

# SPECTRUM

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## Thoughts for a New Year

Generally the start of a new year puts me in an optimistic mood. A new year is like a new beginning in many ways. In ancient societies, with cyclical concepts of time, such was indeed the case. The slate of the past year was wiped clean as it were and one (spiritually, psychologically) began again. Perhaps that is why so many people today still make New Year resolutions. New attempts are made to break old habits, patterns, traditions. Mostly we resolve to be kinder, friendlier, and so we try to improve our attitudes, outlook, relationships. Maybe we really do want to bring the best out in ourselves and others.

I said generally the beginning of the new year puts me in an optimistic frame of mind. This year, for the first time in my life, things were different. Perhaps, I have come to realize that it is quite difficult to free ourselves from the negative baggage we all individually or collectively carry with us. Pettiness, self-interest and belligerence characterizes us all too well.

Can we still perceive a gap between what is and what ought or could be, for us as individuals, as community, as nation? Perhaps we have decided that no gap exists; what you have is all there is and ever could be. For relief from the drudgery or harsh realities we then escape into our private fantasies. Or, perhaps the harsh realities are so overwhelming that we quit before we even start to think about improving our lot. And so some continue to wallow in their own social, economic and spiritual mire.

Of course, the New Year did not really start on such a positive note. The moment the clock struck twelve on New Year's Eve, we were hit with the GST. When the dust settles will our situation have improved by it: our horrendous public debt, our social services and assistance, our international competitiveness, our unequal tax burden? Perhaps most would be willing to comply if it were not for a pervasive suspicion that the net result will be more inflation and more tax money squandered in ways that only the government knows how.

The current recession also does not improve our New Year's picture. Recession put us into a retrenchment or holding pattern, with a great reluctance to begin new ventures. It also reminds us all too well that we tend to live beyond our means.

Then there is the Gulf crisis. The threat of devastation looms large: the destruction of countless human lives, the pollution or ruin of the environment. An inferno may develop if a retreating and defeated Iraq decided that if they cannot have the oil reserves of Kuwait, then no one will have them. Men talk so tough.

And so, 1991 greets us with sobering national and international realities. What are we to do? Is there hope? I suppose there isn't if we simply resign ourselves bury our heads in the sand or remain part of the problem. But then the gloom will only continue.

Maybe we could try something else, even though it is nothing new. Rather than throwing up our hands in sheer hopelessness, perhaps a plaque should be placed on our desk or work station. Let it read "Are you part of the prob-

lem or the solution?"

This caption states, in effect, that there is no neutral ground. You see, it affirms in a round about way, exactly what we all want, namely, freedom.

## The law and homosexuality

By Terry Richards

*Homosexuality is assuredly no advantage, but it is nothing to be ashamed of, no vice, no degradation, it cannot be classified as an illness... Many highly respectable people of ancient and modern times have been homosexuals, several of the greatest men among them (Plato, Michelangelo, etc) It is a great injustice to persecute homosexuality as a crime, and cruelly too.* (From Freud's "Letter to an American Mother", 1935)

One of the biggest misconceptions about homosexuality is that it is an illegal lifestyle. Nothing could be further from the truth. Homosexuality is not illegal in Canada or in the United States. In simpler terms it is not illegal to be gay. Although at the present time there are many groups and religions who oppose homosexuality there is no law that condemns it.

As far as sexual practices are concerned (and this applies to heterosexuals) anyone who engages in unsafe sex and knows that he/she is HIV positive can face a number of penalties. This can range from being charged with aggravated assault to attempt to cause bodily harm. An HIV + resident of Halifax, NS. has been charged with criminal negligence because he is alleged to have practiced unsafe sex knowing of his condition. People of this sort can be quarantined (confined in isolation in a hospital or dwelling) and may be sued by sexual partners who had no idea that his/her partner had the AIDS virus. A perfect example of this occurred five years ago with Marc Christian, Rock Hudson's former lover who sued the stars estate and won. Christian was awarded \$14.5 million dollars and Hudson was accused in the suit of having "outrageous conduct."

Although long term relationships are recognized between couples of the opposite sex, this is not the same for gay couples. The law simply doesn't recognize gay relationships for any purpose. Same sex partners are denied the rights of Canada Pension Plan spousal allowances and in Canada a Canadian cannot sponsor a sponsor of the same sex for immigration purposes. Another problem homosexuals face is in regards to the yearly income tax program. If I, for example, wanted to claim my live-in lover as a dependent I could not do so. The simple reason is that we are gay. Yet common law couples of the opposite sex, have been doing this for years. However, if "family status" or "household composition" were included in the N.B. Human Rights Code and were left undefined it might be possible to challenge laws which fail to recognize gay couples. In April of 1989 a Canadian Human Rights tribunal decided that the inclusion of "family status" in the Human Rights Act meant that a federal employer had to provide the same employee benefits to gay couples

We have the freedom to choose how we will act, even if we are somewhat limited due to our own individual circumstances. But it is freedom nonetheless.

Place an additional plaque on your

that it provided to heterosexual unmarried couples.

Another problem is that of discrimination. Discrimination based on sexual orientation is currently prohibited in the provinces of Quebec, Manitoba, Ontario, and the Yukon, but New Brunswick has yet to follow suit. As the law now stands, if you are evicted from your home, fired from your job, or thrown out of a public bar because of your sexual orientation there is nothing you can do. No law will protect you. I recently had a college friend

## Legal Ease

### Landlord and tenant-what you should know

While the University provides on-campus accommodations for students, many choose to live off-campus in apartment buildings and boarding-houses. This article will deal with some of the legal issues and questions that students might face as tenants.

#### What is the Residential Tenancies Act?

The Provincial legislature has passed the *Residential Tenancies Act* to deal with the relationship between landlord and tenant. It covers the mandatory obligations of both parties and neither party can agree to waive the terms required by the Act.

The act applies to all students who are living in residential premises, including apartments and mobile homes. The Act does not apply to students living in a boarding house, a co-op house or in a university residence. Thus, students in UNB residences are not bound by the Act. However, students living at Fred Magee House are bound by the Act because it is an apartment building owned and run by the University.

#### What is a Rentalsman?

The Provincial Government appoints officials known as Rentalsmen to administer the *Residential Tenancies Act*. The Rentalsmen are located in six regional centres throughout New Brunswick, including Fredericton.

The role of the Rentalsman is to serve and assist both landlord and tenant. The Rentalsman offers information and advice on the rights and obligations of the parties to residential leases, and will ensure that these are enforced when necessary. The Rentalsman is available to mediate or settle disputes between landlords and tenants. He or she will undertake such investigations as are necessary to bring forward the facts in any given case.

There is no charge for using the services offered by the Office of the Rentalsman.

The address for the Fredericton Office is: Office of the Rentalsman, P.O. Box 300, St. Mary's Street, 3rd Floor, Regional Centre, Fredericton, N.B. E3B 5H1, telephone number 453-

## Metanoia

With John Valk, Campus Ministry

desk or work station. Let it read "think globally, act locally." In all the things we do, in all our actions and transactions, we either make this world a better or a worse place.

So, for 1991 we could be negative

and destructive. We could contribute to all those things in life that really close it down: actions that are humanly and environmentally choking. Or, we could...

## The Gay Forum

who moved his lover into his single, one-bedroom apartment over the summer. When the landlord found out the two were gay they received their eviction notice. One month later the apartment was rented to a heterosexual couple. I also had a friend who was working at a fast food restaurant here in the city. During his tenure there he got his ear pierced. Three days later he was fired because his employer didn't want the public to think he had gay staff. How many of you straight, macho university guys are wearing an ear-

ring? Having your ear pierced doesn't mean you're gay. It is through the N.B. Human Rights Act (that I am a part of) that we are lobbying the provincial government to amend the Human Rights Code. This would enable homosexuals to have the basic right to equal opportunity in employment, housing, and the public service without regard to sexual orientation. Our goal is also to educate the public on what homosexuality is. We have been fighting a long war, but it is a war worth fighting for.

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#### What is the Standard Form of Lease?

One of the stipulations of the *Residential Tenancies Act* is that persons who have entered into a lease agreement for residential premises must use the *Standard Form of Lease*.

Your landlord must provide 2 copies of the *Standard Form of Lease*. Each of you should sign both copies of the Lease and each keep one copy.

If the *Standard Form of Lease* has not been signed, it is nevertheless deemed to have been signed and its provisions will apply. As tenant you should make your rental payments to the Rentalsman until the landlord provides the *Standard Form of Lease*. You should note that you do not have the right to withhold rental payments altogether.

Neither you nor your landlord may alter or delete any part of the *Standard Form of Lease*. However, you may agree to an addition to the Lease as long as it in no way affects the rights or duties set out in the *Standard Form of Lease*.

#### What is a Security deposit?

The deposit is used as security in case the tenant damages the apartment and refuses to pay for repairs or where the tenant defaults on the rent. If neither of these situations occur, the deposit will be refunded to the tenant at the end of the tenancy.

The amount of the security deposit may not exceed one week's rent when the premises are rented by the week, or one month's rent in all other cases.

#### Who gets the security deposit?

Only the Rentalsman has the right to hold the deposit. However, you may give the deposit to your landlord, who must then turn it over to the Rentalsman within 7 days. In the alternative, you may give the deposit directly to the Rentalsman who will then issue a certificate to the landlord stating that he is holding the deposit.

When the tenancy ends, the landlord or the tenant can ask the Rentalsman for the deposit. This request must be made within 7 days after

the tenant moves out.

If the landlord has reason to believe that the premises are damaged, he or she may ask the Rentalsman for all or part of the security deposit to cover the cost of repairs. In this case, the Rentalsman may inspect the premises. If there are no damages, you the tenant may ask that the security deposit be returned to you in full.

A good way to protect yourself from having to cover the cost of damages that you did not incur during your stay is to have the landlord go through the apartment with you before you move in and write down any damages that are already there. There is a form called an *Accommodation Inspection Report* available at the Office of the Rentalsman for this purpose.

#### What are the responsibilities of my landlord?

Your landlord must provide you with premises which are in good repair and are fit for habitation, and he or she must maintain the premises to meet these standards. If your rental premises contain any appliances or other items, they must also be kept in good repair at the beginning of your tenancy and must be kept that way. Your landlord must undertake to comply with all regulations and standards relating to the premises. Finally, your landlord must keep all common areas, such as hallways and elevators, clean and safe.

#### What are my responsibilities as a tenant?

You must keep your premises clean and repair any damage caused by you or by persons who you allow in your premises. You may not cause a disturbance or a nuisance, nor may you allow those who you permit to be in your premises to do so.

NOTE: THIS COLUMN IS INTENDED TO BE USED AS A GUIDE ONLY. IT IS NOT MEANT TO BE A REPLACEMENT FOR PROFESSIONAL LEGAL ADVICE. IF YOU REQUIRE ANY ADDITIONAL LEGAL INFORMATION OR LEGAL COUNSELLING, PLEASE CONTACT A LAWYER.