

Ruling lets gays plan for nuptials

[Final Edition]

The Record - Kitchener, Ont.

Author: CHERRI GREENO

Date: Jun 11, 2003

Section: Front

Text Word Count: 792

Document Text

2003 The Record (Waterloo Region). All rights reserved.

Gay and lesbian couples throughout the province are busy planning their weddings after a court ruled yesterday that traditional marriage laws are unconstitutional.

"It was a big relief," said Kitchener resident Dawn Onishenko, who is planning to marry her partner, Julie Erbland, at the end of June. "It was a surprise, it was wonderful. I was filled with tears and emotion."

Ontario's Court of Appeal handed down the decision, which said the right to marry should be extended to same-sex couples. "The existing common law definition of marriage violates the couple's equality rights on the basis of sexual orientation under (the charter)," the 61-page ruling said.

The Appeal Court also declared Ottawa's definition of marriage invalid and demanded it be changed immediately to refer to "two persons" instead of "one man and one woman."

The court ordered Toronto's city clerk to issue marriage licences to same-sex couples seeking a legal union.

The ruling is a personal victory for seven same-sex couples defending a lower court decision that said Canadian law violated their charter rights by preventing them from marrying. Ottawa tried to overthrow that ruling, arguing that marriage is a universal concept based on the union of a man and woman.

A decision on whether Ottawa will appeal the ruling to the Supreme Court of Canada had not yet been made. However, because the ruling is effective immediately, such a challenge would not prevent same-sex couples from getting married in the interim, said the couples' lawyer Martha McCarthy.

Onishenko and Erbland were part of the group defending the lower court decision. They filed for a marriage licence in Toronto three years ago and can now, finally, get married.

They already consider themselves married and for the past few years have been filing their income tax together.

"This is a legal formality and it should be granted," Onishenko said. "We feel more validated."

The couple plan to marry in Windsor in a ceremony with family and friends.

Kitchener's Shelly Durocher, 38, and Melody Alderwick, 48, are planning an outdoor ceremony for next year.

"We'll be doing a legal marriage ceremony soon," Durocher said. "I'm very glad but I'm really not surprised. It had to happen eventually."

While Toronto city hall said it would begin issuing marriage licences to all, including gay couples, who meet the

requirements, Waterloo Region offices didn't know what to do yesterday.

Clerks in Waterloo, Kitchener and Cambridge said they will wait for direction from the province or their legal department before handing out any marriage licences to same-sex couples.

Bruce Clemenger, president of the Evangelical Fellowship of Canada, said he wants to see the ruling appealed immediately. "It's not what marriage is. We see no reason to redefine it."

Clemenger said marriage is a union between man and woman that includes procreation, not a union between man and man or woman and woman.

Rick Sickinger of Stratford, who is gay and single, said he's open to marriage once he finds the right man. "I think it's a good ruling," he said. "It's right. Everybody should have basic civil liberties."

Kevin Bourassa and partner Joe Varnell of Toronto -- who were among the couples defending the lower court's decision -- said they are proud to be united as one and will now start planning their honeymoon.

"Once again, we won our case," Bourassa told The Record, minutes after receiving word of the court decision. "We hope the government has recognized the time has come for change."

Bourassa and Varnell were wed at the Metropolitan Community Church in Toronto on Jan. 14, 2001, along with a lesbian couple. The two couples used an ancient Christian tradition of reading the banns -- asking in church on three Sundays if anyone objects to a marriage -- to avoid having to get city-issued marriage licences.

Bourassa and Varnell sued the government after they were told their marriage would not be registered legally.

If the Ontario government now registers the marriage as demanded by the court ruling, theirs would be the first same-sex marriage in Canada.

"Joe and I are, effectively, today legally married," Bourassa said. "Right now we are elated. It's a victory for all Canadians."

Ontario's Appeal Court decision joins court rulings in British Columbia and Quebec that also back same-sex unions. However, the Ontario ruling differs in that it calls for the new definition to take place immediately, allowing gay and lesbian couples to marry now.

In Toronto yesterday, two men -- Michael Leshner and Michael Stark -- were married in a quick civil ceremony.

cgreeno@therecord.com

[Illustration]

Caption: Colour Photo: DAVID BEBEE, RECORD STAFF; Dawn Onishenko (left) and Julie Erbland of Kitchener are planning to be married at the end of the month.

Credit: RECORD STAFF; With Files From Canadian Press

Reproduced with permission of the copyright owner. Further reproduction or distribution is prohibited without permission.