

WORLD news

B.C. BOUND

U.S. same-sex couples can now marry in Vancouver by Rex Wockner

A second Canadian province legalized full same-sex marriage July 8. British Columbia's Court of Appeal followed in the footsteps of Ontario's Court of Appeal, which forced legalization of same-sex marriage June 10.

Less than an hour after the new ruling, Tom Graff and Anthony Porcino were married in front of Vancouver, British Columbia's Law Courts building by United Church minister Tim Stevenson, a gay member of the Vancouver City Council.

Both provinces' highest courts declared the federal government's opposite-sex definition of marriage unconstitutional. The federal government has agreed with that conclusion and is in the process of formally legalizing same-sex marriage nationwide.

In the meantime, hundreds of same-sex couples already have married in Ontario and now weddings have begun in British Columbia as well. Neither province has a residency requirement for marriage. Foreign same-sex couples can buy a marriage license and get married the same day.

The British Columbia Court of Appeal initially struck down the federal definition of marriage May 1 but suspended its ruling until July 2004 to give the feds time to rewrite the marriage laws. Subsequently, Ontario's Court of Appeal struck down the federal definition of marriage but did not include a grace period. In light of the Ontario ruling, the British Columbia court decided to close the gap, thereby legalizing same-sex marriage in the province instantly.

The court stated: "The Ontario Court of Appeal...granted immediate relief, including a

reformulation of the common-law definition of marriage to permit same-sex marriages, and an order that the clerk of the city of Toronto issue marriage licenses to the same-sex couples who had been denied licenses.... The federal government has instructed its counsel not to appeal either the Ontario Court of Appeal decision...or the decision of this court, and...marriages between same-sex couples have been taking place in Ontario.

"Any further delay in implementing the remedies [of our May 1 decision] will result in an unequal application of the law as between



Anthony Porcino (left) places a ring on the finger of his partner, Tom Graff, during a wedding ceremony July 8 in Vancouver, British Columbia

Ontario and British Columbia, with same-sex couples being denied the right to marry in British Columbia until July 12, 2004, while same-sex couples in Ontario may marry as and when they choose to do so. The court is satisfied that it is appropriate to amend the order in these appeals to lift the suspension of remedies, with the result that the declaratory relief and the reformulation of the common-law definition of marriage as 'the lawful union of two persons to the exclusion of all others' will take immediate effect." □

GETTING HITCHED

Here are excerpts from the provincial Vital Statistics Agency's "how to" on getting married in British Columbia:

"The Marriage Act requires that you obtain a marriage license.... The bride or groom must apply in person to the Marriage License Issuer in your community. Only one member of the couple needs to apply for the license, but you will be asked to provide identification for both the bride and the groom. Information required with identification will include: full name, including given names; birth date and birthplace; marital status [and] current address. A fee must be paid at the time of application.

"You do not have to be a B.C. resident in order to be married here, but the license is only valid in this province. Blood tests are not required under B.C. legislation. If one or both of the intended parties was recently divorced (within the last 31 days), proof of divorce must be provided.

"Couples can choose a religious or civil ceremony. Either type of ceremony must be witnessed by two people. Religious ceremonies are performed by a religious representative of your choice, as long as they are registered with the British Columbia Vital Statistics Agency under

the Marriage Act. Civil ceremonies are performed by marriage commissioners, who are appointed by the executive director of Vital Statistics. Contact the marriage commissioner directly to make an appointment and arrangements.

"The religious representative or marriage commissioner who performs the wedding ceremony will also help to complete the necessary Marriage Registration Form. This form is then sent within 48 hours of the marriage ceremony by the religious representative or marriage commissioner to the Vital Statistics Agency, where the marriage is registered and a legal record is kept. At the time of the ceremony, your religious representative or marriage commissioner may provide you with a statement of marriage—this interim document can be used temporarily to prove that you are married. After the marriage, and following the receipt and registration of the Marriage Registration Form, a permanent Marriage Certificate will be automatically mailed to the bride and groom from the Vital Statistics Agency."

To download forms and for additional details, including how to find a marriage license issuer and a marriage commissioner, visit www.vs.gov.bc.ca/marriage/howto.html.

—RW

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