the board is changing the articles of association of the CBR foundation. To address the demands of De Veste about the financial report, an inspection by an accountant is being arranged for the year 2008. Furthermore, De Veste only wants to continue deliberations with the CBR in the presence of a mediator. The goal is to avert a lawsuit, so that both parties can continue together after their differences have been resolved. The CBR as accepted the proposal for mediation an is still waiting for the confirmation of the first meeting. Pending the outcome of this mediation, the judicial activities of the CBR are put on hold for now. This of course does not mean that the CBR's request are off the table, on the contrary.

The CBR's website and mailinglist

We regularly update our website with news about campus developments and the CBR's activities. On our website, you can also find information about the CBR itself and living on campus. All information is available in English an regularly updated. News items are sometimes available a few days later than the Dutch version, because the messages need to be translated.

To be actively notified of new developments, you can subscribe to our mailinglist. You will receive the headlines directly in your inbox. Subscription is possible through our website under 'Mailinglijst'. Important mailinglist announcements are always translated.

arose among tenants and ourselves about the announced voting. These questions pertain, among others, to the origin of the 1.40 EURO, the exact implementation of the proposed solution, whether for instance the electricity shared among living groups is to be separated, what the extent of the voting is en to what extent the reliability and validity of the voting is guaranteed.

We offered these questions in writing to De Veste. Using the news item on our website we advised tenants not to vote as long as the questions were not answered adequately. We mentioned this accordingly in our letter to De Veste. Because individual tenants asked many questions as well, De Veste provided a list with frequently asked questions (FAQ) and answers. However, the provided answers are very minimal. The letter sent by the CBR was never answered.

Meanwhile, the result of the voting was announced on the website of Acasa (De Veste). The required percentage of 70% 'yes' was of course not achieved. According to De Veste, exactly 500 residents participated, of which 197 voted 'yes'. As expected, this is a reason for De Veste to retain the current situation.

Visits and Inspections by the Lessor

Recently, campus residents received a letter from Acasa concerning the visit of somebody from the 'Energiewacht' to assign an energy-efficiency label to their flat. Also, Matenweg residents received a letter concerning a NTA check. According to Acasa these activities require access to the common shared areas within a house as well as the individual rooms.

By itself this is not an unreasonable request. However, the letters indicate no clear visiting time, meaning that residents cannot account for these visits in any way. This is slowly becoming a bad habit from the lessor. Either a range of several hours is indicated or an unclear term is used ("in the near future"), thus it is never clear when someone is actually going to show up.

We also received reports that the lessor is going to perform inspections regarding fire safety in campus houses in cooperation with the fire department. We heard that - like previous years - these inspections are not going to be announced and no appointment will be made. Residents will thus face unannounced inspections performed by Acasa/De Veste accompanied by a an inspector from the fire department. The reason that these inspections are not announced is probably that the inspectors fear that, when the inspections are known beforehand, residents will temporarily change the fire safety situation to prevent problems.

The CBR tries by means of this news message to inform tenants about their rights. If you do not like to allow these checks at any given time, it is possible to deny them demanding a proper appointment. Also if

you are for instance away for 1 month, there are no legal grounds on which access needs to be provided, as long as an alternative opportunity is provided within a reasonable timespan. The housing managers of Acasa will doubtlessly argue that they have the right to do so according to the general rental conditions, but the legitimacy of those is strongly contested. Also, the lessor does not have the ability to enforce the general conditions instantly and therefore such refusal will only result in making a proper appointment for an alternate time. There is no need to be concerned about evictions or fines. Such measures can only be taken in the case of prolonged illegitimate obstruction and can be prevented long before these actually come to play. Don't be intimidated!

Finally, if the lessor gains access to your flat or even your own room without an appointment or very good reason (calamity), this is a serious offence. Even though the lessor is in theory no longer able to enter individual rooms (there are no master keys used anymore), mechanics hired by Acasa are reported to have used master keys.

Rental services

The CBR has several items for rent that can be of use on various occasions. If you are for instance having a party outside and you want to stay dry, you can rent a party tent. We currently have one of those available. For moving weighty stuff we have a hand truck available, which can also be used to move things upstairs. Finally, we also have two sets of walkie-talkies and a power meter. Because we are a student foundation, we provide these items at low rates. Please refer to our website for pricing information. For more information and rental, please send an e-mail to info@cbr.ut-wente.nl.

Maatje?

As you may have noticed in the Acasa newsletter, our lessor De Veste has a new mascotte called 'Maatje' (pal). We wondered what this thing is supposed to be. Here is what our cartoon artist made of it:

