

Legal Lite

Sponsored by Public Legal Information Service NOTE: This column is prepared by UNB law students, and checked for accuracy by faculty advisors. It is intended for general legal information only, and is not to be taken as legal advice. Problems requiring legal action should be referred to a lawyer of your choice.

Q I sub-let my apartment for a few months to some people didn't know very well. Apparently they never paid the landlord any rent -- and they didn't pay me as I was out of town. Now the sub-tenants can't be found and the landlord says I have to pay the rent for the months that it was sub-let. I wasn't even living there! Do I have to pay?

A Subletting is allowed unless there is an agreement or provision against it in the lease. When a tenant sublets an apartment he or she remains liable to the landlord for payment of the rent and other conditions in the lease. The tenant retains a right to live in the premises after the sub-lease term is up.

In the case of subletting the landlord cannot sue the sub-tenant for rent, as the sub-lease is between the tenant and sub-tenant, not the sub-tenant and landlord. The contract [lease] remains in force between the tenant and landlord -- which gives the tenant the right to come back into the premises after the sub-lease expires. An action for rent can be taken whenever there is a contract to pay a definite sum as rent. It does not depend on occupation of the premises by the tenant.

For more security a tenant might arrange to have the sub-tenant provide the rent in advance -- and have any agreement put in writing.

Contrasted with a "sub-lease" [which transfers rights to a sub-tenant for less time than the tenant is entitled to the premises], an "assignment" transfers the entire unexpired term of a lease. The original tenant remains liable under the original lease unless he is released from such liability by the landlord. The person to whom the lease is assigned then becomes the new tenant, and responsible to the landlord for the rest of the term.

Q If I am intoxicated in a public place can the police arrest me?

A Under the Intoxicated Person Detention Act, the police have the authority to take you into custody for your own protection. You are not under arrest and will not be charged for public drunkenness. The police may use no more force than is necessary to take you into custody. The Fredericton City Police defines "intoxicated" as being drunk to the extent that you are falling down or asleep in a public place. This does not mean just under the influence or a bit unsteady on your feet. After a person is taken into custody, the police usually lock him up in the Local Jail. The person shall be released under two conditions [1] on his recovering capacity to remove himself without damage to himself or others and without causing a nuisance or [2] if a verbal application is made sooner by a member of his family or by an adult who appears to be suitable and capable of taking charge of the detained person. The Intoxicated Person Detention Act applies only to intoxicated persons in a place where the public has access and not to a private home.

Q What is legal aid for and how do I get it?

A In New Brunswick Legal Aid is available to people charged with committing a criminal offence who cannot afford a lawyer to defend their case. If you are in this situation go down to the Justice Building on Queen Street in Fredericton, opposite Zeller's. The Legal Aid office is located on the lower level, where someone there will help you fill out the necessary forms. There is also a lawyer on duty as "Duty Counsel" on weekday mornings, to help you with advice, filling out the forms, answering any questions you may have.

You should also get in touch with a lawyer right away. If he or she agrees to take your case with the legal aid certificate, the service should cost you little or nothing, depending on your financial situation.

If you wish to inform us of your ideas, comments or queries, please contact us in writing via campus mail at the following address:

Legalite
Public Legal Information Service
UNB Faculty of Law
Box 4400
E3B 5A3

Or drop it off in our box at the Brunswickan in the SUB, or at the second floor landing of the Law School, just below St. Thomas.

Collective this issue: Allaine Armstrong, Tom Evans, Ralph Lutz, Chris Maddock, Janet Steeves.

UNB prof takes on FPL

A UNB languages professor, Dr. Abram Friesen, is presently engaged in an interesting law suit against a Crown Agency of New Brunswick known as Forest Protection Limited (FPL). Professor Friesen claims the Agency's aerial spray program wrongly interfered with his personal and property rights.

The incident which gave rise to this suit occurred in May 1976 during a phase of FPL's spray program. Prof. Friesen stated that he, members of his family, and his farm were sprayed with insecticide despite a specific request to FPL not to spray his land and an assurance from them that they would not. Prof. Friesen's farm is located in the Island View area near the Trans Canada Highway.

The law suit against FPL claims special damages of over \$300 for medical treatment to Prof. Friesen's son for a serious asthma attack, alleged to be brought on

by the spray; loss of bee aeries contained on the farm and other expenses. General damages are claimed for loss of livestock including two sheep, a cow and a pony. Further general damages are being sued for as a result of the time lost to legal matters arising from the incident. This time could have been more productively used in areas of research, writing and farming, claims Prof. Friesen.

The legal bases of the suit are trespass to the person and to property via the insecticide spray, negligence in the manner used by FPL to spray the area and nuisance caused by FPL's actions.

In its defence, FPL denies giving any assurance to Prof. Friesen that the whole of his land would not be sprayed and also denies that the parties themselves were sprayed. Any injuries, they say, were not a direct result of this operations. FPL points to legislative authority

for its spraying program and denies conducting it in a negligent manner.

Defence lawyers argued that it was essential to protect New Brunswick forests from the devastation of the spruce bud worm to guard against loss of jobs and revenues. They called several expert witnesses to give evidence during proceedings last November. One of these witnesses, an American toxicologist, suggested that the physical symptoms experienced by various members of the Friesen family were most likely caused by a variety of non-related factors such as bronchial ailments, chest colds, circulatory problems, family history of allergic responses, and allergic reaction to pollen.

Final arguments in this case will be heard before the Queen's Bench Division of the New Brunswick Supreme Court early next week. Mr. Justice David Dickson is expected to reserve judgment to a later date.

Cultural respect up

Respect for other languages and cultures has increased markedly according to former Manitoba premier Edward Schreyer. Schreyer told the Task Force on Canadian Unity that the current preoccupation with keeping Canada together is ironic because of this progress.

In an article from the Globe and Mail, the NDP leader said "We have gone beyond mere tolerance to enjoyment of cultural differences."

Schreyer said Canada has survived more serious cultural and economic crises and will survive the current turmoil generated by separatist sentiments in Quebec. He suggested that part of the problem is the extensive publicity given to those who describe themselves as Quebec nationalists.

"By definition, the attackers get the most publicity because they are on the attack," he said. "In spite of this publicity . . . I share the view of many Canadians that this turmoil will pass."

The hearings were free of the controversy that marked a previous Thursday night's sitting

when Solange Chaput-Rolland, a Quebec member of the task force, said she hesitated to speak in French for fear that someone would stand up and say "Speak English," as a member of the audience had done earlier in the evening.

She said she regretted the attitude of some Manitobans toward their French-speaking fellow citizens and that "there wasn't much charity or love tonight in this room."

Co-chairperson Jean-Luc Pepin said he found Manitobans extremely divided on the question of language, but his colleague John Evans, president of the University of Toronto, said that all Canadians might learn from the tolerance expressed by Manitobans for multiculturalism.

The three members of the task force made their comments after hearing submissions from 48 Manitobans during a three-hour meeting attended by a crowd of about 500.

Meanwhile, in an interview to be shown on the Global Television Network, Mme. Chaput-Rolland says that people appearing before

the unity group complain that the federal Government is too far from Canadians and say they want bilingualism in their schools.

Mme. Chaput-Rolland also says she disagrees with those who say Canadians are bored over the issue of Quebec separatism.

"I don't see the people who are fed up, I'm in awe in front of the courage and the love of this country shown by the ordinary people."

Mme. Chaput-Rolland said she is hopeful the eight members of the unity group will be able to write a single initial report outlining "positive, concrete, reasonable and practical solutions to the threat on Canadian unity, not things of please the Prime Minister or to please (Quebec Premier Rene Levesque) . . . but recommendations that are easily put into practice." She said there seems to be a genuine desire among Canadians to keep the country together.

"So, therefore, I'm optimistic in the sense that I think people are ready to change. What this federal Government will think, I don't know."

Donor Clinic in SUB

By MRS. MCKAY

Centre Administration Blood Transfusion Service

This coming week we will have an opportunity to once again show our community spirit by supporting the Blood Donor Clinic. As usual it will be held in the SUB Ballroom during the following hours:

Monday Jan 23 1:30 - 4:30 p.m.:
6:30 - 9:00 p.m.
Tuesday Jan 24 1:30 - 4:30 p.m.:
6:30 - 9:00 p.m.
Wednesday Jan 25 9:30 - 12 noon; 1:30 - 4:30 p.m.

As with previous clinics, the Red Cross will be collecting 100 units; each day; to be sent immediately to St. John for the treatment of Cancer patients and hemophiliacs. If some of you could make a special attempt to attend the clinic between the following hours each day it would go a long way to meeting this quota . . .

om 1:30 - 3:30 p.m. on 23rd

and 24th, also 2:30 - 4:30 on the 15th. The Red Cross has been experiencing difficulties in keeping up with the recent, heavy demands for this product and it would be appreciated if this number of donors could be supplied during this time. Please drop in, every drop counts.

Thanks UNB

To the Students of UNB:

On behalf of the Blood Transfusion Service (Canadian Red Cross), please accept my sincere thanks for the excellent support given to the Blood Donor Clinic held at the end of October.

Our congratulations on your registration of 717 donors: we were delighted with this healthy boost to our Blood Bank! I would also like to congratulate the volunteers whose participation made the clinic such a success. To exceed your quota by over 100, and have a well organized clinic is a real feat!

In addition, we were able to

collect 338 pints that were rushed to Saint John specifically for cancer patients and hemophiliacs. To the best of my knowledge this is the highest return from any UNB clinic for this product. One cannot help but observe that this clinic was an outstanding success.

On behalf of the many recipients of your generosity, our thanks to the students of UNB.

Sincerely yours,
Mrs. C.O. McKay
Centre Administrator
Blood Transfusion Service.

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By MATTHEW PENNY

Monday the 16th of January over 200 Nurses and nurses in attendance at the Nursing pin dinner. This held each year to present graduating class of the UNB of Nursing with a pin which will wear on their uniforms identify them as graduates school.

This year forty-four graduates received IOU's for nurses which due to a slight error in the part of the '77 class, had arrived. The pins were presented by Shirley MacLeod and Ritchie to the girls in the basic program while Shirley presented the 'pins' to the basic grads.

Is

By JOHN HAMILTON

Unidentified flying objects (UFOs) exist and have been regularly visiting the university campus. Dr. Heinrich von S. UNB astronomer-in-residence at a press conference here

According to von Schumann, UFOs have been reported to campus and city in the last few months. Descriptions have been predominant saucer-like objects, but cigar-shaped objects have also been observed as well. One who asked not to be identified

Another testimony that a phone was ripped from



Last week the Liberal party well they attracted people