

Montreal restaurant fined after quadriplegic files human rights complaint

BY MARWA SIAM, THE GAZETTE JULY 13, 2012



Michel Larochelle, a quadriplegic, relaxes at his home in Montreal on Thursday, July 12, 2012, with his service dog Cici. Larochelle complained to the Quebec Human Rights Commission after he and his dog were refused entry to a Prince Arthur St. restaurant in 2009.

Photograph by: Dario Ayala, THE GAZETTE

MONTREAL - Michel Larochelle has been using service dogs for 20 years. They help him with his daily tasks and help him manage his quadriplegia.

He's often reminded of his limitations in public places, but perhaps the harshest reminder was in August 2009 while at a terrace at La Caverne Grecque, a Prince Arthur St. restaurant, where Larochelle was denied service by a waiter. The situation was unsurprising but also unexpected.

"It reminded me of the backward mentality people had. Thirty years ago, people in wheelchairs were forced to sit by the bathrooms in public places to make space for everyone else," Larochelle said.

The restaurant owner was fined \$5,000 and the waiter was fined \$1,000 by the the Quebec Human Rights Tribunal.

Larochelle, who was with a friend at the restaurant, said that they were seated on the terrace and were told they'd be served only if they moved to the edge of the terrace and kept the dog tied on the sidewalk.

"When the disabled go to public places, it's important that they're not treated like they're trouble or a burden," said Larochelle. "Staff should be able to simply push a chair away or move a table for them."

The service dog, Cici, is a MIRA foundation Labrador retriever trained to assist Larochelle with mobility by moving his manual wheelchair on hills and ramps for him. Larochelle's hands are completely paralyzed and his arms are partially functional. He has been using Cici as a service dog for three years,

According to Larochelle, he presented his MIRA card to the waiter to show that Cici was a fully trained dog but the waiter refused to take a look at it, insisting the dog needed to be kept off the restaurant premises.

Larochelle also explained to the staff that the dog could not be left on its own because it could become unsettled by other dogs or by a passerby petting him but he was still not served.

"After some arguing, you start to mistrust the waiters and don't really want to eat at the place anymore," Larochelle said.

Larochelle threatened to file a complaint with the human rights commission and left the restaurant, and says he was served with no problems at a location across the street.

Bill Kourelis, the manager of La Caverne Grecque, was not present at the time of the disagreement. He said in an interview with The Gazette that many of his regular customers use wheelchairs and are always accommodated at his restaurant.

Kourelis said Larochelle needed to change seats because he was blocking a lot of space in the middle of the patio.

Kourelis explained that the disagreement was caused because Larochelle did not change seats, and not because of the dog or the disability.

"We've run this business for 34 years. We're always willing to bend over backwards for our customers."

The waiter who had refused to serve Larochelle recently left his job at the restaurant.

Shortly after the incident, Larochelle filed the complaint to the Quebec human rights commission. Last week, the Tribunal, which is the arm of the commission that handles legal matters, ordered \$1,000 in punitive damages against the waiter and \$5,000 in moral damages against the waiter and the restaurant.

"It's really not fair that we have to pay this fine," said Kourelis.

The owner and the waiter have until August 3 to appeal the decision

“Service dogs are a universal right,” says Noel Champagne, the director of research and development at MIRA, “it’s the same as refusing to serve someone because of his wheelchair.”

In the 2011-12 fiscal year, 353 complaints of discrimination over disability were filed to the Quebec Human Rights Commission.

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