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## HUMAN RIGHTS COMMISSION

## Freedom in peril



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## THE CASE

Elijah Elieff, the owner of apartment buildings at 95 and 105 Cheyenne Ave. in London, has been called before a board of inquiry under the Ontario Human Rights Code

Commission counsel Geraldine Sanson has called for more than \$450,000 in penalties

A London slum landlord is being persecuted in an extraordinary and alarming case.

By Rory Leishman

Elijah Elieff is a pariah. He is a slum landlord. Why should anyone care that he has been singled out for persecution by the Ontario Human Rights Commission?

Robert Metz, Ontario president of the Freedom party, knows the right answer: If even the lowliest citizen is oppressed, the liberty of everyone is jeopardized.

That's why Metz has donated his services as an advocate for Elieff before a board of inquiry under the human rights code. It is a most extraordinary and alarming case. During a hearing in London on Sept. 28, Géraldine Sanson, counsel for the commission, asked board adjudicator Ajit John to hit Elieff with more than \$450,000 in penalties for allegedly violating the rights of Chippeng Hom and other Southeast Asian tenants in apartment buildings at 95 and 105 Cheyenne Ave. in London.

Metz concedes the obvious: That Elieff's Cheyenne Avenue buildings "are in a constant state of disrepair" and have been the subject of "numerous board of health complaint filings." These are serious problems for consideration by building inspectors and public health officials. What, though, does the state of Elieff's buildings have to do with the human rights commission?

Sanson contends it's a question of discrimination. In a submission to the inquiry board, she maintained that Hom and other tenants in the Elieff's apartments suffer, "poor living conditions which are justified by Elieff by stereotypical assumptions that Cambodians like to live like pigs and that they like cockroaches . . .

"The commission will be seeking a high award of damages for Hon," Sanson explained, "to allow her to improve her living conditions, as she is unable to move, and to repair her dignity and her self respect."

On this basis, the commission wants Elieff to pay \$40,000 to Hom in compensation for injury to her dignity and self-respect resulting from harassment, a poisoned living environment, denial of equal residential treatment and reprisal. In addition, Sanson has asked the inquiry board to order him to contribute \$409,900 to the Cheyenne Community Tenant's Board to carry out repairs to his apartment buildings.

That's not all. To make sure Elieff never sins again, the commission has gone so far as to request the inquiry board to compel him, his son and his building superintendents to attend a

recognized course in anti-racism.

This is unprecedented. Before the human rights commission came along, no agent of the government ever suggested that a citizen of Ontario should be legally obligated to take a course in politically correct thinking. Perhaps the Rae government might wish to recruit brain-washing experts from North Korea to make sure the job is done properly.

It's hard to believe that the kind of penalties sought by the commission are legal. Yet Section 41 of the human rights code plainly states that if a board of inquiry finds that some party has discriminated against a complainant contrary to the act, "the board may direct the party to do anything that, in the opinion of the board, the party ought to do to achieve compliance with this act."

Every landlord is vulnerable to this Draconian legislation. With sufficient provocation, the best of them might be tempted some time to blurt out: "Welfare tenants are making a mess of my buildings." In view of the Elieff precedent, such an intemperate outburst could carry huge penalties inasmuch as discrimination on the basis of "receipt of public assistance" is one of 15 grounds prohibited by the Ontario Human Rights Code.

**DENIAL:** Elieff is in default on his mortgage payments for the Cheyenne buildings and indignantly denies all accusations of discrimination. Nonetheless, suppose he is condemned by the inquiry board and cannot afford the fines levied against him or refuses to pay. What happens then?

In either case, he could be hauled before a divisional court for violating an order of the human rights tribunal and jailed. It has happened before.

People who cannot work up much sympathy for landlords might consider what happened to Daniel Brambilla, producer of the controversial musical Showboat. Last month, he was summoned to appear before the Toronto police board and given a dressing down by the board's chairperson, Susan Eng.

In view of angry complaints that the show will poison the environment for blacks, she asked: "If you had it to do all over again, would you do it again?" Brambilla politely suggested this was not a proper matter for police board consideration.

Eng responded tartly: "We don't take kindly to anyone who cavalierly engages in that kind of disruption. If they have unwittingly done that," she warned Brambilla, "I would want to know whether they would do it again."

Freedom under law has never been more gravely imperilled in Ontario. If Elieff is condemned at the instigation of the human rights commission, bells should be tolling, not just for him, but for the freedom of everyone.