

# THE GLOBE AND MAIL

Personal and public space

## How a cabbie's dashboard sparked a court battle

Arieh Perecowicz says Montreal authorities are violating his Charter rights by ordering him to remove photos, religious artifacts from his taxi

Ingrid Peritz

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Anyone entering Arieh Perecowicz's taxi in Montreal quickly knows what's close to the man's heart. At various places around the dashboard, he's posted photos of his family, religious artifacts, a couple of flags and a Remembrance Day poppy.

The items have never sparked a customer complaint or interfered with his work, the 65-year-old cabbie says. But it did provoke a series of tickets from Montreal's taxi agency, which have resulted in a court battle that could test the line between personal and public space.

After successfully navigating through the chaos of Montreal's streets for four decades, Mr. Perecowicz is steering into trickier territory: Whether a taxi can also be a vehicle for personal and religious expression.

Mr. Perecowicz received six tickets for a total of \$1,400 from the *Bureau du taxi*, a municipal agency whose inspectors ordered the cabbie to remove the offending items. Mr. Perecowicz is instead fighting the tickets and heads to municipal court next week arguing the authorities are violating his Charter rights.

"In 43 years, no one has said they were offended or opened the door to take another taxi," he says.

Mr. Perecowicz says he's not especially religious, but he's comforted by having articles of his Jewish faith in the car, including photos of the late Lubavitcher spiritual leader and two *mezuzahs* affixed to the car frame between the front and back doors. (A *mezuzah*, typically affixed to doorframes of Jewish homes, is a tiny prayer parchment that, according to Jewish beliefs, offers protection.)

"I am secular but I do have roots and a culture," he said. "These items mean something to me and that's why I've always had them in my car."

As for the photos of his wife, daughter and son, Mr. Perecowicz says he spends 15 hours a day in his cab.

"What's the point of putting photos in an album? I don't have time to look in an album. I'm away from home all day. This is my home."

Mr. Perecowicz can't afford a lawyer and is representing himself in court next week. But he has been given support by the Quebec Jewish Congress, which says the case is an important test of Charter rights.

"This is an issue of freedom of religious expression," said Abby Shawn, a human-rights lawyer with the

congress. "This is the only case we know of where the taxi bureau has requested a taxi driver to remove his religious icons. It [the bylaw] has been applied in a very discriminatory fashion."

Mr. Perecowicz is being prosecuted under Section 98 of Montreal's taxi bylaw, which says cabbies can't have objects or inscriptions in their cabs that are "not required for the taxi to be in service."

Mr. Perecowicz, who has also filed a complaint with the Quebec Human Rights Commission, notes he started receiving tickets only days after speaking out in the media in 2006 to complain that the taxi bureau was failing to crack down on unlicensed cabs.

His latest campaign is gaining sympathy from fellow cabbies in a city where it's not uncommon to see everything from air fresheners to rosary beads and crucifixes dangling from cabs' rearview mirrors, as well as family snaps on the dashboard.

"There are a lot more important things to look after than whether someone has a photo in his taxi," said Dory Saliba, president of Coop de Taxi de Montréal.

At Taxi Champlain, which employs many drivers of Greek descent, cabbies often have a cross or icon of the Virgin Mary in the cab, a company official said. And photos of the family help during the long hours.

"If I'm at my desk at work I want to have photos of my family. This is like their office, but it's their office on wheels," said Betty Papanikolopoulou, acting president of Champlain.

She said she believes Mr. Perecowicz should be left alone. "His car is his business. As long as it doesn't hinder the driver's view and doesn't put clients into danger, it should be respected."

The taxi bureau did not respond to a request for comment.

But a manager with Quebec's largest taxi firm says municipal authorities put in the regulations to ensure minimum standards for taxis. While taxis are a cabbie's private workspace, the cars also become public space once a passenger gets in.

"A citizen has the right to get into a taxi and expect that it's not cluttered with all kinds of junk," said Peter Foster of the Diamond Taxi Association of Montreal. "The idea is that you get into a taxi and it looks like a taxi and there's no extraneous stuff."

"On the other hand," Mr. Foster added, "let's all be reasonable."

