

# Open letter to Somerset Place residents

*Tenant rights? How far do they extend? Judging by the following letter from Porter Scobey, it seems that tenant rights do not extend very far.*

*Porter Scobey, a resident of Somerset Place, received a notice to vacate his apartment at the end of February. The notice was sent "without justification", and subsequent attempts to obtain a reason were futile.*

*The landlord, Allan Silverman, would not give a reason for the eviction notice. Under the current law, he is within his rights: three months notice, without any explanation, and a tenant is required to move, even if they do not want to move. Porter Scobey does not want to move; he wants to fight an unjust law.*

*This sort of action can happen to anyone living in rental accommodation. The Gazette will keep its readers informed about future developments in this case.*

My name is Porter Scobey and I live in apartment #620 here in Somerset Place. I have lived here in the same apartment since March 1, 1973. I believe I am one of the "oldest" residents in the building, since I lived here for three months before there were any elevators and almost a month before there were any carpets on the sixth floor hallway. When I moved in, I signed a two-year lease which expired at the end of February, 1975 and I am currently on a one-year lease which expires at the end of February, 1976.

On November 21, 1975, I received from Mr. John Claes, resident manager of Somerset Place, a letter giving me notice to vacate my apartment at the end of my current lease on February 28, 1976. This came as a complete surprise to me, as I had no intention of moving nor any reason at all to believe I should be asked to do so. I immediately contacted Mr. Claes, who assured me that he had no idea why I was being evicted and that the order not to re-revise my lease had come directly from Mr. Allan Silverman. Mr. Claes kindly promised to try to find out why I was being evicted when Mr. Silverman returned from a vacation trip to Florida. Mr. Silverman returned to his office the second week of December, but refused to give Mr. Claes any reason for my eviction, since he was not legally bound to do so.

I then tried to reach Mr. Silverman by phone at his office

myself. I was unable to do so. After several futile attempts, I left a message for him to call me. He did not return the call. On January 19, 1976, I visited Mr. Silverman at his office and asked him point blank why I was being evicted. He again refused to give me any specific reason, and again refused to renew my lease.

By this time I began to suffer from a severe case of creeping frustration. I teach full-time at St. Mary's University and therefore find Somerset Place a most convenient place to live. In addition, I am attempting to meet a fall deadline for completion of my Ph.D. thesis, so this would be a most inconvenient time for me to move, even should I desire to do so. My post-dated cheques never bounce, I keep my apartment in a state of neatness and repair which I believe to be above the norm for bachelorhood, and to the best of my knowledge I bother no one else in the building. On the one occasion I had very just cause for complaint (a security guard let someone into my apartment to remove my projector and screen **with no prior authorization from me**) I complained only to the security guard himself, though very vehemently if I may say so, and residents as a whole may be thankful that this particular guard has not been on duty here since, so far as I know. And for all this, after three years, I am served notice to vacate, out of hand and with no reasons given.

There is, you may say, a reason for everything, and I agree. I have searched long and hard for the reason for my eviction, and although I have uncovered no reasons and have not been given any by the management, I submit the following interesting facts:

- 1) rent control is now a legislative reality
- 2) my rent for a **one-bedroom corner apartment with a balcony** is \$225.00 per month (plus \$25.00 per month for parking)

You people who live in studio and one-bedroom apartments may wish to compare your rents with mine, especially if you have moved in during the last few months, and draw your own conclusions about why the management would like someone new to move into my apartment. I, of course, have drawn none, for that might open me to a libel suit.

I am writing this letter for the following reasons:

- 1) I would like to know if my position is unique, or whether there are other residents either

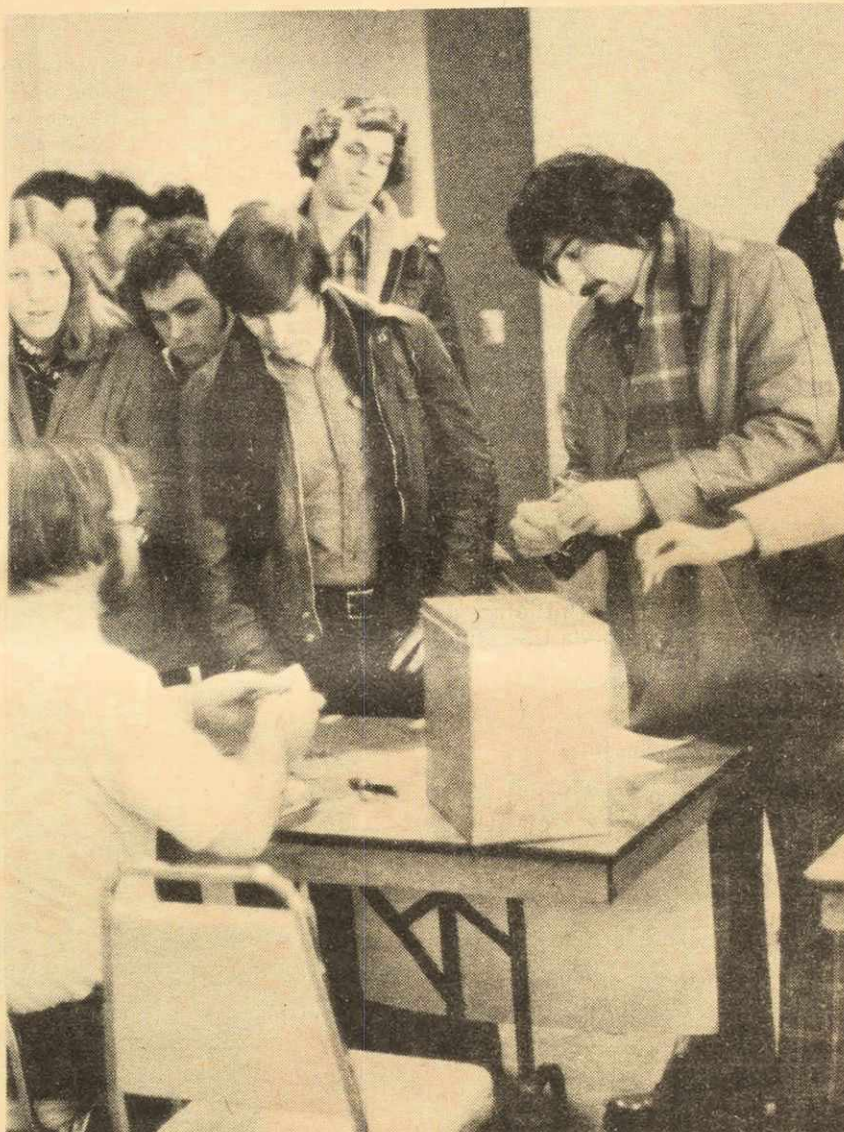
in my predicament or about to be when their leases run out.

- 2) It would seem to me that if one's length of stay in Somerset Place is to be subject to the whim of the owner in this way, then it is high time this fact was made known to all residents. Perhaps some may wish to pause and wonder who will be next.
- 3) It is true, although I found it hard to believe at first, that the law allows a landlord to give a tenant three months notice to vacate, with no obligation to give a reason. If I were living in Mr. Silverman's house and he wanted to move in, I could understand. But, even if the law does not explicitly say so, when a person moves into a large apartment building in the middle of the city, somewhere in the back of his mind is the notion that as long as he pays his rent, minds his own business, and allows his fellow tenants to do

the same, he will be permitted to remain a resident of that building. This is manifestly not the case, and it is a grossly asymmetric law which allows one man to sit in his downtown office and summarily uproot another at will for no reason. And it is a sad situation when an ordinary citizen is faced with the prospect of having to defy the law just to go on living and minding his own business. I therefore humbly seek your moral support in whatever steps I may have to take in may attempt to remain a resident of Somerset Place.

Finally, if any other residents, who may have grievances related to mine, wish to discuss the matter with a view to a joint effort of some kind, I shall be at home to all callers on the evening of Wednesday, February 18, 1976, after 7:30 p.m.

Thank you for taking time to read this letter.



Gazette Sports Reporter Greg Zed voting for the umzedth time election day. Dal Photo / Jensen

## Early days of people enlightenment

Believe it or not, only 46 years ago women had no legal status as "persons" in Canada. Today it is difficult to recall that until 1929, five successive Canadian governments and the Supreme Court of Canada had insisted that Canadian women were not "persons" at all within the definition of the British North America Act.

What was to become widely known as the "Persons Case" started in Alberta in 1916 when the provincial government appointed Emily Murphy as magistrate of the family court in Edmonton. The appointment, the first of its kind in the British Empire, was a tribute to the outstanding role played by women in World War I. But from the day of her appointment Magistrate Murphy's rulings were challenged by male lawyers on the grounds that she was not a "person" under the

BNA. The Alberta government acted speedily to enact enabling legislation but the federal government refused to amend the BNA Act so that all of its terms of reference would include "female persons."

The question of the legal status of women kept surfacing until mid-summer 1928 when Magistrate Murphy invited four other leading Canadian women to join her in seeking clarification of the BNA Act. She had found a section of the Supreme Court regulations that permitted five citizens to solicit such information. The four other women were Nellie McClung, author, lecturer and a leading figure in the fight for women's suffrage; Dr. Henrietta Edwards, author of two books on women's legal status; Irene Parlby, a member of the Alberta cabinet; Louise McKinney,

a former Alberta MLA. The petition, signed by the five women, asked if the word "person" in the BNA Act included "female persons".

The Mackenzie King Liberal government of the day put their best legal talent to work to defeat the women's petition. They went back to Roman law, ancient English custom, and even argued that the BNA Act had been framed by men at a time when women had absolutely no rights. The Supreme Court of Canada (five male judges) ruled unanimously that it was bound to interpret the BNA Act as it was written and that women were not "persons".

The decision was appealed to the British Privy Council and on October 28, 1929, the Council overruled the Supreme Court of Canada. In its ruling the Council

was sharply critical of the Canadian government for relying on antiquated laws and customs to deny equal status to women. It said that all constitutions must be subject to change and development through public opinion and custom.

Like all struggles in a just cause, the "Persons Case" took many years and much effort. Murphy and other Canadian women carried on the fight over a 13-year period. In 1938 the Business and Professional Women of Canada placed a plaque in the parliament buildings commemorating the five women who established the principle that women have legal status. Speaking at the ceremony Nellie McClung said, "All women of Canada will be forever indebted to Mrs. Murphy for this definite victory for Canadian women which has clarified the position of women for all of time."