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Happy Halloween, Ozzies!

The Unreasonable Man on Halloween
pg. 13

Law Students Are Going Down! (To The Lower Floor)
pg. 6

A Smiling Monster
pg. 14
Editorial: Scary Stories

Ahh, yes. Halloween has arrived. We, the Editorial Staff of the Obiter, are pretty positive you all have a lot of memories from this holiday (and some missing too. Thank you C-Lounge. And fuck you too, Various House Parties, the city of Montreal, and Gin).

Maybe when you were little your Dad would tell you and your siblings some of the scariest stories (to this day!) you’d ever heard of. Maybe you’d be shaking like a leaf before your mother rushed over and told my father to knock it off “you’re scaring the bejesus out of them (insert father’s name here)! Grow up!”

Maybe when you were a kid you and your brother would stay up ‘late’ (at least till 10pm) and watch YTV’s Are You Afraid of the Dark? marathon. And maybe you would steal your parent’s ‘cordless’ phone to call into YTV and answer the trivia questions in your pajamas and a hushed voice (because those calls weren’t toll free kiddies).

For some of us, growing up morphed Halloween from a holiday of dead things, haunted houses and candy, to absurd amounts of liquor consumption and minimal clothing (that is, if you’re a woman looking for a pre-made costume). Scary indeed.

Fear not. There is refuge from the eeriness of Halloween. At the end of the day, your Dad’s ridiculous ability to conjure horrifying tales on the spot and YTV’s after school programming are anchored in their faceiousness. Tall tales of make believe. Your imagination may run wild, but no matter how many times Dad retold those fables, they would always remain just that: fables.

Yet, on November 11th the scary stories of our grandfathers, great grandfathers, grandmothers and great grandmothers will not be made up. The memories are real. 11 days marks the difference between pumpkins and trenches, face paint and napalm, plastic skulls and the 60 million corpses of World War II alone. Remembrance Day is our actual day of the dead.

On November 11th, most of us will wake up on a typical Friday in a typical month in a typical year. You may stumble out of your bed, dazed from the events of the night before. You may eat a big breakfast. You might, if you are lucky, be taking in the sun on some distant beach. But if you do one thing that day, don’t you forget why we are able to do these things in the first place.

From all us at the Obiter: Happy Halloween and, please, on November 11th take a moment to remember those we tend to forget.

Duty to Warn

- Wednesday, November 2nd, 12:30-2:30, Room 2003: Exam Preparation Panel: How to Excel in Exam Writing
- Friday, November 4th, 2:30-4:00, Room 4034: Nathanson Centre Legal Philosophy Seminar Series: Neil Walker
- Friday, November 4th: Reading week begins!
I thought I would take a moment to respond to recent article penned by our L&L president on the subject of the Occupy TO protests.

Before I begin let me briefly quash any potential attacks against me for being an elitist. I am not a slave to corporate Canada or the market economy. As a very proud Canadian I support all of our rights, including the right to freedom of expression, even when the opinions expressed grate on each and every one of my nerves. Further, I believe that regardless of background or education you have the right to say what you think without fear. This is not an attack against the poor or the undereducated. This is just an opinion about the inefficacy of the Occupy TO movement. It is not elites vs. the rest and if that is how you choose to characterize my opinion, well you are just being lazy.

The reason I dislike the Occupy TO protest, and I use the term “protest” loosely, is because it lacks an essential element of any effective movement: coherent purpose and/or objective.

Every real and meaningful protest has a defined purpose. I hate to be the bearer of bad news, but if you want to make an impact, a real and meaningful impact, it takes more than a hodgepodge of witty signs and tent cities. It takes work. And a lot of it. It takes careful planning, well-articulated demands and a clear picture of the desired outcome. I trust that nobody thinks that the suffrage movement was just a bunch of women parked outside the provincial legislatures and Parliament making random demands, hoping that eventually one would stick?

While I am not a huge proponent of protests, I readily admit that they are not without purpose. That being said, I also believe (and many people I trust would agree) that if a protest is to have a real impact, it must be one component of a broader strategy that involves open dialogue with our elected officials, earning broad support for its objective and yes (gasp!) working within our system.

The Occupy TO movement lacks all of the above. While it may be spirited and powered by a desire for change that is all it is and all it will every be. At the moment, it is the functional equivalent to a kid having a temper tantrum who is unable to answer his or her desperate parents when they ask “what do you want?” And we all know that a kid having a temper tantrum is just a nuisance and is to be ignored until it shuts up and goes away.

While we could sit here and celebrate these protests as a beacon of freedom of expression and civil activism, at its core it is just an act of cheap civil disobedience. The real activists are not sitting at some park near Bay and King, rather they are knocking on the doors of our elected officials, demanding to be heard. They are appearing at committee hearings in our legislatures and our Parliament with a coherent message rather than tongue and cheek protest signs. Those are the men and women we should be celebrating.

I will end this article/rant with the following comment. Recently a friend of mine accused me of stifling critical analysis of our current socio-economic climate because I posted a photo on Facebook (in jest) making light of some of the hypocrisy of the Occupy (insert city) movement. First, making light of a protest does anything but smother debate. To that criticism I say this: it is not through humour that critical analysis is stifled. Critical analysis and by extension meaningful dialogue and debate, at least in the context of the Occupy TO protest, is hindered by the fact that the movement can’t decide what it wants. Any demands that may be hidden within the various voices and ideas being echoed in the ramshackle tent cities being erected by the protesters are lost because the people trying to listen, trying to understand what it is these protestors want, can’t hear a thing!

If these protestors really want change (to what or for what I am not clear) then they will have to recognize that it requires more than camping out in a park, holding witty signs and attacking those that are critical of them.

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Opinions

Why Continue To Remember the First World War?

KYLE REES
Osgoode News Editor

On May 5, 2011, the last combat veteran of WWI, Claude Choules, died. That makes this the first Remembrance Day in which no soldiers who actually fought in the conflict will be around to commemorate it. So why bother remembering it at all?

My answer may be an unsatisfactory one, and one that needs to meander through so much Newfoundland historical nationalism and reliance on facts (as much inherited as they are researched) that the law school newspaper may not be the proper venue. But it’s here for your consideration anyway.

Though my ancestors lived in Newfoundland for as long as I have been able to determine (obviously they immigrated at some point in the last 400 years, though who knows when), I myself am a second-generation Canadian. This is because all of my grandparents were not born Canadian citizens, but as Newfoundlanders. Citizens of the Dominion of Newfoundland, to be precise.

The Rock didn’t join Canada until 1949, and it did so under very desperate circumstances. Even now, many question exactly how integrated we are into Canadian Society. I won’t go into a history lesson here, but trust me when I say that the anti-mainland rhetoric that came from Danny Williams a couple of years ago wasn’t just political grandstanding; he tapped into a deep reservoir of discontentment that had been welling for generations.

One hundred years ago, Newfoundland was a self-governing territory. We had our own elected government, viable industry, and unique culture. And when the call came in 1914 for men to serve overseas in defence of Britain, Newfoundland decided to enter the conflict of its own accord, and elected to serve under British command. Men of all ages enlisted in droves.

The war happened. This is fact devoid of value-judgement. Gasses expanded in metal chambers, propelling bits of lead and steel across mud and sticks and barbed-wire to lodge themselves in the ground and trees and human chests. Sometimes several thousand of these processes would happen contemporaneously, leading historians to demarcate one series of activity as battle X, and if there was enough silence in-between, call another battle Y. One particular flurry, the Battle of Beaumont Hamel, is the focus of my investigation today.

On July 1, 1916, all 801 men in the Newfoundland Regiment were ordered to charge an entrenchment 900 metres away in broad daylight. No covering fire was provided. The German army knew they were coming, and had the trench lined with machine-gun nests and barbed-wire. Within half-an-hour, 733 of 801 of these men were killed or wounded. Historians have speculated that the British Command knew the battle was unwinnable, and that the purpose of this exercise was to see how effective the German machine-guns were. This is what we were told in my Elementary school, anyway.

That war ended. Things in Newfoundland got worse. Economists would blame the problems on a ‘loss of human capital’ after such a bloody war. The people would blame the politicians. Politicians would blame each other. Even after paying the human cost of defending Britain, Newfoundland still had to pay the economic cost of war-debt. And when your country is dependant on declining-in-value cod, and ruled by a caste of fish-merchants reluctant to see business suffer, raising that kind of fund is nearly impossible. After the War, Newfoundland had nothing left to give.

So they gave the only thing they had left: their freedom and their liberty. In one final session of the Newfoundland Parliament, a bill was passed to voluntarily give control of the country to Britain to do with as she liked. The British determined that Newfoundlanders were not competent to govern themselves, so they established an unelected Commission of the British Government to make and enforce the law. From 1934 to 1946 the Commission funnelled money out of Newfoundland to aid Britain in building its colonial dominance elsewhere.

My point is this. Remembering a war is not about the veterans themselves, not exclusively, anyway. It is about recognising the reverberating consequences of Total War on people and nations who were generations away from the conflict itself. It is about understanding that individuals are steeped in societies heavy with their own past, and that ancestral injuries can continue to sting.

We remember The War because we are unable to forget it.

A Day For Dead

KRUM DOCHEV
Staff Writer

Remembrance Day is dedicated to the memory of the dead, not the ideological divides of the living.

November 11th – Remembrance Day – is set aside so that those of us who are still alive can remember those who were not as fortunate – those who gave their lives fulfilling a role. Whether this role was something they chose out of a sincere desire to serve their ideals or whether it was something that was chosen for them by their society and their government, the sacrifice these individuals made matters, and setting aside a few moments on one day of the year to recognize their sacrifice should not be controversial.

Unfortunately, for the individuals behind the White Poppy campaign, containing the urge to promote one’s political beliefs for even a few moments in order to remember the dead through a non-partisan communal process is simply too much to ask for. Activism and campaigning and controversy must be inserted into every occasion, no matter how solemn and universal.

The White Poppy campaign was started to promote peace. It is not clear why this is at odds with the purpose of Remembrance Day. After all, Remembrance Day is not about whether you support or oppose a particular war, it is about recognizing the sacrifices of members of the armed forces. This recognition is not incompatible with a rejection of war and of an over-powerful military. You can oppose a war and still grieve the loss of those who fought in it.

The idea that by casting the efforts of these men and women in a heroic light, we are glorifying war is also based on a misunderstanding of what Remembrance Day is actually about. The reason there is such an aura of heroism around our troops is not because war is glorious, but because for an ordinary human being to stare death in the face and confront the hardships of war so they can fulfil a task and protect their peers speaks to something quite extraordinary in human character, which is more commonly motivated by self-interest.

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than by altruism. That something is heroism, and whether we recognize it has nothing to do with our personal opinions on the mission in Afghanistan or the war on terror or Stephen Harper. Such recognition is necessary, because a society that truly values the lives of its troops is one that is less likely to go into war recklessly. So, contrary to what the promoters of the White Poppy believe, Remembrance Day is all about acknowledging the cost of war, and the humility that should follow from such acknowledgement is the opposite of reckless militarism.

The failure to recognize the solemn purpose of this occasion speaks to a much broader problem, namely the cheapening of our common discourse. Everything must be reduced to a simplistic message that you either support wholeheartedly or reject. There is no room for common institutions and common occasion's because everything is reduced to a never-ending war of attrition between the Good Guys and the Bad Guys. Are you for war or against it? What does being “for war” even mean? We saw this attitude at work when a Senate page interrupted the swearing-in ceremony of a new government, after the electorate had already rendered its verdict; we saw it when Congressman Joe Wilson shouted “You lie" at Obama during the State of the Union Address, in an explicit rejection of the legitimacy of the elected representative of the nation; and we see it at work when the White Poppy campaign tries to inject politicized and highly controversial activism into an occasion that’s not about them and their ideological beliefs. All of these gestures say, “My message is so important, I really can’t be bothered to consider you and our common institutions because I have to get my message out at any cost.” The end result of this mindset is that we no longer have a common dialogue; instead, our discourse is reduced to an archipelago of insular, hysterical partisan tribes yelling at one another.

This is not to say that our differences over the war don’t matter or to deny that you really can’t have a democracy without a fair bit of yelling. But we have 364 other days in which we can talk (and yell) it out. For a few moments on this one day, however, it's not about us the living but about them the dead – and what speaks in those moments is their silence.

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**Osgoode News**

**Garbage Wars:**

**Environmental Law Society**

**NIKKI PETERSEN**

**Contributor**

On October 3rd, the Environmental Law Society put on its first-ever Garbage Wars competition. The premise was that the campus around Osgoode and Passy is covered in litter of all kinds, litter that never seems to be dealt with. It's ugly and gross, and it makes the new Osgoode environment a less-nice place to be. So we asked Willms & Shier to sponsor an event that we hoped would start to change that. Willms & Shier agreed to host an exclusive networking lunch for a student team that collected the most litter. Garbage Wars was born.

Seven ELS members went out, gloved and bristling with garbage bags. They raced all around Osgoode, including braving the woodlot's burrs and thorns, in search of stray and forgotten litter. At the end of only 40 minutes, 14 big full trash bags were collected.

We found some weird stuff – one team found a “raft” made out of Styrofoam in the pond. Another competitor found a large sack of rice in the woodlot. Mostly we found cups, wrappers, soggy newspapers, pop cans and plastic bags. We collected 14 garbage bags full of these things.

So, Osgoode, be careful about your litter. Help keep our new building nice by being conscious about where your waste goes.

Four lucky 1Ls are off to a networking lunch with Willms & Shier. Congratulations to Lianne, David, Erica and Emily. If you're interested in being involved in a similar event, let us know, and we'll be sure to contact you!
A Student Caucus Member’s Take On The Restricted Library Use Policy

JEFF MITCHELL
First Year Representative
Student Caucus

Some think that we won a floor in the library; I think we just lost both major sections of quiet study space and the understanding that Osgoode is the primary focus of the Library.

Perhaps it sits easier with some to look at this glass half full, being thankful to the powers that be for granting us a floor of our own. This is not my view and I don't think it should be yours either.

The construction is over, the dust has settled and what are we left with? The bottom of the library. I don’t say our library because of the recent “Restricted Library Use Policy” that took effect on October 24th. As you likely know, on weekdays the lower level of the library is supposedly reserved for the use of law students, while the upper level is fair game for all.

Anyone who has entered the building has seen students with non-legal study material taking up space all over the library (and other spaces). Students are rightly unhappy with the current usage of the library and looking for a solution.

This matter came to the docket of Student Caucus. We were asked to give a recommendation on behalf of students. No open meeting took place to discuss the proposed policy, all communication occurred over e-mail between Student Caucus members. To be fair we did have to get a response to the administration before our regular meeting time, but this is no excuse for compromising due process. After a quick vote on the initial proposal and two other proposals pitched by caucus members, a strong majority gave the students' blessing to the administration asking the opinion of students through Student Caucus. It makes good sense to me that the administration asked the opinion of students, as this would be for granting us a floor of our own. This is not my view and I don't think it should be yours either.

Make no mistake; I respect the decision of the Student Caucus members. Chalk this up to a dissenting opinion and nothing more. What I think this situation shows is the potential power of Student Caucus, a duly elected representational body, to affect the policy at Osgoode. With this power comes a duty to make well-informed choices. In this situation, the administration asked the opinion of students through Student Caucus. It makes good sense to me that the administration wanted to acquire an “official” student opinion considering the tension surrounding the issue. Why couldn't caucus hold off giving an opinion after proper discussion of all proposals at a meeting? Surely the administration knows that we meet bi-weekly. I fail to understand why, if Student Caucus has value and meaning to the administration, we could not delay the response until we could meet properly. These situations require real discussion; anything less is unacceptable.

I'm throwing out a challenge to the Osgoode community: get engaged in Student Caucus. The reality is that this body does make substantial and long-lasting decisions. Do you know your representatives? More importantly, do they know you? It is vital that representatives vote based on their own personal assessment of the matter, but with the collective wishes of the membership in mind. In order to do this properly, time to consult students on specific issues is required.

In my opinion, Osgoode students lost this round. Maybe I'm wrong and need to re-canvas student opinion. If I'm right, we just gave the wrong recommendation. For the first years, I imagine that the library space isn't being used like you expected before coming to law school. For the upper years, I'm sure you were expecting far more library real estate than this.

Speak to your rep and let them know what you think. I know we are not elected MP's, but if you happen to be an Osgoode student, Student Caucus does speak for you, represent you, and make decisions on your behalf. Be engaged; ensure accountability and the best representation for the best Osgoode experience.

The next Student Caucus meeting will be on Wednesday, November 2nd. It would be great to see you there.
**Sudoku**

The classic Sudoku game involves a grid of 81 squares. The grid is divided into nine blocks, each containing nine squares.

The rules of the game are simple: each of the nine blocks has to contain all the numbers 1-9 within its squares. Each number can only appear once in a row, column or box.

The difficulty lies in that each vertical nine-square column, or horizontal nine-square line across, within the larger square, must also contain the numbers 1-9, without repetition or omission.

Every puzzle has just one correct solution.

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**Features**

**What Ails You Osgoode?**

**TRACIE H. HARDIÉ**

*Staff Writer*

Thank you Osgoode for your feedback and your submissions. It turns out you’re all a bunch of sickos! (Not in the Frey v. Fedoruk sense generally. Most of you expressed health issues and not perversions.) In the spirit of Halloween and hunch-backed, limping creatures, let’s talk postural issues as symptomatic of how much crap you carry around. Clicking away all day on your mac, piling the 40 pound backpack on between classes, reading big books with tiny font at night – all make for some ugly posture. My Grandma would be smacking you all between the shoulder blades by now telling you to, “stand up straight!”

This approach isn’t for everyone and random smacking is frowned upon (or so I’ve been told,) so on to alternatives.

Option 1: In case you missed the memo, lockers are available! Visit the MDC and get yourself a locker. Leave the crap in your locker (other than food or used gym clothes for extended periods of time because that creates other health issues). Someone really knowledgeable in Tort Law could probably put a spin on this from the duty of care perspective. Just Saying.

Option 2: Free yoga on Mondays. You don’t even have to leave the building! You don’t have to know what you’re doing either, just follow along with the rest of us newbies and stretch yourself in creative ways for an hour. There are 12:30 and 1:30 sessions offered each Monday room in 3015.

Option 3: (You knew it was coming....) Red wine. Antioxidants and relaxation all in one convenient package. Akin to a massage, (see the previous What Ails You Osgoode article), “Two Hands Sexy Beast” is an alternative approach to loosening up shoulders and hunched backs. (VINTAGES 219469). For the OSAP crowd that generally can’t afford the Vintages section (myself included), try Rekorderlig Elderflower Cider. It’s Swedish. It’s on sale. It has “eau de vie” in it. What more do you need? (LCBO 174615).

As frequent as the postural issues are repetitive strain injuries such as elbow tendinitis and carpel tunnel syndrome. While the crass reader may offer one interpretation, I will take the high road and chalk these injuries up to typing. Given the sheer volume of typing we do, you would think we would have adapted by now, but recall that Lamarck’s evolutionary theory was wrong. You need better strategies than waiting it out and hoping your arms pronate in some ergonomic fashion. Alternatives to evolving then, are:

Option 1: Record your lecture (with permission) and type your notes out later, using a natural or split keyboard. Awkward at first, but there is a reason programmers use them, besides wanting to look awkward.

Option 2: As above, go with the yoga. It’s free and strengthens muscles, reducing strain. If tight pants aren’t your thing, carve out a little bit of your $300.00 supplemental health benefit for a Chiropractor. (Again as mentioned in the last article, this is a combined benefit so allocate wisely.)

Option 3: Smirnoff Ice. LCBO 123463. Ice reduces swelling and inflammation, so in theory...this is beneficial. Of course, if none of these work, (recall that my qualifications are being the boss of someone) – attend the Halloween party as a hunchback.

Send What Ails You Osgoode to: traceyhardie@osgoode.yorku.ca

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*the OBITER*dicta  
Monday - October 31 - 2011
Osgoode Building Opening!
AIDS Beat!
Ultra Vires: Caveat Emptor in Haunted House Movies

RORY WASSERMAN & RJ WALLIA
Features Editor & Staff Writer

So you’ve purchased a new home, congratulations! And well below market value too. You got quite the bargain, didn’t you? I mean, it may be a bit of a fixer upper, and you may be having a few issues, but it’s not a big deal. A few cobwebs, a couple strange stains on the walls, a cool draft, and the doors just won’t stay open and keep slamming shut. You may have also noticed some more worrisome problems. House settling noises do not usually sound like footsteps, and screams. Blood pouring down from the walls is certainly not normal. Of course, it may save you some money in paint, but red isn’t necessarily your colour.

Are you also waking up floating a few feet above your bed? Have you or a family member been possessed? … I hate to break it to you but it looks like you may have a haunting on your hands.

I know, your real estate agent wasn’t exactly forthcoming with that information and yes, the lawyer who did your mortgage may have been… how shall we say it, slightly diabolical (did he look like Keanu Reeves?), but fear not, for we’ve come to help you.

Although we will not help you get rid of the ghosts (you know who to call for that) you may have legal recourse to get out of the agreement of purchase and sale… with luck, alive! (NO GUARANTEE)

Step 1: Determine your haunting

While hiding under your bed, terrified that your poltergeist (they prefer to be called the “Corporally Challenged”, let’s not piss them off anymore than they already are by being rude), is trying to hack you to pieces, you may not particularly care what brought him to your home in the first place. However, this information is critical in pursuing a legal claim.

You can have three basic kinds of haunting.

1. Haunted by a ghost who died elsewhere
2. Haunted by a ghost who died in or around your home
3. Haunted by a ghost coming through an alternate dimension, the portal to which is located in your home

Haunting #1 – The ghost who died elsewhere (Beetlejuice, Casper, Paranormal Activity)

Good news: There’s nothing actually wrong with your home! (And it shouldn’t affect resale value)
Bad news: You still have a haunting to deal with.

Since the home itself is unaffected as the ghost followed you from elsewhere, your legal remedies go beyond the scope of this article (might I suggest an eviction notice or a restraining order?). You can also try dealing with this problem using alternative methods, such as calling the Ghostbusters, performing an exorcism, or helping them complete their unfinished business (especially if their unfinished business is Demi Moore).

Haunting #2 – The ghost who died in the home (Amityville Horror, House on Haunted Hill, The Others)

Good news: You have a case.
Bad news: The ghost may have squatters’ rights.

Hate to break it to you, but you kinda had this one coming to you… especially if you had a hand in the ghost’s “untimely demise”. Here we have an innocent ghost, minding his own business, and just wants to be left alone, when you had to go and move in, reminding them about all the great stuff they can no longer do. Imagine how upset you would be if someone strolled in and started rubbing in the fact that you can no longer eat, sleep, shower, physically touch objects, breath, and age (you’re a dick).

Luckily, you may have grounds to get out of the sale, and you and the ghost can get back to “living” your lives in peace.

Legal Analysis

In Canadian law, most defects fall under the doctrine of “caveat emptor” which means let the buyer beware (in this case literally BEWARE! [Queue evil laughter]!). A purchaser takes the property as he finds it, including any defects so long as they are patent. This means the defect must be obvious and should have been uncovered by a reasonable inspection.

Interestingly, caveat emptor applies even in the case of an insect or animal infestation. This means, an unwanted creature living in the home is not necessarily grounds for rescission. Of course in the case of a ghost, it is not so much an unwanted being “living” in the home, as it is “inhabiting” but it is possible the same precedent can be applied.

A New York case, Stambovsky v. Ackley held that a house generally known to be haunted (in this case it was the subject of a documentary and was featured in a magazine), was deemed legally haunted as it significantly affected the home’s value. The court held that the presence or absence of a haunting is not something a reasonable purchaser would ascertain from an inspection, and therefore not subject to caveat emptor. However, in general whether a haunting...

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Ultra Vires Continued

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ing is a patent defect will largely depend on the nature of the ghost, and should be determined on a case by case basis. A visible ghost, angry messages appearing on the walls, and spooky music are all fairly obvious indicators.

If the ghost does not make his presence known, or if his existence is actively hidden by the seller, this can amount to a latent defect. Latent defects also fall under the doctrine of caveat emptor unless they are dangerous or represent a significant health hazard. Please refer to Step 2 of this guide to assess the danger represented by your haunting.

Haunting #3 – Home is a portal to other dimension (Ghostbusters [the apartment building], The Shining, Poltergeist, Passy Gardens)

Good News: Bonus, unlimited expansion opportunities

Bad News: This one won’t go away with a simple exorcism or ghost trapping (and you still live at Passy Gardens)

Well you have yourself a systemic problem here. Whether your home was accidentally built on an Indian burial ground (The Shining), on a portal to another dimension (Poltergeist), or purposefully built to basically act as a giant antenna, conducting a welcome message to any ghosts, goblins, daemons, spirits, and 1L’s (Ghostbusters, Passy Gardens), this one can’t be solved by removing a few of the Corporeally Challenged. More will be there to take their place. The only viable solution: you’re going to have to move out.

This situation would likely constitute a neighborhood defect, as opposed to a defect of the home itself. Unfortunately for you, these generally fall under the doctrine of caveat emptor. In a string of cases dealing with radioactive soil, courts have often found that even dangerous neighborhood defects need not be disclosed, unless the seller was aware of it. Exceptions may be made for especially dangerous defects, so to be certain please refer to Step 2.

Step #2 – Determine the danger

As discussed, latent and neighborhood defects are generally not a reason to get out of the contract unless the defect is considered dangerous. So, you’re going to have to determine the danger level of your ghost. To assist you, we have included this handy chart. A strong claim can’t be solved by removing a few of the Corporeally Challenged. More will be there to take their place. The only viable solution: you’re going to have to move out.

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Hungry for Justice: Oompa Loompas are NOT Slaves, You Guys

MARCEL MALFITANO
Staff Writer

So I know what most of you are thinking. How will we know what food to eat at the Osgoode Bistro if Marcel doesn't write any more food reviews? Well, my friends, it's a valid question. And it's one that deserves an answer. You see, I've been trying to publish articles this entire time (I swear), but ever since the Obiter Dicta came under the tyrannical grip of one Andrew Monkhouse, all of my articles have been rejected. I did a little 'investigative journalism' and found out that this same Mr. Monkhouse has been 'bought out' by the Osgoode Bistro to ensure my words never see any print (How I wish this was true - Monkhouse). Food for thought, isn't it? Gives us all something to chew on, doesn't it?

Whether or not the above paragraph is true doesn't actually matter. What does matter is that I'm back with a new food review article. I've been drinking a lot of chocolate milk from the Bistro. In fact, a couple weeks back, I brought some with me to Evidence class. After a cordial discussion on the merits of chocolate milk with [redacted] McFarlane and [redacted] Stevenson, two second year students, we got onto the topic of Willy Wonka and his famed chocolate factory. Inevitably, that discussion led to an intense debate on the legal status of Oompa Loompas.

Now many of you out there might feel cheated because you came here expecting to read a food review article. I offer my sincerest apologies, but I cannot permit the spurious accusations made by one [redacted] McFarlane and one [redacted] Stevenson to go unanswered. They had the gall to suggest that Willy Wonka, one of the most brilliant entrepreneurs of our time, was a slave-master and that the Oompa Loompas were his slaves. Anyone who can make such careless remarks about some of the most industrious labourers in the food business lacks a basic understanding of capitalism. I am hungry, folks. Hungry for justice. And the only way this hunger can be satisfied is if I go on the record explaining just how wrong they are.

First off, there is no evidence that Oompa Loompas are treated like slaves. In an exchange between Violet Beauregarde and Willy Wonka, he asserts, "Why, of course they're real people". Would someone who owns slaves consider them to be real people? I think not. You see, Oompa Loompas come from 'Loompaland'. In Mr. Wonka's own words:

"...What a terrible country it is. Nothing but desolate wastes and fierce beasts. And the poor little Oompa Loompas were so small and helpless, they would get gobbled up right and left. A Wangdoodle would eat ten of them for breakfast and think nothing of it. And so, I said, 'Come and live with me in peace and safety, away from all the Wangdoodles, and Hornswogglers, and Snozzwangers, and rotten Vermicious Knids.'"

There you have it, folks. Willy Wonka is a modern-day Robert Owen, using his enlightened socialist ideals to create an environment in which the Oompa Loompas never need to leave the complex. All of their basic needs are met within the confines of the chocolate factory. Indeed, if they were to leave, it is probable that Wonka's competitors, like Mr. Slugsworth, would try to exploit them for their labour. As the greatest thinker of our era, Adam Smith, points out: "The real and effectual discipline which is exercised over a workman is that of his customers. It is the fear of losing their employment which restrains his frauds and corrects his negligence." As you can see, my friends, there is no real need for Willy Wonka to treat his little friends harshly because the invisible hand of capitalism is primed to bitch-slap them the moment they allow their productivity to slip.

Secondly, we know for a fact that slavery breaks peoples' spirits and, as a result, slaves do not sing. And yet in almost every scene, the Oompa Loompas are singing. Riddle me that, [redacted] McFarlane. If the Oompa Loompas were indeed slaves, would they have the wherewithal or the desire to sing? It's a well known fact that people only sing when they're happy, in the shower, or working on railways. And yet [redacted] Stevenson has the nerve to insist that these industrious little people are under the cruel oppression of Willy Wonka. A basic precept of market theory is that the customer is always right. And yet, Willy Wonka allows his little friends to voice their own opinions. They freely use their songs to mock the very children who buy their products. I don't know about you, but people have been fired for less in our very own jurisdiction.

Let's be laissez-fair about this. Who wouldn't want to work in a chocolate factory? That sounds like the most fun anyone can ever have. So what if the owner is a weird guy in a purple suit and a top hat? It's obvious that he treats his little helpers with dignity and respect. Now some of you have pointed out the fact that there doesn't seem to be any real remuneration system for the Oompa Loompas. Who needs money when you are surrounded by chocolate? The Oompa Loompas have commodified their labour power in exchange for food, room and board, and protection from those who would exploit their labour for nefarious purposes. Willy Wonka is not unlike a kindly father who knows what's best for his children. I don't know about you, but that doesn't sound like slavery to me. That sounds like family.

A spectre is haunting Osgoode. The spectre of communism. When individuals can run their mouths and make spurious (I only wrote this article so I could continually use the word spurious) statements to voice their own opinions. They freely use their songs to mock the very children who buy their products. I don't know about you, but people have been fired for less in our very own jurisdiction.

Continued on next page...
The Unreasonable Man On Halloween

TRAVIS WEAGANT
Staff Writer

I had originally intended to provide you all, dear readers, with a guide to creating your own Halloween costume this week. However, I’ve been thoroughly occupied of late by my efforts lobbying York University to allow me to have a Halloween kegger in the creepy old log house behind Osgoode, and simply haven’t even had the time to make a costume for myself. Instead, I decided to share my infinitely insightful opinions on the two most important parts of Halloween: candy and costumes. Take from it what you will.

First, I feel that I must address the elephant in the room. It seems that as we age, the focus of the year’s spookiest holiday shifts distinctly from tricks and treats to unbridled lewdness. Evidently, all it takes is some cool weather, leaves on the ground, and less-than-creative pumpkin art to give perfectly respectable young people the uncontrollable urge to... uh, well... advertise.

Now, I shan’t complain about the behaviour itself; one does, of course, have the right to wear whatever they wish to a costume party, and it certainly does not offend my sensibilities, such as they are. However, I am greatly concerned about the obvious factual inaccuracy inherent in such garments. Obviously, some of these people have never had the benefit of being informed that their perceptions of the appropriate attire for certain health care and law enforcement workers is horribly off-base. Such apparel is not functional at all.

During my recent encounter with a female police officer, I remarked that her garb was far more conducive to engendering respect than lasciviousness. In fact, her entire manner was disapproving and stern, especially when I asked to borrow her pen to write down this idea for my column. Her behaviour was not at all similar to the Halloween variety of police officer I have encountered in years past. In short, if you wish to use your costume to peddle your wares this Halloween, perhaps simply going as “Eve before the fall” would better suit your purposes without offending basic common sense about public servants’ uniforms.

I also wish to address the issue of Halloween candy. It’s probable that most of my readers, especially those living on or near campus, will be mercifully spared the overpriced and exhausting ordeal of giving away candy to children this year. This is in the best interest of everyone. The frequent and repeated ring of the doorbell and knocks on the front door will eventually take their toll on a young person lacking the patience of an older and wiser sort. I assure you that after a few Halloween cocktails, it’s a very short leap from showing mild annoyance with the princesse and vampires at your door to retrieving your childhood air rifle and using it to dispense Nerds to the neighbourhood youth. I only advise this course of action if you’re still unsure about what a real police uniform looks like. Otherwise, don’t be that guy.

For those few of you who will be distributing candy this year, please adhere to a few simple rules. First of all, do unto others as you would have them do unto you. Do not give anything to an innocent child that you would not eat yourself. I’m not going to pretend that this is a general rule at all. It is specifically directed at you all sadistic lowlifes who give out those Kerr’s Halloween Kisses. To this day, I remain convinced that they are composed of a secret mixture of beeswax, molasses, and crude oil that somehow solidifies into a chewy beige taffy that could easily be mistaken, at first glance, for caramel. How very wrong you would be. In 1991, Wayne Campbell and Garth Algar closed out the Saturday Night Live Halloween special with a list of the top five worst treats. Number one? Mung. The duo stated that they didn’t know what mung was, but that it’s definitely the worst kind of treat. I humbly submit that Kerr’s Halloween Kisses are, in fact, mung, and that their distribution is highly negligent. Don’t be that guy.

I must also advise you against giving out raisins. (Full disclosure: I am no lover of raisins. But that’s not the point.) Despite insistence from numerous television moms that raisins are “nature’s candy”, we all know better than that (also, cashews are obviously nature’s candy). If anyone doubts my point here, just know that when I discovered my neighbor distributing raisins last year, I conducted a little experiment. I provided each of my own trick-or-treaters with, in addition to their standard candy ration, a nice healthy egg, rich in protein and Omega-3 fatty acids. My neighbor awoke the following morning to find the world’s largest raisin omlette cooking slowly on his bay window. Don’t be that guy.

Returning briefly to Wayne’s World, I wish to point out another cardinal Halloween sin. According to Wayne and Garth’s list of bad treats, the third-worst thing to distribute to children is the candy apple. In fact, the only things worse than these cleverly disguised fruit are the aforementioned mung and – Wayne’s words, not mine – “hurl”. I am forced to agree. Not only is the decidedly flavourless shell nearly impossible to breach, but when one finally manages to crack the candy coating, they are inevitably dismayed to find that the fruit (ha!) of their labour is, in fact, an apple.

Now, I much prefer apples to raisins, and have even been known to enjoy one on occasion. However, the amount of work required to eat one coated in candy is simply outrageous, and highly unrewarding. This is especially true when one’s trick-or-treating travails have also yielded a plethora of wee chocolate bars, whose wrappings are much easier to remove, and are not made out of edible titanium. My other neighbor tried giving out candy apples last year; his bay window fared even worse than raisin man’s. You see, children don’t like candy apples, and when children get upset, a batch of the fortified fruit can quickly turn into a swarm of red Angry Birds hurtling into your sitting room. Don’t be that guy.

Halloween is about common sense. Keep your costumes factually accurate, even if the square footage is a bit low. Don’t give out candy apples, raisins, or mung. And most of all: don’t be that guy. Seems perfectly reasonable to me.

Oompa Loompas Continued

Continued from last page...

ious) insults about wealthy industrialists, it’s a sad day for the market. If the market could weep, it would be weeping copious amounts of oil right about now. For, we, its children, have lost our way. But don’t take it from me. Take it from this man, Karl Marx: “Capital is money, capital is commodities. By virtue of it being value, it has acquired the occult ability to add value to itself. It brings forth living offspring, or, at the least, lays golden eggs.” Capital – the gift that keeps on giving. Not unlike the charitably-minded Willy Wonka who gifted his entire legacy, Oompa Loompas and all, to a boy he hardly knew.

So, there you have it. Oompa Loompas are not slaves. I know Stacy and James will try to tell you otherwise and fill your head with the type of fear-mongering one can expect from the disciples of Leon Trotsky, but I’m here to give you the straight facts. Also, I would rate the chocolate milk a five out five, because it’s consistently awesome.

A Smiling Monster

JENNIFER O’DELL
Co-Editor-in-Chief

So. Do you wanna hear a scary story? Gather around children.

Once upon a time a woman went to Florida with her gaggle of Girl Guides in tow. This was in the mid-70s when life revolved around hockey mullets, gendered roles and the end of the Vietnam War.

This woman, let’s call her Vera, was escorting approximately 10 girls aged 15-17 on a camping trip.

The first day they arrived a pleasant man sauntered over to their campsites and offered to help unload the camping supplies. This man was charming, genuine and had an easy smile all the women appreciated. Except Vera. The man's twinkling eyes gave her a queasy feeling whenever he met her gaze. They were intense, controlling and the only vibrant thing about him.

Later in the evening the same man happened upon their campsite. He had brought cards! And stories! He entertained the girls with tales of his time in major league baseball. They oooo-ed and ahhhh-ed while he recounted pitches, steals and RBIs late into the evening. Vera remained wholly unimpressed.

You see folks, her father had been an avid baseball fan, and as her parent's only child, Vera had known everything about baseball since she was old enough to sit on her father's knee. This man was lying. And he was lying well.

The man invited two of the girls to come see his small baseball collection (that he presumably always kept with him) over at his campsite. It was "just around the corner" and the girls, doe-eyed and innocent, eagerly turned to plead with their chaperone. But Vera had seen enough. She smiled as coyly as she could and said to the pleasant/awful man that the girls were required to clean up before they went to bed. She thanked him for his generous offer, but they would have to remain at the campsite tonight.

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For a moment this man's eyes flickered and Vera caught a glimpse of the monster lurking beneath their otherwise calm exterior. Instantly composed again, he smiled. Why, of course. The girls were here representing the fine organization of Girl Guides. He completely understood. Maybe some other time, or, he nonchalantly offered, he could bring some of his collection over for them to see. Vera countered with an equally forced smoothness when she declared that that would be lovely and she was sure the girls would appreciate it.

The young women had put up minor protests about not being allowed to accompany this handsome, former baseball player, but listened to their elder. The girls were good sheep and their Sheppard, unbeknownst to them, had the inexplicable ability to perceive that which others wish to keep hidden. The man sensed that his cover had been blown and like a spurred animal, slinked off into the night.

Vera left the girls to get ready for bed and instructed the other leaders to make sure none of them left the campsite. Vera's colleagues were a bit bewildered by Vera insistence (they too had been wooed by this man and his fantastical life) but promised to keep an eye on them.

Vera went to the campsite Warden and reported the man. She left out how pleasant he seemed and simply told the Warden that the man had too much interest in her young girls (some only 15 years old, Warden!) and that she would like him removed from the campsite. Along with her baseball savvy, Vera could command a great deal of respect. Even the most unconvinced person in the room could be moved by Vera's will (you need only ask her husband of 52 years or the two juries she has sat on). The Warden promised to look into it quickly. She thanked him and hurried back to the campsite.

The next morning the smiling monster had left. Vera didn’t know when he had gone during the night, but she was glad he had.

******

In the not too distant future Vera was sitting in her home in Etobicoke. She had all but forgotten about the man, though his empty eyes had occasionally assailed her memories. It was winter when she was flicking through the TV channels and a black and white photo of the empty eyed man flashed across the TV.

The news reported had said a brutal serial killer had been caught and showed the man’s photo again.

As my grandmother’s tea slipped from her hands and fell on to the carpet floor Ted Bundy stared back at her from that photo. He wasn’t smiling.

No one was smiling this time.
Based on the given text, the main character continuously questioning the order of the universe with a repeated refrain of “OMFG, WHY’S THIS HAPPENING TO ME?” Instead, 50/50 builds around the central theme that, while we have only limited control over what happens in our lives, how we deal with it is completely up to us. Yes, it’s articulated rather explicitly (even in the trailers) and it sounds like it may very well have come out of a fortune cookie (albeit a grammatically-intact one), but Reiser goes to town on this concise kernel of wisdom by using every character in the ensemble as its vessel, for better or for worse.

By the by, this is one hell of a cast. There’s Seth Rogen, of course, who actually plays himself even more than usual as the wise-crackin’, bong-rippin’, comic-relievin’ best friend, having stayed by Reiser’s side during scenes as a mother whose only crime is caring for her ailing son. Finally, the roster is rounded out with vet-

eran actors Philip Baker Hall and Matt Frewer as chemo patients who love pot brownies and Bryce Dallas Howard as the sensitive artist/caregiving girlfriend (in that order).

Joseph Gordon-Levitt’s performance in 50/50 is certainly to be praised. While he falls short of coming across as an ultimately interchangeable everyman who is unfortunate enough to have cancer simply “happen” to him, he does so in a way that is definitely relatable, yet distinctive and idiosyncratic enough that you’ll want to root for him as a specific, defined character rather than an abstract construct. Moreover, he embraces the role as an experiment in transformation, indulging in an emotional crescendo that has as many epiphanies as it does obstacles. Because of that, the trials that JGL’s character undergoes, while overwhelming at times, remain grounded and realistic as the film goes on.

Anna Kendrick’s character plays a big part in that progression. Kendrick, who I remember from Scott Pilgrim vs. the World and NOWHERE ELSE, takes to the screen as a bright-eyed therapist with her patient count still in the single-digits, much to JGL’s dismay. In a lot of ways, she acts as a proxy for the audience by observing the story at arm’s length, yet undergoing a similar transformation all the same. Needless to say, she’s not the only cancer-free character to do so, but that’s something you’ll have to see for yourself.

Of course, all this emotional baggage is concealed with the kind of comedic veneer that you’d expect from a Seth Rogen movie. This is true in terms of both quality and volume. That being said, 50/50 manages to walk the line of being as funny as it can be without getting in the way of what it’s trying to say. The ad-libbing goes a long way in accomplishing this, avoiding abstract craziness in favour of chuckles that you wouldn’t be surprised to hear in normal company, although they might played up just a little bit. In any case, while the film refuses to reduce its plot to a series of joke set-ups, the lack of indiscriminate LOLs will probably be the furthest thing from your mind when you watch it.

The bottom line here is that 50/50 is a movie that’s big on laughs and bigger on making the audience actually feel something. It focuses on cancer as an agent of change rather than death, whatever those changes may be. So, if you’re intrigued by the premise even slightly, I can guarantee that you’ll enjoy 50/50.

Unless you hate alt-rock montages. There’s at least five or six of them in there. Consider yourself warned.
Undergrads Rhymes with Comrades, Think About it.

COMRADE SHELLZ
AKA DAVE SHELLNNUTT
Legal and Lit President

Due to recent attempts at assassinating my character I have added my name to the moniker. Also, I’m not ashamed of anything I write, yet. Frankly, even the fake Comrade Shellzzzz called me handsome, so no beef. I’d like to take this column of opportunity to address a growing area of strife within the student body. I would like to preface what I say; it has less to do with what my comrades have written in the Obiter about York undergrads, and more with what I hear on the street. By street of course I mean Gowlings Hall, and Gowlings atrium, and the Goodmans Bistro, and well you get the idea. So like the fake me, I hope you also have no problem with me addressing an issue you literary apostles have dealt with already.

To begin, I think we should ditch using the common name quickly being associated with York undergrads. I won’t repeat it. They are just that, undergrads. Referring to them as something else seems to me demeaning. We all attend the same institution and pay to the same piper. We may pay more, but Schulich pays more than us, and you and I would definitely get in their face if they tried to judge us based on that. Out of respect for a school that has housed us in our darkest days, in their darkest building, let us reach out with respect and open-mindedness. Phil pushed this line well within the student body. I would like to preface what I say; it has less to do with what my comrades have written in the Obiter about York undergrads, and more with what I hear on the street. By street of course I mean Gowlings Hall, and Gowlings atrium, and the Goodmans Bistro, and well you get the idea. So like the fake me, I hope you also have no problem with me addressing an issue you literary apostles have dealt with already.

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Bora Laskin (I’m gangsta like that). I’ve even heard them ask why the hell am I there? We are not that douchey. Please let us not replicate their arrogance. (UofT readers, this is not all of you, but seriously some of your colleagues have been quite rude.)

Bora Laskin is the UofT Law library. While some of those over there would prefer we vacate their hallowed halls, there is a little term called “access to justice” that gives me a free pass. Blocking off legal libraries is so fundamentally wrong that I don’t think anyone would disagree. Sure we are annoyed when we can’t get a seat, or when Billy what’s his major is chatting too loud. But, we can’t just kick them all out. Everyone deserves access to the law. That is why Student Caucus in conjunction with the Library staff have approved a policy to allow the public and York students, all of us, access to the resources throughout the entire library. That is a must. However, to answer your concerns we have reserved the lower level to just Osgoode students, the study space that is. Fair? No? Well, blame Marcel. Kidding.

Legal and Lit has also had to address concerns with York undergrads all up in our space. Specifically, in the JCR. Now this situation is slightly different. It does not involve access to justice issues, or access to learning space, which I think is also important, but don’t have the additional 200 words to explain (it’s rather self-explanatory). Sorry, anyways, the JCR L&L has decided that due to it’s limited space, the fact that soon it will be functioning as a licensed establishment, that it is funded by the L&L society which draws its funds from only law students, and that it is our sanctuary from everything that is law school, we believe that it is for the best to restrict its use.

This decision was not made lightly, nor is it set in stone. We are looking at developing our policy along the lines of the Grad Lounge or Grad study space, both of which have limitations on when undergraduate students are allowed in. We are not looking to ban everyone from the JCR; so your significant other or BFF will be able to get in, don’t worry. I’m open to discuss this policy, and we might get some blow back, but we are confident that it is the best way forward.

The point is that we recognize some of the frustration out there. To that end we have acted to provide you with guaranteed library space without shutting our library to the public. A public it should be reminded that paid plenty, plenty, of money to help build our new digs. Just because we have a flashy new law school, doesn’t mean the taxpayer didn’t fork it over. This university, this law school, is public space. We should always keep that in mind.

I would ask that you let these policies take root. There will be problems. Our stern signs and warnings will go unheeded. Please, let us move forward with a positive look towards our colleagues at York. Sure some individuals can be annoying. However, I’d have you recall that we are not perfect. Gavin did tell us guys to clean up our bathroom act long before the hordes of undergrads ever discovered the new Osgoode. If you see someone, somewhere, where you don’t think they should be report it to the library staff or email L&L about the JCR. There is no need for showdowns or students to be requested by other students to leave the JCR. We should be cool, considerate and awesome, as we of course, always are. Thanks for your patience.