

# 'Church mice' bite back

Sisters' fight over rental suite reads like a Grisham novel

By Diana Bennett

What started out as a bid to avoid eviction from their 480-square-foot seaside apartment has turned into a two-year legal battle for sisters Tina and Gina Zanetti—one that's unfolding like a John Grisham novel.

And while still safely ensconced in their ninth-floor, English Bay dwelling, the two diminutive women have little room to move, negotiating around the stacks of research and legal documentation amassed since their first of 22 court dates thus far. On the walls are photocopied documents and blow-ups of signatures the two believe are forged.

Working without a lawyer, the sisters, aged 44 and 46, have become so ensnared in the details of the case they've given up their work. Tina, an artist, and Gina, who worked in corporate retail management, say they are living like "two little church mice."

"Right now we're broke," said Tina. "Some people are helping us out but we're fighting for every tenant in B.C."

Pointing to recent legislation that allows landlords to raise rents by three times the rate of inflation, the sisters say it is just further evidence that the government aims to empower the landlords while beating down tenants.

"But it's not the increase that's unconstitutional, it's taking away the opportunity to fight the increases," Gina said, noting tenants should turn to the courts now that arbitration is no longer an option.

Their own experience with the arbitration process—even while they were permitted to stay in their home of 17 years—left them somewhat jaded.

"(The building manager) accused us of attempted murder," Gina said incredulously. Their building manager, Paul Henry Cody, brought a rock to the arbitration hearing, claiming it was dropped from the rooftop, narrowly missing him and falling in the pool.

And despite the dearth of evidence against them, the Zanettis have been denied access to the rooftop since the 2001 hearing, while other tenants of the building retained its use.

After a second somewhat successful arbitration hearing where they were compensated for the re-

H. Cody who owes close to \$60,000 in unpaid taxes in the U.S.

According to Janis Fergusson, a spokesperson for Citizenship and Immigration Canada, Cody was served with an Exclusion Order requiring that he leave Canada by June 30, 2003. Cody was unreachable for comment but has provided the courts with a sworn statement indicating he has left the country. Were it not for the exclusion order, Cody said in his statement, "I would be in Canada now and fully participating in defence of this litigation."

Susan Wong of Bonniehon Management Inc., Cody's employer, did not respond to the WestEnder's phone calls.

The latest snag for the Zanettis includes a ruling by Chief Justice Donald Brenner requiring they come up with \$15,000 to cover costs for a jury trial previously set for Dec. 1, 2003—now delayed until at least May 2004.

"That's even more than they had asked for," says Tina; the defendant's request was for a \$10,000 deposit and the judge's decision clearly indicates a bias.

And because Gina's transcribed notes from court audiotapes regarding the deposit ruling no longer match the tapes, the Zanettis' most recent trip to court on Dec. 18 was to request the recording be studied for tampering.

"We are not pointing fingers but we are asking that the tapes be investigated by the RCMP and that Chief Justice Brenner recuse himself," says Gina.

Costs associated with a 15-day jury trial for the defendants are estimated at closer to \$29,000.

In Chief Justice Brenner's written decision, he describes the deposit as "lesser" than that requested by the defendants.

The Zanettis are now awaiting the decision of Justice Brian Ralph. Until then, the trial, and the deadline for the deposit, are stayed.

"At first, all we wanted was an apology and for him (Cody) to stop trying to evict us," says Gina. "But now we want financial compensation, an apology, and to stay in our home." ■



PHOTO BY DIANA BENNETT

duced access, the Zanettis took the matter to court, slapping the building's owner, Bonniehon Management Inc., and Cody with a libel lawsuit after he circulated a petition containing allegations against them, collecting signatures for their eviction from the 1395 Beach Avenue highrise.

"It's just out of order for a landlord to circulate such a petition," says Linda Mix, coordinator of the Tenants' Rights Action Coalition (TRAC). Landlords have proper avenues when an eviction is warranted, she says, adding that the Zanettis should be applauded for their tenacity.

"Most tenants would just throw up their hands and move out," says Mix. "But these two are determined to see justice done."

Still, because of the financial and emotion strain of court proceedings, taking tenant-landlord issues to court is a last resort for tenants, says Mix.

To convolute matters further, the sisters came across evidence that questions Cody's legitimacy in Canada, alleging the former New York resident, a resort and real estate broker, is the same Paul