

# Legal facts from CLASP



Small Claims Courts exist to handle lawsuits for \$1,000 or less, with a minimum of expense and time. How well they perform that job is open to question but the fact that costs are usually very low cannot be denied.

Because of their low costs these courts handle cases that could not economically be brought in the higher courts.

Anyone who sat in on a Small Claims Court for a day would see a

great variety of cases, mainly brought by collection agencies against consumers of small businesses. In most cases the person being sued would not show up and the plaintiff would receive judgement very easily.

Small Claims Courts have little of the formality found in other courts. The technical rules of evidence have been discarded; any evidence can be admitted by the judge if she feels that it is relevant.

It is simple to bring a lawsuit; the first thing to do is to decide in which Small Claims Court it should be brought. This is generally determined by the defendant's place of residence. If she lives in the Downsview area the correct court is probably the Eighth Small Claims Court located at 2275 Dundas Street West.

To start an action the Plaintiff must pay the required fee and file a claim at the court office. The fee depends on the amount being sued for and ranges from \$8.00 to \$22.50. The claim is a statement that explains, briefly, why the plaintiff thinks that the defendant owes her money.

The court will arrange for the defendant to be served with a copy of the claim. From the date of

service the defendant has ten days to file dispute.

If the defendant does not dispute the action the plaintiff can get judgement without a trial; in some cases she may be required to prove that the defendant owes her the money claimed.

Once a dispute is filed the action is set down for trial. It takes four to six weeks to get to trial, depending on which court is being used.

The conduct of the trial will depend greatly on which judge is presiding. Some Small Claims Court judges take a very active role in trials, especially when one party seems at a disadvantage. Other judges adopt a more traditional role of non-interference.

At the end of the trial a finding

will be made for either the plaintiff or the defendant. If the plaintiff has been victorious she will usually be awarded her costs of the action, to be paid by the defendant.

Unfortunately for plaintiffs, getting a judgement is not a guarantee of payment. The Courts have facilities for enforcing their judgements, gannishment of wages is probably the easiest to use and the most effective.

In the last resort, if the court feels that the defendant is able to pay the judgement against her and refuses to do so the Court can order her imprisoned. Although a large number of orders for imprisonment are issued relatively few defendants go to prison, most pay instead.

Paul Lantz



## your student council

After ten months, five week-end conferences and a dozen meetings, C.Y.S.F. was: three representatives changes in its constitution.

The previous structure of C.Y.S.F. was: three representatives from each constituent council. The delegate representative was either the college or constituent councils' president, chairperson or appointed delegate from each member student government. The delegate representative had the privilege of voting in only committee of the whole, on financial and constitutional matters. The executive was composed of six vice-presidents (Finance, External Affairs, Academic Affairs, Student Services and Communications, Social and Cultural Affairs, and University Services). The executive members were elected from Council. The president was elected at large by all constituent members.

The major changes are related to the premise that C.Y.S.F. is based upon the college system and therefore should seek its representatives from the collegial environment. Historically speaking, C.Y.S.F. was established in 1968 by Vanier and Founders colleges to run campus wide services (i.e. Radio York and Excalibur) and to act as

the advocate for the student voice in university-wide issues.

The major change is that there will be two representatives for each constituency. The student government at each constituency now has the power to decide how they will choose the representatives for their constituency. In most cases the constituent governments have chosen to hold an election for the two vacant seats (to be held at the time of their regular constituent elections - for more details on this subject see today's advertisement in Excalibur - pg. 5)

The benefits of having only two representatives instead of four are many in number. Firstly, you have a smaller council that will work more closely together. Secondly, these two representatives will have to have a good knowledge about their college's identity before they can get elected. Lastly, they will have to be sincerely interested in holding office, as the reduced number of representatives for each constituency means an increased workload for those two representatives."

The executive has been changed so that two vice-presidents will be elected at large along with the president. The positions are: vice-

president of university affairs and vice-president of external affairs. The position of vice-president of finance becomes a non-voting (ex-officio) member. The three other vice-presidents (student services and communications, academic affairs and social and cultural affairs) will continue to be elected internally from Council.

New positions have been added to the Council. These members of Council included: the two student representatives form the Board of Governors. The Senate Student Caucus and all non-member constituencies have one representative.

The two B. of G. reps. have full privileges of Council as well as the student senate caucus rep. The representatives for a non-constituency have full speaking privileges but are not allowed to vote on any issue.

The general feeling from campus student leaders is that the major changes represent a positive new direction for the development of a strong cohesive central government.

The new structure in its formative stage will no doubt augment changes that may arise in administrative and financial areas.

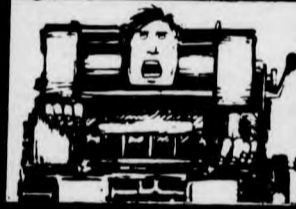
However, the main objective has been accomplished - that being to implement a solution to the lack of a strong and efficient system of student government.

I would like to take this opportunity to thank all the student representatives students and university administrators who have contributed to the process and invite all students to participate in the new structure.

Submitted on behalf of the Council,  
David W. Chodikoff

President, C.Y.S.F., Inc.

## York Unions



## Academic Vice-president redundant?

Over the past two weeks numbers of important questions about academic decisions, policies and planning have been raised within the academic community. The discussion has now advanced to the point where the President and the Senators, who are at present the chief academic "officers" of the University, are faced with three related questions to which they need to provide clear answers. The first question requires that the President state unequivocally whether academic decisions are secondary and are simply determined by budgetary decisions made by himself and the Executive Vice-President. Secondly, how can a

strong independent academic voice be established at York, and what use, given the present structure, is there in looking to an Academic Vice-president for help in providing this voice. Finally, thanks to Dean Harold Kaplan's Memorandum to APCC, we are in a position to see how central reserve and discretionary funds have, wittingly or unwittingly, been used as instruments of academic policy. The question he raises about the establishment of these funds and about the ways in which they have been disbursed, must be answered in a forthright manner.

The material gathered here shows that the President and Senate have an

uncommon opportunity to raise the discussion of academic affairs at this University to a new level of intelligence. They also have the opportunity to make reforms that will strengthen the future discussions of academic affairs at York. The President and Senate have a responsibility to address themselves to these matters at once. Responsible decisions now may even make the appointment of an Academic Vice-President redundant.

Nicky Lary,

YUFA  
Information Officer

## letters

### Vicious circle of vandalism

In the short time I have been here I have seen evidence of enough vandalism to make me believe all the stories told to me by previous elevator mechanics at York. Just since the first of this year I have seen everything from urine on elevator floors to doors kicked right off their fixtures.

What are the motives of these vandals? If the motive is impatience with poor elevator service they are creating a vicious circle because every elevator made inoperative as a result of vandalism will make the service poorer which will create more vandalism which will make the service even poorer which will create more vandalism, etc.

Another thing to be considered is the attitude of the repair man. After he has seen the damage done by vandals he begins to wonder what is the sense in making the elevator like new again when it is going to be vandalized again.

If the motive is to strike out at society because of things like higher tuition fees and poor job prospects for graduates they are again creating a vicious circle. How can the University avoid raising the tuition fees when they are forced to spend hundreds of thousands of dollars per year to repair the work of vandals? Also, the poor reputation of today's graduates will be eroded further as a result of vandalism which will make job prospects for graduates even worse.

Now the majority of students aren't vandals and therefore aren't guilty of any crime, right? Wrong. They know who the vandals are and they don't tell anyone.

After reading this letter I hope that you will either cease being a vandal or report vandals as you see them. If you don't you will be hurting yourself and self-inflicted wounds sometimes never heal.

Looking forward to serving you better soon.

Ted Waldron

### Let's hang on to Rainbow's End

The main purpose of this letter is to support the existence of Rainbow's End. I have been attending York for more than four years and I have seen the quality of food change from junk to excellent nutrition with Rainbow's End.

My most important concern, however, is my well-being. Due to health problems, I am only allowed food similar to diabetics and overweights. I am not allowed any sugars or starch - especially those in hidden sources such as salad dressings or commercial marinades.

Should the Rainbow's End not be allowed to continue, a serious impediment could be imposed upon my menu. This would also be the case - for people with heart conditions or other dietary restrictions. The endless supply of fresh fruits and vegetable dishes supplied in Central Square offer a good nutritious variety. Why take a chance

with new vendors when what we have is good? As you know, a bird in the hand is better than two in the bush.

Audrey Maenpaa



### Student council experiment not needed

For the past three years the students, staff, and faculty of the Ross Building and York University have had to contend with poor service and bad food in the Central Square Cafe. Now we face the possibility of having the cafeteria turned over to another group (C.Y.S.F.) who admittedly do not know anything about managing a food outlet.

We find this possibility, to excuse the pun, distasteful.

Surely the lessons of the past should point the direction to a better path. In other words let us get someone or some group in there who know what the hell they are doing!

Hopefully we do not have to face more years of the same "garbage" that we have had to put up with. Atkinson, Founders and Winter's have adequate food facilities, why can't we?

Food and Plenty's alternative menu is not what we consider the best. The food is overpriced, poor in quality and the layout of the cafeteria is bad.

Some other alternative must be found to this type of service and we hope that it is not in the form of a student council experiment in fast food franchises.

Doug McGarvey, Alexander Duncan  
R.S. Ferguson, Peter McGarvey,  
Sylvia Spizzirri, Laura Spizzirri

### A thank you to York's "quality staff"

Last week in Farquharson I sustained a personal injury while I was fixing a door.

I would like to commend the medical staff at York university for the prompt attention I received after the accident. I was taken over to the Medical Centre, stitched up, and was back on the job within half an hour.

I would especially like to thank fire and safety men, Alec and Cliff. It is reassuring to know York has such high quality staff to call on in emergency

situations.

Reg Brown  
Maintenance Carpenter

### Calumet opts out of new gov't plan

To:  
W.D. Farr  
Office of the Vice-President  
(Employee and Student Relations)

I am writing to you at this time to acquaint you with Calumet's position concerning the proposed increase in F.T.E. grants, and the revised C.Y.S.F.

In a motion passed on January 25, the General Meeting of Calumet College expressed that it would not become a member of the revised C.Y.S.F. nor does it want any part of its F.T.E. grant placed into the proposed trust fund. The General Meeting is in agreement to the proposed increase in F.T.E. grants, and desires any increase in the grant to be divided on the terms by which Calumet now receives its funding.

The General Meeting wishes to stress that it is still eager for association with its fellow governments, because it believes that such association will be a common benefit to the entire university community. It is the regret of the General Meeting that no formula has come forward that is in agreement with the college to date.

Lawson Oates  
Co-Chairperson of the  
General Meeting,  
Calumet College

All letters should be addressed to the editor, Excalibur, Room III Central Square. Letters must be typed, triple-spaced, on a 66 stroke line. Letters are limited to 300 words (seven column inches). Name, address, or phone number must be included or the letter will not be published. Excalibur reserves the right to edit for grammar and length.

Deadline Monday 4 pm