Raise Funds for BCCPD at No Frills Pharmacy

How the Program Works
• You receive 20% off all No Frills name brand non-prescription medications, after you register with your stamped Loblaw Card at No Frills Pharmacy.
• No Frills will contact your old pharmacy and transfer over your client information.
• Free home delivery of No Frills Pharmacy prescriptions is included to anywhere in the Lower Mainland.
• If you have to pay for part of your No Frills prescription, you receive a discount voucher for No Frill groceries.

How to Participate
• Register in-person with Nicole at the BCCPD office, Suite 204-456 West Broadway in Vancouver.
• Complete a short form and receive a stamped Loblaw Card.
• Take the card with you to No Frills Pharmacy, 310 West Broadway.
• Present the card when you are filling out your prescription.

Please note: This program is only available at the No Frills Pharmacy’s West Broadway location.

FOR MORE INFORMATION, CALL NICOLE AT 604-875-0188.
This issue of TRANSITION is dedicated to people with disabilities and the law.

Human rights legislation, the Canadian Charter of Rights and Freedoms, and the UN Convention on the Rights of Persons with Disabilities all aim to enhance equality and ensure that people with disabilities participate in a barrier-free society.

Human rights laws and the Charter have been in force for decades now. It is time to ask, “Have these laws really helped people with disabilities achieve equality?” The answer is yes and no.

People challenged this inequality in a court case. They “won,” but in response to the case, the government lowered the welfare rates for everyone to make things equal. Be careful what you wish for!

It is also important to remember that running a case takes time, effort, resources and usually a lawyer (all of which can be in short supply). And the wheels of justice grind incredibly slowly. The Moore decision, written about in this TRANSITION, is a huge victory—but it took 15 years to achieve!

So law is one important tool we can pull out of our arsenal and use to make lives better for everyone. But we need to remember that lasting social change is fundamentally about education, changing attitudes, and engaging the political process.

The law is a useful tool to pull out when all else fails, but it should be a last resort.

FRANCES KELLY WAS CALLED TO THE BAR OF BC IN 1990. SHE PRACTICES IN THE AREAS OF ADMINISTRATIVE AND CONSTITUTIONAL LAW WITH THE COMMUNITY LEGAL ASSISTANCE SOCIETY (CLASS), A NON-PROFIT LAW FIRM WHOSE MANDATE IS TO ADVANCE THE RIGHTS OF PEOPLE WITH DISABILITIES AND OTHER DISADVANTAGED GROUPS AT ALL COURT LEVELS, INCLUDING THE SUPREME COURT OF CANADA.
Inclusion on the World Stage
BY VANGELIS NIKIAS

This approach, which has now has been accepted by at least 130 countries, is an important landmark in a long struggle by people with disabilities to improve our living conditions.

with disabilities to improve our living conditions. Human rights is a significant form of law that prohibits discrimination and makes equality its guiding principle.

In Canada, we can be proud that the organized disability movement, of which BCCPD is a long-standing member, championed early on the human rights approach. Specifically, the Council of Canadians with Disabilities (CCD) fought very hard to make sure that, when the Canadian Charter of Rights and Freedoms (CRF) was made part of the Canadian Constitution, the equality rights of Canadians with disabilities were not forgotten.

Acknowledging Systematic Problems
Canadians with disabilities, in cooperation with our governments (both federal and provincial/territorial) and other allies in Canada and abroad, also contributed significantly to the successful conclusion of the CRPD negotiations.

In CRPD, countries have acknowledged that people with disabilities have in the past and continue to live in conditions of poverty and to experience interconnected forms of discrimination and barriers to our effective participation in society—that is, to be unemployed or underemployed, to face problems in education, to name a few long-standing problems.

Countries have agreed to adopt measures to help people with disabilities overcome these barriers. CRPD contains, for example, specific sections which address accessibility and living in the community. They supplement other sections which appear in international human rights agreements, such as education, employment and standard of living.

The above-mentioned actions and policy measures are intended to put into practice the purpose of CRPD which is: “to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities”....

In writing CRPD, delegates tried to make sure that all people are included. The use of the word “all” in the purpose of CRPD is intended to emphasize that factors, such as gender or severity of impairment, do not disqualify people from the enjoyment of all human rights.

Translating CRPD into Canadian Law
Even though countries have agreed to the principles of equality, non-discrimination and the need to take practical actions to make these principles a reality in the daily experience of people with disabilities, it is important to keep in mind that people with disabilities must continuously strive to make all this happen. There are two reasons for this.

First, international human rights law is not automatically translated into policy action domestically. Second, we have learned from experience that decision-makers, especially political ones, must be constantly reminded of their commitments.

This can only be accomplished if people with disabilities have the capacity to act politically. That is, we have the capacity to learn from one another’s experience; to work together in collecting information, analyzing it in the context of human rights and other legal and policy frameworks and priorities; and, articulating persuasively our needs and priorities. To do all this, we need the continuing involvement of strong grassroots, self-representative organizations.

Educating the UN
CRPD is a strong document that reflects the views of people with disabilities. It would not have been so comprehensive without the vigilant and consistent participation by an aware and mobilized world disability movement.

The slogan, “Nothing about us without us” became a rallying point for people with disabilities from diverse backgrounds. Gradually, even previously unaware professional diplomats and negotiators became educated and persuaded that the viewpoints of people with disabilities have validity and, without them, CRPD would be an incomplete international agreement.

A key in this accomplishment is the capacity of people with disabilities—primarily working through self-representative organizations, to convince countries about the continued existence of various barriers and about the responsibility of countries to undertake actions to address these barriers.

Persuading countries to formulate all this in the context of an international human rights document is ground-breaking. It has the potential to change the understanding of disability around the world, including the understanding by people with disabilities themselves—by shifting any remaining beliefs about being objects of charity and taking our place as full members of societies.

This has the potential to change the world. It is our awareness, actions and our capacity to act that will make that happen. Using human rights law to change and improve public policy (government action) is now gradually becoming a strategy operating at a world scale.

As a member of the official Canadian delegation to the CRPD negotiations, I have many treasured memories of deliberations about content, word-smithing, legal principles and give-and-take sessions. One of my strongest memories of the six-year-long negotiations relates to an intervention by the Head of the Canadian delegation to defend the practice of including non-governmental and disability organizations in the process of de-

liberation. This was in response to the growing desire by some states to close negotiating sessions. The leader of our delegation, Mr. Gilbert Laurin, made a passionate intervention in favour of openness and inclusion. This gained Canada a standing ovation and ensured that disability organizations continued their participation.

For a naturalized Canadian citizen and a blind person, these memories are only possible in a broader context of an inclusive and accessible Canada. This is becoming a reality thanks, to a large extent, to the efforts and contributions of Canadians with disabilities. The CCD, as well as other disability organizations, are in the process of changing the lived experience of people with disabilities and as a result, redefining Canada and the world.
Everyday Resilience: Asking for Help
BY SHELLEY HOURSTON

One of the keys to resilience is knowing that we don’t have to face adversity alone. Asking for help can be difficult for most of us, but everyone needs help from time to time. People with a disability or chronic condition sometimes need help with a task that is beyond their physical ability or energy levels; for example, you may need help with moving a dresser or researching the best computer on the Internet or you may need ongoing help with grocery shopping every two weeks.

Some of us are ashamed to let others know about things we can’t do or that we’re uncertain about our abilities. Asking for help can feel like a sign of weakness or failure. We may be afraid that our request will be refused or may be an imposition.

Researchers have found something interesting, however: people underestimate others’ willingness to help. The following ideas may help you re-evaluate your attitudes toward asking for help and offer concrete suggestions.

• Don’t assume that you should be able to do everything. We all have different experience, skills and strengths.
• Recognize when you need help. Most of us will occasionally feel awkward, silly or embarrassed about asking for help. Remember that we all need help at times.
• Don’t wait until the last minute to ask for help. Often problems are easier to fix before they have a chance to become more complicated.
• Time your request well. Don’t ask for assistance when the person you’re asking is busy or not feeling well.
• Let’s say you’re researching something—for example, how to find a new place to live because your subsidized cooperative is having financial problems. Learn as much about the situation as you can. Keep a record of sources of information you’ve consulted and what you have learned. Then you will be able to tell your helper what you already know or have tried.
• Think about how to phrase your request. Be direct when asking for assistance and be specific about what you need help with. Instead of hinting about your need for help, state your request and explain why it’s important to you or what their help will enable you to do. Maybe your first call for help is to identify and plan how to ask for help on a specific topic.
• Make the task as easy as possible for the helper. Ensure all materials or details are gathered in advance, provide clear instructions and, if it’s a large project, break the work into shifts or activities for different helpers to do.
• Make a list of people you know who may be able and willing to help and spread the requests around. Don’t ask the same one or two people repeatedly for help.
• Don’t wait until you need help before offering to help others. Become known as a person willing to help out when you can and you’ll build a network of people happy to help you.
• If asking for information or feedback, don’t reject or dismiss what is offered to you. Be gracious.
• Make it easy for a potential helper to say no to your request. Don’t put people on the spot, if they’re unable to help at this time.
• Say thank you.
• Follow up—let the helper know the outcome.

Taking Action on EATI

BC Personal Supports Network is encouraging people to speak out on the importance of disability supports.

Since 2009, the BC Coalition of People with Disabilities has played a leading role in the development of the Equipment and Assistive Technology Initiative (EATI).

EATI is a unique partnership between the community organizations of the BC Personal Supports Network and the BC Ministry of Social Development and Social Innovation.

EATI is special because:

- It uses the Participation Model which was developed by people with disabilities themselves (a ground-up process rather than a top-down process). This means it is person-directed. The individual’s employment goals drive the process and determine the solution.
- There are no medical tests, income or asset tests required. EATI considers assistive technology to be an essential component of leveling the playing field between those who have disabilities and those who do not.
- There are no prescribed lists of equipment or assistive technology. People can choose from a whole range of assistive technology in order to overcome the functional barrier to meeting their goals.
- Self-assessment is an option for many participants.
- Training and training opportunities for equipment are provided.
- The individual makes choices and takes responsibility for the outcomes.
- EATI exceeds the standards set by the UN Convention on the Rights of Persons with Disabilities which Canada ratified in 2010.

EATI’s Accomplishments

Since 2010, EATI has approved 2010 applications for assistive technology. The program has served 1174 people with disabilities from all regions of the province: 21.5% from Vancouver Island; 28.1% from Vancouver Coastal; 32.5% from Fraser region; 14.3% from the Interior, and 3.5% from Northern BC.

EATI is funded through the federal/provincial Labour Market Agreement. The Labour Market Agreement is due to expire on March 31, 2014.

The federal government has announced its intention to transform much of the existing Labour Market Agreement into the Canada Job Grant. This will make the future of EATI very uncertain.

Add Your Voice Now

The BC Personal Supports Network is encouraging people to speak out on the importance of disability supports in British Columbia and Take Action on EATI.

You can get information on how to do this by using the Taking Action on EATI Toolkit which is available through the BCCPD website (http://www.bccpd.bc.ca/docs/taking_action_on_eati_toolkit.pdf). If you would like a print version of the Toolkit, please contact Val Stapleton at the BCCPD office at 604-875-0188.

To learn more about how EATI has changed people’s lives, visit http://www.bccpn.org/ or watch videos about EATI clients at http://www.youtube.com/user/bccpn2011.

The Right to Access Your Home

BY DAVID MOSSOP

Accessibility to buildings is important for people with disabilities and modern building codes demand it. However, most building codes grandfather in existing older buildings that are not accessible.

What does a person with a disability do in this situation? Joyce Stewart faced such a problem and filed a complaint with the BC Human Rights Tribunal, and won (see Joyce Stewart v. Satoratos Enterprises and Others, 2012 BCHRT 442).

Joyce Stewart is 68 years of age and has had multiple surgeries on a congenital right club foot, with no positive result. In 2008, she developed lung cancer and was treated with chemotherapy and radiation. Despite her disabilities, Joyce has worked most of her life and has also done extensive volunteer work.

In 1999, Joyce moved into a two-storey apartment building in Campbell River, built in the 1960s. There is also a basement suite accessible by a door levelled to the gravel parking lot. The entrance to the main floor is made up of five concrete steps. When Joyce moved into the building, she was offered a suite on the second floor. Instead, she moved into the suite next to the lobby on the main floor. At that time, she could walk up the five concrete steps to the main entrance. Unfortunately, her health deteriorated and, in 2010, she required a walker for mobility. She asked the landlord to build a ramp for her, but he refused.

Joyce described what it is like for her to leave the building without a ramp. The day before, she prepares herself mentally for the ordeal. She has to exercise her arms and legs. Joyce gets down the steps by holding the railing and pulling her walker with her. She has tripped a few times and has also fallen.

Because of her difficulties exiting and entering the building, she only leaves the building once a month for hospital visits and errands. The owner/landlord’s lawyer described the building as a family business. The two main defences to the human rights complaint were:

- He had offered the basement suite to Joyce.
- The owner had the right to make a business decision. He could not afford the ramp.

The Tribeunal Member, Marlene Tychynski, held that the landlord had a duty to accommodate Joyce Stewart because of her disability. She then dealt with the primary defence arguments. With regard to the offer of the owner/landlord to Joyce to move into the basement suite, the Tribunal Member rejected this as a reasonable accommodation. First, it would have been unreasonable to expect Joyce to traverse the gravel lane with her walker. Second, residing in the basement suite would affect her ability to maintain social contact, obtain her mail or to feel safe.

Regarding the second defence, the Tribunal Member stated that the owner/landlord had presented two inconsistent estimates for the cost of building the ramp. One was for $35,000 and the other for $10,000. The owner/landlord was also unable to prove that he would face a financial hardship, if the ramp was built. Therefore, the Tribunal Member ordered the ramp to be built within three months. The Tribunal Member also ordered the owner/landlord to pay Joyce the sum of $15,000 for injury to dignity. This large award was imposed partly because Joyce was without a ramp for approximately two years.

DAVID MOSSOP, QC OF THE COMMUNITY LEGAL ASSISTANCE SOCIETY REPRESENTED JOYCE STEWART IN THIS LEGAL RIGHTS CASE.
Family Wins 15-Year Case in Supreme Court

The Moore family took a North Shore school district all the way to the Supreme Court of Canada for the right to inclusive education. BY FRANCES KELLY

On November 9, 2012, the Supreme Court of Canada released a landmark decision that held that students with severe learning disabilities are entitled to equal opportunity to access public education as students without learning disabilities.

The Court ruled that "special education is not a dispensable luxury", but a necessary "ramp" to ensure equal access to educational services. The case reaffirms the importance of "accommodation" to level the playing field so all people can benefit from public services.

This 15-year legal battle centered on Jeffrey Moore who attended Braemar Elementary in the 1990s. He started school as a happy little boy. However, that began to change in kindergarten. Jeffrey did not learn like other children. He could not recognize letters. He began to tell his parents that he was "dumb" (see more on the Moore family's story on page 20).

School staff realized early on that Jeffrey had severe dyslexia. The school psychologist recognized that Jeffrey would need to learn "differently" from other students. She referred him to the Diagnostic Center 1 (DC1), a program that specialized in teaching students with severe learning disabilities how to read. For the first time in three years, the Moores looked forward to Jeffrey getting the help he needed to restore his confidence and teach him to read. The DC1 had been providing programs that helped students with severe learning disabilities for close to 20 years. However, just as Jeffrey was referred to that program, the District abruptly closed it.

The District cited financial difficulties and blamed the Ministry of Education for years of under-funding. They said they had no choice but to cut these specialized programs. But the facts told another story. While the District was cutting special needs, they maintained a number of "non-core" programs, including a popular nature school that was located between North Vancouver and Squamish.

They said they had no choice but to cut these specialized programs. But the facts told another story. While the District was cutting special needs, they maintained a number of "non-core" programs, including a popular nature school that was located between North Vancouver and Squamish.

The District staff told the Moores they could do nothing more for Jeffrey and the family would have to place him in a costly private school, if they wanted him to learn to read. The Moores were devastated by this news. They felt they had no choice but to put Jeffrey in a private school, where he could learn to read. It was not easy, as the Moores are hardworking people who earn a modest income. Still, they sacrificed, scraped and saved, and managed to educate Jeffrey in the private school.

The Moores did not think it was right they had to pay to give their son an education so they filed a human rights complaint. They argued that Jeffrey was entitled to accommodations to help him access education.

The Ministry and District argued there was no discrimination because Jeffrey was only entitled to the same programs provided to other students with disabilities. He was not entitled to expect an accommodation geared to his disability.

They argued that, because the deaf or low vision students did not get special reading instruction, Jeffrey should not get it either! Their main point was that, as long as all the students with disabilities were treated the same—in this case equally badly—there could be no discrimination.

The Moores lost. The next two courts ruled that Jeffrey was only entitled to special education and he should not expect accommodations. However, there was a ray of hope: one judge at the BC Court of Appeal "got it." Madame Justice Rowels stated that Jeffrey was entitled to the same opportunity for education as other students and the necessary accommodation to benefit from that service. She was not the majority, so the Moores had to keep going to the highest court in the country.

Their journey ended at the Supreme Court of Canada which ruled that students with disabilities are entitled to the same public education as other students, not just "special education services" that can be cut on a whim. The Court also ruled that, even in tough times, school districts cannot cut special needs programs, unless they can prove they have accommodated these students up to the point of "undue hardship.

The decision is a great victory. It confirms that students with disabilities are entitled to accommodations to access education, unless the district can show "undue hardship." It confirms that in tough times, special needs programs cannot be the first thing on the chopping block, unless the district can prove undue hardship.

The Court did not give the Moores everything they won at the Tribunal. The Court did not grant systemic remedies. It let the Ministry of Education "off the hook" and refused to find it liable for discrimination. It found the District was liable, but it was not required to provide a range of programming and accommodations to all students. It was only required to compensate Jeffrey's family. This means that each case will have to be fought individually. However, the Court warned the decision has "systemic" implications and that if school districts want to avoid further liability, they better do the right thing.

The Moore case is a great start. Future cases can build on the precedent that students with disabilities are entitled to an inclusive education and that districts cannot cut special programming, unless they can prove undue hardship. Most importantly, the case reaffirms society has a duty to accommodate the different needs of people with disabilities so they can benefit equally from public services.

The decision confirms that students with disabilities are entitled to accommodations to access education, unless the district can prove "undue hardship." It confirms that in tough times, special needs programs cannot be the first thing on the chopping block, unless the district can prove undue hardship.
Representation Agreements Bring Peace of Mind

“My mom is making a Representation Agreement because she needs help today; I am making one in case I need help in the future.”

What is a Representation Agreement?
A Representation Agreement (RA) is a legal document available to adults in British Columbia for personal planning. It allows you to authorize one or more personal supporters to be your representative to help you manage your affairs and, if necessary, to make decisions on your behalf in case of illness, injury or disability.

A Representation Agreement is the only way you can appoint someone to assist you or to act on your behalf for health care and personal care matters. It can also cover routine financial affairs.

What “Powers” will my Agreement Have?
“Standard powers” consist of minor and major health care, personal care, legal affairs and routine management of financial affairs.

The broadest health and personal care powers are listed in Section 9 of the Act. This document is used by adults who want to plan for the future to cover all health and personal care matters possible.

Who Can Make One?
To make a Representation Agreement, you must be 19 years of age or older. The Representation Agreement Act says that an adult may make an RA with standard powers, even if they cannot manage their own affairs or make decisions independently. To make an Agreement with broader powers, you must meet a specific capability requirement.

How Do I Make One?
There is no requirement to consult a legal professional to make an RA. Nidus has produced basic forms for each type of RA and can also provide a customized form, if the basic one does not fit.

Who Should I Appoint in my Agreement?
Most people appoint a spouse or partner, family member or friend in their Agreement. You cannot appoint someone who is compensated to provide health or personal care services to you (e.g., a paid caregiver) or an employee of a facility where you live, if the facility provides health or personal care services to you. These restrictions do not apply if the person is your spouse, parent or child. There are many factors to consider when choosing who to involve in your Representation Agreement, such as their trust in them, their abilities, and, their understanding of your wishes and values.

What are the Duties of a Representative?
Your representative must act honestly, in good faith and within the law. Your representative’s first responsibility is to assist you to make your own decisions.

If your representative has to make a decision on your behalf, he or she must check with you first to determine your current wishes. If your current wishes cannot be determined or are not reasonable to carry out, then any pre-expressed wishes must be followed. These are unknown, decisions are made according to your values and beliefs. As a last resort, your representative may make a decision based on what he or she thinks is best for you (your best interest).

When Should I Make an Agreement?
The best time to make an Agreement is before a crisis occurs. When you turn 19 years old, parental rights end and no one, not even your spouse, has legal authority to manage your affairs, if you cannot do so. This may present a problem if you need help due to an illness or injury. Most people will make more than one RA in their lifetime.

When does an Agreement take effect?
A Representation Agreement is in effect when the adult and witnesses have signed. However, depending on the set up of the Agreement, at least one representative and the—monitor—if one is named, must also sign.

You can include a statement in your Agreement to say it will come into effect at a later time. This requires careful consideration and specific wording to be sure it will come into effect at the times you need it.

What is not covered by these Agreements?
When people are planning for the future, it is common that they will make an Enduring Power of Attorney to cover financial and legal affairs, and a Representation Agreement to cover health and personal care matters.

Making an Enduring Power of Attorney is important, if you own real estate property, because the authority for routine financial affairs under the Representation Agreement does not include dealing with real estate.

EXCEPTED FROM THE NIDUS REGISTRY FACT SHEET, REPRESENTATION AGREEMENT OVERVIEW. FOR MORE INFORMATION AND FREE ONLINE TRAINING, VISIT WWW.NIDUS.CA.
The Notary in British Columbia

Today, the position of Notary as a legal professional is sanctioned and safeguarded by law. BC Notaries are unique in North America, providing a large number of noncontentious legal services to the public.

- The average age of a BC Notary: 43
- 55% are women.
- BC’s Notaries reflect many ethnic backgrounds and languages.

PERSONAL PLANNING WITH CONFIDENCE

One of the most important and caring things we can do for ourselves and our loved ones is prepare in advance for a time when we may not be able to express our own needs and wishes.

Expressing and legally documenting preferences and instructions can protect us and our family members from financial abuse or exploitation.

Designating health-care decision-makers can create peace of mind, minimize disension and anguish among friends and family, and ensure compliance on critical decisions.

Advance planning can be a very comforting and satisfying process, especially when it’s managed by an experienced and trusted legal professional. BC Notaries understand the complexities and challenges of planning decisions and will ensure that your intentions are clearly stated and properly documented so you can rest assured about the future.

Clear, legally documented instructions can also save costly and time-consuming legal intervention in the future.

Your BC Notary can advise you on these important advance-planning tools.

A POWER OF ATTORNEY

A Power of Attorney allows a capable adult to appoint a person or persons to handle his or her financial and legal matters, in the event the adult is unable to do so or needs assistance. Because of the financial authority conveyed with this document, it is critical that the adult fully understands what powers are being granted and that the adult has complete trust in the person being appointed.

A WILL

This critical tool outlines a person’s wishes for the distribution of assets, guardianship of minor children and dependents, and the designation of an Executor to take care of administering the estate.

Note: A recent survey found that only 51% of BC adults have a Will in place. Without a Will, the court will determine who will be the Executor and the will decide who is entitled to the estate.

A DEED OF GIFT

When an adult wishes to give a significant gift to another person during the adult’s lifetime, a Deed of Gift will document the intent. When prepared and notarized by a Notary, the Deed of Gift proves the donor’s intention to give the gift. That proof can be required to counter arguments of “undue influence” after the donor’s death. A Deed of Gift also can be useful in circumstances where a person near death wishes to transfer his or her assets or home into joint tenancy.

AN ADVANCE DIRECTIVE

An Advance Directive documents instructions to doctors, nurses, and other health-care providers for an individual’s future health care. It ensures the individual’s wishes will be carried out by health-care providers, if the person is unable to express them in the future.

A REPRESENTATION AGREEMENT

A Representation Agreement appoints a designated representative or multiple representatives to make decisions regarding an adult’s health and personal care, in the event the adult is unable to communicate his or her wishes. Depending on how the Representation Agreement is prepared, the authority of a designated representative may include the following.

- Routine finances
- Decisions regarding health care, personal care, and limited legal affairs
- Refusal or consent to life-support treatment and care
- Consent to less common medical procedures and treatment
- Consent to treatment the adult approved while capable but, since losing capacity, has refused to consent
- Decisions about living arrangements for the adult, including choosing a care facility

A BC Notary can help determine the appropriate scope of responsibilities for your specific representative(s).

MORTGAGE REFINANCING

Notaries have extensive experience in helping BC homeowners with all real estate-related transactions, including Mortgage Refinancing. We understand and help protect your needs to ensure smooth home-mortgage refinancing.

Using your home as security, you can arrange to borrow funds to help pay for your children’s education, purchase a second property for investment or recreation, take that long-delayed dream vacation, or simply ease your retirement. Your BC Notary can help you understand and navigate the complete refinancing process.

For more information about Personal Planning, call your BC Notary today.

1-800-663-0343
www.notaries.bc.ca

How a BC Notary Can Help You

NOTARIZATION/DOCUMENTS
- Affidavits for All Documents required at a Public Registry within BC
- Certified True Copies of Documents
- Execution/Authentication of International Documents
- Notarizations/Attestations of Signatures
- Personal Property Security Agreements
- Statutory Declarations

PERSONAL PLANNING
- Estate Planning
- Health Care Declarations
- Powers of Attorney
- Representation Agreements
- Wills Preparation
- Wills Searches

TRAVEL
- Authorization of Minor Child Travel
- Letters of Invitation for Foreign Travel
- Passport Application Documentation
- Proof of Identity for Travel Purposes

BUSINESS
- Business Purchase/Sale
- Commercial Leases and Assignment of Leases
- Contracts and Agreements

PROPERTY MATTERS
- Easements and Rights of Way
- Insurance Loss Declarations
- Manufactured Home Transfers
- Mortgage Refinancing Documentation
- Purchaser’s Side of Foreclosures
- Residential and Commercial Real Estate Transfers
- Restrictive Covenants and Builder’s Liens
- Subdivisions and Statutory Building Schemes
- Zoning Applications

MARINE
- Marine Bills of Sale and Mortgages
- Marine Protestations

Some BC Notaries provide these services.
- Marriage Licences
- Mediation
- Real Estate Disclosure Statements

BC COALITION OF PEOPLE WITH DISABILITIES
BCCPD.BC.CA

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Voluntary Change or Legislated Change? BY KAREN MARTIN

Because of our experiences with local governments and the common impression that including the needs of people with disabilities in emergency response plans is optional, BCCPD considered it essential to educate authorities about their legal duty to accommodate.

Obstacles to Inclusive Emergency Planning

In our training workshops and work with the emergency sector, these are some common concerns we have heard:

- We don’t have the financial resources to meet the needs of people with the range of disabilities in our community.
- We don’t have enough personnel to meet these needs.
- The health authority should provide services for people with disabilities during an emergency response.
- People with disabilities should be prepared to meet their own disability-specific needs in an emergency.

Understanding the “Duty to Accommodate”

Because of our experiences with local governments and the common impression that including the needs of people with disabilities in emergency response plans is optional, BCCPD considered it essential to educate authorities about their legal duty to accommodate.

There are two sources of law that prescribe the responsibility that governments and other parties in BC have regarding non-discriminatory practises that may affect people with disabilities, among other protected groups. These are the BC Human Rights Code (BCHRC) and the Canadian Charter of Rights and Freedoms (Charter).

The Charter applies to governments, while the BCHRC applies to both governments as well as non-governmental entities. Together, these laws set out the duty to accommodate protected groups in order to prevent discriminatory practises. This duty, for example, can involve eliminating or changing rules, policies, practises, activities or programs that intentionally or unintentionally discriminate against certain groups.

An Inclusive Perspective

Local and provincial governments have been responsive to the Functional Needs Framework for planning. This framework looks at people’s needs in five functional areas, including mobility, supervision and transportation, so people in various populations can be seen to have common needs—not only people who have a disability. Using this framework, planners can include people with disabilities, seniors, new immigrants, or people with temporary injuries, for example.

Local governments that have comprehensive planning around inclusion and accessibility, see inclusive emergency planning as part of this larger planning process, such as the City of Surrey.

Response to our New Resource

Since we launched the Creating Safe Communities booklet in May 2013 which looks in-depth at the duty to accommodate in emergency preparedness, the response from local governments has been positive, with requests for presentations and the distribution of more booklets. There has also been discussion within the emergency management sector regarding their liability because of the information provided in the Creating Safe Communities booklet.

Only time and continued work will tell if local governments use this information to help them meet their legal duty to accommodate. When local governments provide emergency services, those services need to be accessible to all citizens. The credo “All hazards, All people” will help emergency planners to create the most inclusive plans and responses possible. You can download the Creating Safe Communities booklet and other free resources from http://www.bccpd.bc.ca/emergprep.htm for consumers, government and organizations. @
When Rick Moore realized how lucky he was to afford the private school tuition for his son with severe dyslexia, it fueled a 15-year fight for all children with learning disabilities whose parents could not afford this luxury.

On an unseasonably summer-like day in Ottawa, late-March 2012, Rick Moore and his family assumed they’d be shivering in the Ontario winter as they explored the historical sites. As the mercury rose to over 25C, they felt lucky to swap their winter coats for T-shirts and shorts as they explored the sites that day. This surprising luck with the weather a few days before the absolute forecast of their fate over the next six months was a 15-year fight for all children with learning disabilities whose parents could not afford this luxury.

After almost two decades, Moore’s case was going to be heard by the nine judges at the Supreme Court of Canada. Despite years of court trials and tribulations, a silver lining awaited in the day’s presentation to the judges. Six months later, the Court ruled that the North Vancouver School district discriminated against his son, Jeff, when it closed its public program for students with learning disabilities.

In a conversation with TRANSITION, Rick offered a glimpse into his family’s journey from Jeff’s diagnosis to a new precedent for BC parents of children with learning disabilities.

What was the reason the public system gave not to meet his needs?

Jeff’s full Psych-Ed test revealed he had a severe learning disability and he was eligible for an intensive remediation program offered by the public school system for students with learning disabilities.

We went to the meeting expecting to hear that he would be going right into the remediation program—and he was accepted. However, the centre was closing because of funding issues. When did you decide to enrol Jeff in private school full-time?

Once we learned of the remedia tion centre’s closure, Jeff’s school psychologist said if there was any way we could afford it, to enrol him in Kenneth Gordon Maplewood School—a private school in North Vancouver for children with learning disabilities that offered one-on-one tutoring and in-class time that complemented his tutoring.

The only reason I didn’t give up (I would have been bankrupt at the first stage) is because of Frances and CLAS. In my eyes, there are two heroes in all of this: Frances and Jeff, who kept us all on our path when the odds were against us. How’s Jeff doing now? He’s a senior plumber at Steven’s Plumbing and Heating, where he’s been for over five years. Recently he came in second out of 400 competitors at an extreme and challenging Spartan Race.

What do you think will happen now to public education in BC? We now have a precedent for parents. If they can prove their child is being harmed by the public education system because the system refuses to provide programs necessary for their child to access the regular classroom, then those parents have a case.

Because his classmates were just like him, he could finally see the truth in what we’d been telling him: “You’re not stupid, you’re smart and you just learn differently.”
Protecting Workers’ Psychological Health

“One in five Canadians experience a mental health problem or mental illness in any given year and many of the most at risk individuals are in their early working years.”

“It’s time to start thinking about mental well-being in the same way as we consider physical well-being and the Standard offers the framework needed to help make this happen in the workplace.”

The National Standard of Canada Psychological Health and Safety in the Workplace is a voluntary standard focused on promoting employees’ psychological health and preventing psychological harm due to workplace factors.

“The National Standard of Canada Psychological Health and Safety in the Workplace is a voluntary standard focused on promoting employees’ psychological health and preventing psychological harm due to workplace factors. “One in five Canadians experience a mental health problem or mental illness in any given year and many of the most at risk individuals are in their early working years.” says MHCC President and CEO Louise Bradley.

Some businesses may use the Standard as a starting point and focus on creating policies and processes to promote mental health, while others may determine that several aspects of the Standard are already in place and use the Standard to build upon their existing efforts.

“This Standard will help enable or organizations to introduce measures that will assist them in meeting important internal objectives such as the promotion and protection of workers’ well-being, job satisfaction, self-esteem and job fulfillment—objectives which have been clearly shown to also lead to improvement in the “bottom line”,” says Jean Rousseau, Director, Bureau de normalisation du Québec. The Standard has been approved by the Standards Council of Canada as a National Standard of Canada.

The implementation of measures to promote mental health and safety in the workplace;

• The growth of a culture that promotes psychological health and safety in the workplace;

• The implementation of measurement and review systems to ensure sustainability.

“Workplaces with a positive approach to psychological health and safety have improved employee engagement, enhanced productivity and a better financial outlook,” says Bonnie Rose, President, Standards, CSA Group. The voluntary Standard is not intended to be adopted into federal, provincial or territorial legislation. It can be used differently by businesses and organizations of all sizes, depending upon their needs.

Please return your payment/donation with this form to: BCCPD, 204-456 W. Broadway, Vancouver, BC V5Y 1R3.

You can also become a member or donate online at: www.bccpd.bc.ca/supportadvertise.htm.
Planned Giving

You’ve always been there for others. It’s part of who you are. Now, you can continue to give beyond your lifetime.

The BCCPD has a Planned Giving program. Planned Giving is the opportunity to think ahead about causes or organizations that you may want to financially support beyond your lifetime.

You can take the time now to gather information and leave instructions in your will. By planning ahead, you can research charities, or have someone research charities for you, that fit your values.

You won’t feel rushed or pressured to make a decision and you can ensure that your money is spent in the way you want.

Benefits

There are many benefits to Planned Giving. By writing down your wishes, you will have increased peace of mind and control over your finances.

Through Planned Giving, you can provide a significant future donation without reducing your income today.

A gift in your will to a registered Canadian charity is tax-deductible. And, your Planned Gift helps the BCCPD to be here in the future for those who need us.

Tax Savings

You can realize significant tax savings with Planned Giving. For example, stocks, bonds and mutual funds that you may have in a trust can be transferred in your will to a charity and a tax receipt will be issued.

A bequest from your estate of cash or RRSPs will reduce the taxes that your estate will be required to pay.

Other ways of donating give twofold value: by naming the BCCPD as the beneficiary in a life insurance policy, you do not incur any costs now and a tax receipt is issued when the estate is settled.

To Learn More

Our donors are important to us and we’ll work with you to be recognized in the way that you’d prefer.

If you would like more information about Planned Giving, please contact Nicole at the BCCPD at nicole@bccpd.bc.ca or 604-875-0188.

She will send you BCCPD Planned Giving information for you to review with your financial planner or lawyer, family and friends.

You can also see our Planned Giving materials at http://www.bccpd.bc.ca/supportadvertise.htm.

Send your requests to:

Nicole Fournier
Planned Giving Coordinator
BCCPD
204-456 W. Broadway
Vancouver, BC V5Y 1R3

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I’d like to receive TRANSITION in the following format:

❑ PDF (by email)
❑ I’ll read it online
❑ Paper (by mail)

Please make cheques payable to BCCPD and send to TRANSITION, c/o BCCPD, 204-456 W. Broadway, Vancouver, BC V5Y 1R3.

Contact us today and see how we can help YOU!
Human Rights Tribunal Upholds Rights of Blind Runner

BY GRAEME MCCREATH

As a retired, blind, self-employed health professional and life-time athlete, I never thought I would be confronted with blatant injustice in a public sporting event in Canada. But I was and unfortunately the situation developed into a shocking demonstration of ignorance and prejudice.

Over the years, I’ve participated in many sports—both events for blind athletes and alongside the general public. It’s always a thrill to win, but mostly I enjoy the challenge of asking the most of my body. Now in my sixties, I concentrate on middle and long distance running.

Using different guides, we have found this technique impractical and dangerous in the mass start. Our client appreciates that the risks associated with the mass start are risks and complaints about taking part in runs. This activity that I loved was turning into a harrowing ordeal. So, I was surprised and pleased to be given the opportunity of an early start in the 2010 Good Life marathon 8k event held each October in Victoria. My guide and I enjoyed running in tandem. We didn’t need to struggle to maintain contact, taking evasive action or adjusting our speed to avoid collisions.

After this great experience, I thought I would request an early start alongside the wheelchair athletes in the 2011 Times Colosn 10k run. However, I was surprised to find that my request was denied. And it was handled in a way that I found so disrespectful that I decided to file a complaint with the BC Human Rights Tribunal (BCHRT).

I was fortunate that Frances Kelly of the Community Legal Assistance Society agreed to act on my behalf. The reasons and rationales for fighting my request given by the Race Director and the TC10k Board members to undergo anti-discrimination training. The Board was also told to pay $3,900 in compensation for damage to dignity and wage loss.

I think it would be a step forward for the TC10k Board to comprise a cross-section of athletes, rather than a homogeneous group of local runners. The wisdom and experience of a broader group could well have prevented a misguided, very costly and ultimately unsuccessful challenge to a simple request.

Comments from Race Organizers

There are risks associated with the mass start, but on the other hand, a huge part of the excitement is the feeling of being together with so many people in such an exciting activity for a good cause. The board is not convinced that people lacking sight cannot be accommodated in the race itself, nor is the board convinced that the risks those people face, if they have the liberty of a guide are much greater than those borne by other participants.”

“An unsighted runner differs very little from the other participants. With the assistance of a guide one can perform and you have performed equally as well as, or better than, many sighted runners. Also, the risks you face and the complaints you make about the mass start are risks and complaints that are made by sighted runners on a constant basis.”

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BC Election Results

The BCCPD would like to congratulate all returning and new MLAs who were successful in the May 14th provincial election. We look forward to working with all MLAs on issues of interest to the disability community and in particular the Honourable Don McRae, Minister of Social Development and Social Innovation.

Correction

In the FALL 2013 edition of TRANSITION, we published an incorrect email address for the Get Me Out of Here!* Emergency Evacuation Program. If you would like information on the program, please contact Barb Purdy at barbpurdy@freetobe.ca or 604-739-7315. You can also visit www.freetobe.ca.
Disability organizations like the European Disability Forum are closely monitoring the preparation of the European Accessibility Act and actively promoting the concept of “Universal Design.” Services as possible, while respecting the legal competence of the European Union to interfere. An important component to consider is the cost of designing accessible products and services, but it is a common misconception that accessibility is expensive. In fact, building accessible infrastructure costs no more money than building inaccessible ones and actually creates added value for the industry, since a building that meets accessibility requirements will be able to adapt more easily to changing needs, including the aging or emerging disabilities of its users. Accessibility features have proven to be used also by people without a disability (for instance easier use of transport modes where there are available services such as subtitles for foreign language learners, escalators and lifts). Last but not least, the European Accessibility Act represents an opportunity for the European Union to implement the Convention of the United Nations on the Rights of Persons with Disabilities (CRPD) which has been ratified and is legally binding by a majority of European countries and by the European Union itself (see page 6 for more on the CRPD). Under this UN Convention (also ratified by Canada in 2010), accessibility is recognized as a universal human right and the European Union is now obliged to respect its obligations which includes taking appropriate legislative measures for its implementation.

The European Accessibility Act is a legislative instrument that could be very helpful to impose accessibility improvements, but it will not be sufficient to fight discrimination in a number of areas, such as access to education and employment. Moreover, setting up such European an legislation will be useless, if not correctly implemented by Member States of the European Union. To avoid this situation, it is crucial to involve the disability movement in the implementation phase and to install enforcement mechanisms like collective redress, enabling NGOs and consumer groups to effectively challenge non-compliance by European countries. It is also essential to convince the industry sector that it would benefit from market expansion by bringing more accessible products and services to market. Accessibility is an ongoing process: people’s expectations change and enabling technologies evolve. For this reason, it is important that the European Accessibility Act does not impose rigid standards and requirements, but instead boosts innovation by encouraging private stakeholders to invest in research and development. The European Union is expected to start the legislative procedure leading to the adoption of the European Accessibility Act by the end of the year. Meanwhile, organizations representing people with disabilities in Europe are closely following the preparatory work and are getting ready for intense discussions with both political institutions and the industry sector. It would be interesting for the disability movement in Canada to keep an eye on the publication of this European legislation as it could be a source of inspiration, should federal legislation on accessibility appear in Canada in the future.

European Union Prepares Legislation

BY GUILLAUME DUFRESNE

The European Union is currently trying to create a European Accessibility Act. The proposed act would cover the 28 Member States of the European Union and could help to improve daily life for millions of Europeans with disabilities who continue to face numerous barriers to their well-being and integration.

Among the member states, there is a range of accessibility requirements for goods and services that create a market distortion within the European single market. For example, national legislations governing transport accessibility vary a lot across Europe, making it more difficult for passengers with disabilities to cross borders as easily as other European citizens. There are also safety implications when, for example, tactile markings are used differently in different countries. Establishing framework rules at the European level would address these issues, and would give the industry sector clear and consistent rules to adhere to and allow them to operate across Europe.

Disability organizations like the European Disability Forum are closely monitoring the preparation of the European Accessibility Act and actively promoting the concept of “Universal Design.” This term means that products and services are designed in a way to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. The disability movement also advocates for a holistic approach that sees accessibility as a chain that requires the proper functioning of each link, as well as all the links together. For instance, in order to be able to benefit from telecommunications, people with disabilities require (a) accessibility of the landline, mobile or smart phone, (b) availability of accessibility services (e.g. text and video relay services to write or sign when calling someone), and (c) the possibility for the IT network to transmit these services. To be in line with this approach, the scope of the European Accessibility Act would have to cover as many goods and services as possible, while respecting the legal competence of the European Union to interfere.

An important component to consider is the cost of designing accessible products and services, but it is a common misconception that accessibility is expensive. In fact, building accessible infrastructure costs no more money than building inaccessible ones and actually creates added value for the industry, since a building that meets accessibility requirements will be able to adapt more easily to changing needs, including the aging or emerging disabilities of its users. Accessibility features have proven to be used also by people without a disability (for instance easier use of transport modes where there are available services such as subtitles for foreign language learners, escalators and lifts).

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GUILLAUME DUFRESNE WORKED AT THE EUROPEAN DISABILITY FORUM WHERE HE WAS RESPONSIBLE FOR POLICY MONITORING, AND RELATIONS WITH INDUSTRY AND POLITICAL INSTITUTIONS OF THE EU IN THE AREAS OF TRANSPORT, BUILT ENVIRONMENT AND TOURISM.
**How Can BCCPD Help?**

BC Coalition of People with Disabilities is an expert in Canada Pension Plan Disability (CPP-D) advocacy. We provide:

• in person, one-to-one assistance
• assistance by phone
• free self-help publications on what CPP is, how to apply and how to appeal a denial (available in English, Traditional Chinese and Punjabi)

**What do I need to know about CPP-D?**

CPP-D has several advantages over provincial disability benefits. And, recipients may receive provincial (PWD/PPMB) disability benefits in addition to CPP-D in the form of a top-up, if their CPP-D benefits fall below the provincial minimum.

Please contact us to learn more.

**CPP-D Advocacy Program**

Telephone: 604-872-1278 | Toll-Free: 1-800-663-1278
Website: [www.bccpd.bc.ca](http://www.bccpd.bc.ca)

Online Program information: OurWork/Advocacy Access
Online Self-help CPP resources: Library/Money & Income Supports

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Plan for the Future

with a REPRESENTATION AGREEMENT

A Representation Agreement appoints a designated representative (or multiple representatives) to make decisions regarding an adult's health and personal care in the event the adult is unable to communicate his or her wishes.

If the adult does not have full capacity, the Notary may recommend a Section 7 Representation Agreement that will address routine financial and health matters.

Advance planning can be a comforting and satisfying process, especially when it’s managed by an experienced and trusted legal professional.

Call your local Notary or 1-800-663-0343 for help finding a Notary near you.

www.notaries.bc.ca

Thank you to the Province of BC for their continuing support.