

APPENDIX D

The Rights of Transgendered People in Canada

*Text of the conference presented by
Micheline Montreuil
"The rights of transgendered people
living in the Province of Québec, Canada"*

The Constitution Law, 1867 (formerly *The British North America Act*)

In 1866, three British colonies, Canada, New Brunswick and Nova Scotia signed a list of propositions about a kind of merger among them and submitted these propositions to the attention of the British Parliament. In 1867, the British Parliament adopted the British North America Act by which it creates a new country called Canada composed of four provinces : Québec, Ontario, New Brunswick and Nova Scotia (the colony of Canada was in fact divided into two provinces, Québec and Ontario; in 1996, there are ten provinces in Canada). There is a federal parliament in Ottawa and there are ten provincial parliaments, one in each province. The British North America Act is now called the Constitution Law, 1867. The Constitution Law, 1867 specifies that there is only two levels of government in Canada, the federal government and the provincial government, and the separation of powers or jurisdiction between these two levels of government is stipulated in Sections 91 and 92 of the Constitution Law, 1867. In these sections, a provincial parliament is called a «Legislature».

91. It shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons, to make Laws for the Peace, Order, and good Government of Canada, in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this Section, it is hereby declared that (notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends to all matters coming within the classes of subjects next hereinafter enumerated; that is to say,



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26. *Marriage and Divorce.*

27. *The Criminal Law, except the Constitution of Courts of Criminal Jurisdiction, but including the Procedure in Criminal Matters.*

28. *The Establishment, Maintenance, and Management of Penitentiaries.*

29. *Such classes of subjects as are expressly excepted in the enumeration of the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces.*

92. *In each Province the Legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated; that is to say,*

6. *The Establishment, Maintenance, and Management of Public and Reformatory Prisons in and for the Province.*

8. *Municipal Institutions in the Province.*

12. *The Solemnization of Marriage in the Province.*

13. *Property and Civil Rights in the Province.*

14. *The Administration of Justice in the Province, including the Constitution, Maintenance, and Organization of Provincial Courts, both of Civil and of Criminal Jurisdiction, and including Procedure in Civil Matters in those Courts.*

15. *The Imposition of Punishment by Fine, Penalty, or Imprisonment for enforcing any Law of the Province made in relation to any matter coming within any of the classes of subjects enumerated in this Section.*

16. *Generally all matters of a merely local or private nature in the Province.*

93. *In and for each Province the Legislature may exclusively make laws in relation to Education.*

As you may note in reading the first part of Section 91, the federal parliament has all the powers to «make Laws for the Peace, Order, and good Government of Canada» in all matters except matters specially reserved to the provincial parliaments. In fact, if a matter does not appear in the list of Section 92, it is a matter of federal jurisdiction. So, because the Constitution Law, 1867 was written in 1867, there are many new matters that are under federal jurisdiction, like radio, television, telecommunication only because these matters are not listed in Section 92. These powers of the federal parliament are confirmed by Sub-Section 29 of the same Section 91. Even if you may think that the provincial parliament has few powers, in fact it has many powers mainly because the Sub-Sections 13 and 16 of Section 92. The notion of «Property and Civil Rights» cover all the aspects of the ordinary life of a citizen and the notion of «Generally all matters of a merely local or private nature in the Province» cover many things like renting an apartment, buying a car or a house, transportation by bus in your town, construction of highways and bridges, fishing and hunting, and so on. Furthermore, if you add the Sub-Sections 6, 8, 12, 14 and 15 about the «Establishment, Maintenance, and Management of Public and Reformatory Prisons in and for the Province», the «Municipal Institutions in the Province», the «Solemnization of Marriage in the Province», the «Administration of Justice» and the «Imposition of Punishment by Fine, Penalty, or Imprisonment for enforcing any Law of the Province made in relation to any matter coming within any of the classes of subjects enumerated in this Section» and Section 93 about Education, you cover more than 95 % of the current needs of the citizen. In fact, my only direct contact with the federal government is when I must fill my declaration of income for paying my taxes. Otherwise, I have not to comply to federal government. So, the life of a citizen will be more affected by the provincial parliament than by the federal parliament. As you have noted, the federal parliament has jurisdiction for «Marriage and Divorce» and the provincial parliament has jurisdiction for the «Solemnization of Marriage». It may

seem a little bit complicated but it is easy to understand; the federal parliament will edict who may marry who and the provincial parliament will edict how, when and where the marriage will be done. The provincial parliament will also edict the obligations of spouses during the marriage. We will study more this topic when we will look on the Civil Code of Québec. As you have noted, the federal parliament has jurisdiction for «Criminal Law, except the Constitution of Courts of Criminal Jurisdiction, but including the Procedure in Criminal Matters» and the provincial parliament has jurisdiction for the «Administration of Justice in the Province, including the Constitution, Maintenance, and Organization of Provincial Courts, both of Civil and of Criminal Jurisdiction, and including Procedure in Civil Matters in those Courts». Again, it may seem a little bit complicated but it is easy to understand; the federal parliament had adopted a criminal code to define what is a crime and what is a criminal infraction and to decide what is the appropriate punishment. You must note that only federal parliament can create a crime or a criminal infraction; a provincial parliament, an urban community or a municipality does not have such power to create a crime or a criminal infraction. By example, when some municipalities have decided to carry some by-laws to control prostitution or pornography, these by-laws have been rescinded by the courts. So, if a man decides to dress himself as a woman (crossdresser), a provincial parliament or a municipality does not have the power to adopt an act or a by-law to impeach him to be dressed as a woman. Only the federal parliament has this power. So the crimes and the criminal infractions are the same in the ten provinces. We have many judgments in Canada delivered by the Supreme Court of Canada that have rescinded many provincial acts and by-laws and many municipal by-laws. In these judgments, the Supreme Court of Canada has declared that the provincial parliament or the municipality has exceeded its powers in adopting an act or a by-law in criminal matters or creating a crime or a criminal infraction. On an other way, you must know that the provincial parliament is entitled for the «Administration of Justice in the Province, including the Constitution, Maintenance, and Organization of Provincial Courts, both of Civil and of Criminal Jurisdiction, and including Procedure in Civil Matters in those Courts». This means that even if the criminal code has been adopted by the federal parliament, you will be judge in a court that is managed under provincial acts. So, we have the Penal Procedure Code of Québec that establishes the rules of how a criminal accusation must be presented to the court and how all the criminal procedure will spread out. Consequently, even if the Criminal Code is the same across Canada, the criminal procedure is not the same in each province. You have also noted that the federal parliament has jurisdiction for the «Establishment, Maintenance, and Management of Penitentiaries» and the provincial parliament has jurisdiction for the «Establishment, Maintenance, and Management of Public and Reformatory Prisons in and for the Province». The difference between a penitentiary and a prison is very simple. If you are condemned by the court to a sentence of less than two years, you will go in a prison, but if you are condemned to a sentence of two years or more, you will go to the penitentiary. In fact, all the great criminals are in a penitentiary and all the little criminals are in a prison. In application of Sub-Section 8 of Section 92 of the Constitution Law, 1867, the provincial parliament has jurisdiction for «Municipal Institutions in the Province» and the Section 93 give to the provincial parliament the same powers for education. So, the provincial parliament has the power to create the municipalities, the urban communities and the school's boards and their powers depend only of the good will of the provincial parliament. By example, if the provincial parliament decides to merge many municipalities, these municipalities are unable to oppose something to the will of the provincial parliament.

The Charter of Human Rights and Freedoms of Québec

In 1975, the Parliament of Québec has adopted the «Charter of Human Rights and Freedoms». We reproduce some interesting sections of this Charter.

1. *Every human being has a right to life, and to personal security, inviolability and freedom. He also possesses juridical personality.*

3. *Every person is the possessor of the fundamental freedoms, including freedom of conscience, freedom of religion, freedom of opinion, freedom of expression, freedom of peaceful assembly and freedom of association.*

4. *Every person has a right to the safeguard of his dignity, honour and reputation.*

5. *Every person has a right to respect for his private life.*

The Sections 1, 3, 4 and 5 contain rights that we may usually find in every charter of rights in any country; they are, what we may call, the fundamental rights of each person.

9.1 *In exercising his fundamental freedoms and rights, a person shall maintain a proper regard for democratic values, public order and the general well-being of the citizens of Québec.*

In this respect, the scope of the freedoms and rights, and limits to their exercise, may be fixed by law. However, the Section 9.1 is a kind of exception that give to the Parliament of Québec the power of restraining or limiting the use of some rights for two main purposes. First, to avoid abuse of rights and second, to protect the rights of the other persons. We often say that the rights of one person finish when begin the rights of another person. Even if the Parliament of Québec has the power to restrain the use of some rights, it has never used its powers to restrain the rights of individual citizens; only in one case in the matter of language to protect the French language.

10 *Every person has a right to full and equal recognition and exercise of his human rights and freedom, without distinction, exclusion or preference based on race, colour, sex, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap. Discrimination exists where such a distinction, exclusion or preference has the effect of nullifying or impairing such right.*

10.1 *No one may harass a person on the basis of any ground mentioned in Section 10.*

The Sections 10 and 10.1 are the keystone of our system of protection of individual rights against discrimination. Section 10 provides a good protection against a certain number of cases of discrimination. A gay, a lesbian, a crossdresser or a transgender may find in Section 10 all the protection that he needs for protecting him when he exercises his civil rights. Few years after the adoption of the «Charter of Human Rights and Freedoms», the Parliament of Québec has amended the Charter to add Section 10.1 to prevent harassment. Even if Section 10 was very precise about the cases of discrimination, someone may have a job or an apartment and may be the victim of harassment and that is happened from time to time. So, the aim of Section 10.1 is to forbid the harassment based on one of the grounds enumerated in Section 10. Furthermore, in the following sections, we will note that the Parliament of Québec has identified some special situations of discrimination to be sure that the protection guaranty by this Charter will really protect the citizens.

11. *No one may distribute, publish or publicly exhibit a notice, symbol or sign involving discrimination, or authorize anyone to do so.*

The aim of Section 11 is to forbid any kind of publicity or advertisement that may let thinking about discrimination.

12. *No one may, through discrimination, refuse to make a juridical act concerning goods or services ordinarily offered to the public.*

13. *No one may in a juridical act stipulate a clause involving discrimination. Such a clause is deemed without effect.*

Sections 12 and 13 oblige a merchant to sell you all the things that you wish to buy and that he sells in his store if you pay the price indicated. He does not have the right to refuse to sell you some goods or to sign a contract. In the same way, a landlord does not have the right to refuse you to rent an apartment even if you are a gay, a lesbian, a crossdresser or a transgender. If he does it, you may sue him and you will win. We have had many cases of discrimination in housing and generally, the tenant has won. Also, if the landlord insert in your lease a clause stipulating that you do not have the right to admit a gay, a lesbian, a crossdresser or a transgender in your apartment, this clause has no effect.

15. *No one may, through discrimination, inhibit the access of another to public transportation or a public place, such as a commercial establishment, hotel, restaurant, theatre, cinema, park, camping ground or trailer park, or his obtaining the goods and services available there.*

Section 15 obliges the operator of any public service to sell to you the goods and the services that he offers to the public in general. He does not have the right to refuse to do business with you.

16. *No one may practise discrimination in respect of the hiring, apprenticeship, duration of the probationary period, vocational training, promotion, transfer, displacement, laying-off, suspension, dismissal or conditions of employment of a person or in the establishment of categories or classes of employment.*

Section 16 obliges any employer to give to a gay, a lesbian, a crossdresser or a transgender the same opportunities than to any other employees. Once again, you are protected.

17. *No one may practise discrimination in respect of the admission, enjoyment of benefits, suspension or expulsion of a person to, of or from an association of employers or employees or any professional corporation or association of persons carrying on the same occupation.*

Section 17 forbids discrimination from an association of employers, a syndicate or a professional corporation.

18. *No employment bureau may practise discrimination in respect of the reception, classification or processing of a job application or in any document intended for submitting an application to a prospective employer.*

18.1 *No one may, in an employment application form or employment interview, require a person to give information regarding any ground mentioned in Section 10 unless the information is useful for the application of Section 20 or the implementation of an affirmative action program in existence at the time of the application.*

18.2 *No one may dismiss, refuse to hire or otherwise penalize a person in his employment owing to the mere fact that he was convicted of a penal or criminal offense, if the offense was in no way connected with the employment or if the person has obtained a pardon for the offense.*

Sections 18, 18.1 and 18.2 cover other aspects of possible cases of discrimination in employment. The Parliament of Québec has adopted Sections 16, 18, 18.1 and 18.2 to be sure to avoid as strong as possible all cases of discrimination. Even if we have the best law in Québec to protect people against discrimination, the best way to enforce the law when we have a case of discrimination is always to denounce this situation.

20. A distinction, exclusion or preference based on the aptitudes or qualifications required for an employment, or justified by the charitable, philanthropic, religious, political or educational nature of a non-profit institution or of an institution devoted exclusively to the well-being of an ethnic group, is deemed non-discriminatory.

Section 20 gives to an employer the right to do some discrimination in employment if this job enters in one of the exceptions listed in Section 20. By example, it is normal that the Liberal Party will opened a job mainly to persons who are member of the Liberal Party and this Party will never give a job to a member of the Conservative Party. In the same way, we may understand that a catholic church prefers giving a job to a Catholic rather than to a Protestant.

26. Every person confined to a house of detention has the right to separate treatment appropriate to his sex, his age and his physical or mental condition.

Section 26 is a very special Section. By example, if you are a male crossdresser, you will certainly go in a prison for man but, if we take care of your mental condition, you will have right to segregation to avoid any complication with the other prisoners. I do not remember any case of crossdresser in a prison in Québec, but maybe that will happen someday and in this case, I think that Section 26 may be used to protect the crossdresser against the possible negative reaction of the other prisoners. As we have noted, the Charter of Human Rights and Freedoms of Québec give many rights and a good protection to a gay, a lesbian, a crossdresser or a transgender because the main target of the Parliament of Québec was to avoid any kind of discrimination. When a discrimination occurs, the courts have always supported the victim of discrimination and the author of discrimination is usually condemned by the court to generally pay an amount of money to the victim.

The Canadian Charter of Rights and Freedoms

In 1992, seventeen years after the adoption of the «Charter of Human Rights and Freedoms» by the Parliament of Québec, the federal Parliament has adopted the «Canadian Charter of Rights and Freedoms». Even if this Charter is well constructed, it covers fewer rights than the «Charter of Human Rights and Freedoms» of Québec, except in criminal matters where the «Canadian Charter of Rights and Freedoms» covers more cases. It is easy to understand because the Criminal Code is a federal act. So, if we exclude the sections concerning criminal matters, we only find three sections that may interest us and you will note that these three sections have the same text that the corresponding sections in the «Charter of Human Rights and Freedoms» of Québec (See Sections 9.1, 3 and 10). So we reproduce these three sections.

Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:

1. *The Canadian Charter of Rights and Freedoms guarantees the rights and freedom set out in it subject only to such unreasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.*

2. *Everyone has the following fundamental freedoms :*

(a) *freedom of conscience and religion;*

(b) *freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;*

(c) *freedom of peaceful assembly; and*

(d) *freedom of association.*

15.(1) *Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.*

You may note two interesting things. First, the members of the federal Parliament believe in God and second, there is less protection in Section 15 of the «Canadian Charter of Rights and Freedoms» than in Section 10 of the «Charter of Human Rights and Freedoms» of Québec. So, I think that the Parliament of Québec has given more rights and protection to the persons who lives in Québec than what the «Canadian Charter of Rights and Freedoms» gives to all Canadians.

The Civil Code of Québec

You remember that, in accordance to Sub-Sections 13 and 16 of the Constitution Law of 1867, «Property and Civil Rights» and all «Matters of a merely local or private Nature» are under the jurisdiction of the Parliament of Québec. Consequently, the Parliament of Québec has adopted the Civil Code of Québec that contains 3168 sections. This Code is divided in ten books :

1. *Persons - Sections 1 to 364*
2. *Family - Sections 365 to 612*
3. *Successions - Sections 613 to 898*
4. *Property - Sections 899 to 1370*
5. *Obligations - Sections 1371 to 2643*
6. *Prior Claims and Hypothecs - Sections 2644 to 2802*
7. *Evidence - Sections 2803 to 2874*
8. *Prescription - Sections 2875 to 2933*
9. *Publication of Rights - Sections 2934 to 3075*
10. *Private International Law - Sections 3076 to 3168*

Even if Book 5 about «Obligations» is the most important book by the number of sections and by the fact that it covers the civil liability and all the contracts, we are mainly interested by the two first Books because these two Books cover every aspect of civil rights of every person. We will look the sections the most important and we will add our comments about how these sections may affect the life of a gay, a lesbian, a crossdresser or a transgender.

103. The registrar of civil status is the sole officer of civil status.

The registrar is responsible for drawing up and altering acts of civil status, for the keeping and custody of the register of civil status and for providing access to it.

107. The only acts of civil status are acts of birth, acts of marriage and acts of death.

They contain only what is required by law, and are authentic. In Québec, we have a «register of civil status» that specifies who you are. This «register of civil status» is hold by the «registrar of civil status» who is an employee of the Province. In this «register of civil status», we keep the only three official documents that you may need for your life : acts of birth, acts of marriage and acts of death.

111. The accoucheur draws up an attestation of birth.

An attestation states the place, date and time of birth, the sex of the child, and the name and domicile of the mother. When a baby is born, the accoucheur sees the sex of the child and draws up an attestation of birth accordingly to what he sees. Now, this baby is a man or a woman because we live in a society that recognizes only two sexes. There is no legal place for a crossdresser or a transgender; they do not exist. In Québec, you are a man or a woman and that is all.

71. Every person who has successfully undergone medical treatments and surgical operations involving a structural modification of the sexual organs intended to change his secondary sexual characteristics may have the designation of sex which appears on his act of birth and, if necessary, his given names changed.

Only an unmarried person of full age who has been domiciled in Québec for at least one year and is a Canadian citizen may make an application under this article.

153. Full age or the age of majority is eighteen years.

On attaining full age, a person ceases to be a minor and has the full exercise of all his civil rights.

72. The application is made to the registrar of civil status; it is accompanied with, in addition to the other relevant documents, a certificate of the attending physician and an attestation by another physician practising in Québec to the effect that the treatments and operations were successful.

73. The application is subject to the same procedure as an application for a change of name and to the same publication requirements and the same duties.

The rules relating to the effects of a change of name, adapted as required, apply to a change of designation of sex. In the register of civil status, however, the new designation of sex is entered only in the act of birth of the person concerned. If you think that the sex described on your act of birth, is not the good sex, you may ask for a change of sex on your act of birth but Section 71 stipulates that

you must go through medical treatments or surgical operations. By example, you may not only say that you are a woman trapped in a male body; if your genital parts are male, you are a man and that is all. Obviously, if there was an error when you were born and if this error is attested by a physician, the registrar of civil status will change the designation of your sex on your act of birth very easily. Also if you change of sex, you may also change your name to avoid confusion. As you may note, Sections 72 and 73 stipulate that all the process of changing of name or of sex, is under the control of the register of civil status; you do not need to go in front of the court. It is a very easy and fast way to change your name or your sex but you must remember that for changing your sex, you must successfully undergo medical treatments and surgical operations involving a structural modification of the sexual organs for changing your secondary sexual characteristics.

74. Any decision of the registrar of civil status relating to the assignment of a name or to a change of name or designation of sex may be reviewed by the court, on the application of an interested person.

129. The clerk of the court that has rendered a judgment changing the name of a person or otherwise altering the status of a person or any particular in an act of civil status gives notice of the judgment to the registrar of civil status as soon as it acquires the authority of a final judgment (res judicata). The registrar of civil status then makes the required entries to ensure the publication of the register.

132. A new act of civil status is drawn up, on the application of an interested person, where a judgment changing an essential particular in an act of civil status, such as the name or filiation of a person, has been notified to the registrar of civil status or where the decision to authorize a change of name or of designation of sex has become final.

To complete the act, the registrar may require the new declaration he draws up to be signed by those who could have signed it if it had been the original declaration. The new act is substituted for the original act; it repeats all the statements and particulars that are not affected by the alterations. In addition, the substitution is noted in the original act.

146. A certificate of civil status sets forth the name of the person, his sex, his place and date of birth, and, where applicable, the name of his spouse and the place and date of his marriage or death.

The registrar of civil status may also issue certificates of birth, marriage or death bearing only the particulars relating to one certified fact. So, you must conclude that the legislation in Québec does not recognize a special status for a person who is in a period of transition, by example, a person who takes hormones and who is not still gone through the sex reassignment surgery. You are just a man or a woman and that is all. When your change of sex will be attested by a physician, the registrar of civil status will recognize this fact and you will receive a new act of birth. Nobody will be able to see your former sex or name on your act of birth; your new act of birth shows your status as you were born with your new name and your new sex.

119. A declaration of marriage states the name and domicile of each spouse, their places and dates of birth, the date of their marriage, and the name of the father and mother of each of them and of the witnesses.

The declaration also states the name, domicile and quality of the officiant and indicates, where applicable, his religious affiliation.

365. Marriage shall be contracted openly, in the presence of two witnesses, before a competent officiant.

Marriage may be contracted only between a man and a woman expressing openly their free and enlightened consent. If you decide to marry someone, you may only marry a person of the opposite sex. Section 365 specifies that a marriage may be contracted only between a man and a woman, but nothing refrains two persons to write down a kind of contract of association that we called an «Undeclared Partnerships» accordingly to Sections 2250 to 2266.

2250. The contract by which an undeclared partnership is established may be written or verbal. It may also arise from an overt act indicating the intention to form an undeclared partnership. Mere indivision of property existing between several persons does not create a presumption of their intention to form an undeclared partnership.

2251. The partners agree upon the object, operation, management and any other terms and conditions of an undeclared partnership. Failing any special agreement, the relations of the partners between themselves are subject to the provisions governing the relations of general partners between themselves and with the partnership, adapted as required.

Section 2250 is the first of a series of sections devoted to this new kind of partnership that we call the «undeclared partnerships», which, because it is subtracted to all regime of advertisement, rejoins the concept of anonymous partnerships of the anterior law. An example of this type of contract of undeclared partnerships would be the contract intervened between two concubinaries. The first paragraph prescribes rules of constitution that, by their suppleness, are revealing of the nature of the undeclared partnerships. This partnership may result just from a simple verbal or written agreement that indicates the intention of two persons to establish a partnership. In fact, if two persons wish to buy a house and to furnish it, to separate the bills for heating, electricity, municipal and scholar taxes, repairs and so on, to specify who will pay for the food and the outings, and finally what will happen if they decide to separate themselves, it is an undeclared partnerships.

The second paragraph brings a precision destined to avoid the possible assimilation between the undeclared partnerships and the alone state of indivision of goods. The undeclared partnerships supposes that the two persons wish to do something together, while the co-ownership is only a mode of the property; the first is dynamic while the seconds is static. However, two persons who have signed a contract of undeclared partnerships, do not have the same rights and obligations that two persons who have got involved in a marriage. They may put in their contract many stipulations to have the same rights and obligations of two married persons but these rights and obligations are not written in the Civil Code; they are only written in the contract. So, an employer is not obliged to give you the same fringe benefits than a married person except if there are some stipulations at this effect in the collective agreement, in the pension plan or in the contract of insurance. The Civil Code does not impose some special stipulations for the undeclared partnerships because this kind of partnerships is used to have the maximum of possible flexibility and, accordingly, the best way to do that is to avoid a lot of mandatory stipulations. So, you may write everything or almost in this kind of contract. If a person wishes to rent an apartment, he is very well protected. As a landlord, I must tell you that the only ways to refuse to rent an apartment to somebody are :

He does not pay the amount of rent for his previous apartment;

He was expels from his previous apartment because he was a source of trouble for the other tenants.

If a person is a tenant, he may be evicted only if :

He does not pay the amount of rent for his apartment;

He is a source of trouble for the other tenants;

The landlord wishes to take back the apartment for himself.

Also, in Québec, we have a Board of Housing that protects the rights of a tenant. So, as you may note, in Québec, the tenant has more rights the landlord.

Conclusion

I think that every person has many rights in Québec because the rights are very well identified and defined in many texts of law and that these rights are very well protected by the courts. It is very difficult to an employer, a landlord or to anybody to discriminate someone and to be not punished by the courts. In fact, it is very difficult to anybody to find a legal way of discriminating someone because the law forbid any kind of discrimination excepted the specific grounds mentioned in Section 20 of the Charter of Human Rights and Freedoms of Québec.

So, I think that, on a legal point of view, Québec is a nice place to live for a gay, a lesbian, a crossdresser or a transgender.