

Chief Justice R. Bauman
on Access to Justice

Pull-Out
Resource Guide

Fraud and Power
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transition

The Magazine of Disability Alliance BC

ACCESS TO JUSTICE

BARRIERS AND BRIDGES

SPRING 2018

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SEE THE ACCESS TO JUSTICE PULL-OUT GUIDE



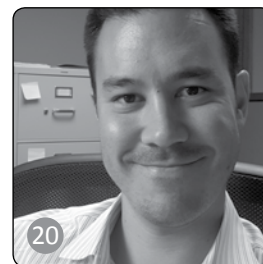
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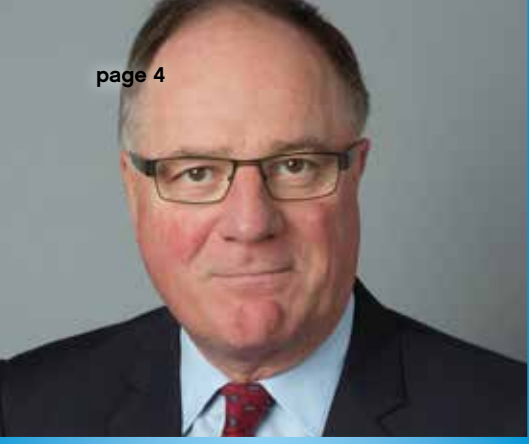
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editorial

by Chief Justice
R. Bauman

The rule of law means that legal rights are not empty promises. The rule of law requires meaningful access to legal rights so that anyone can enforce those rights.

Spring is the season of new beginnings. In this spirit of spring, and in this spring edition of Transition Magazine, I invite you to think about what access to justice means and what it could look like for people with disabilities.

As the Chief Justice of British Columbia, part of my role is to promote the rule of law in our province. The rule of law means that legal rights are not empty promises. The rule of law requires meaningful access to legal rights so that anyone can enforce those rights.

Access to Justice BC (A2JBC), an organization which I chair, is a network of justice system stakeholders who are dedicated to improving our civil and family law system to ensure equal access to justice in British Columbia. A2JBC aims to bring about a culture shift in our justice system to make it more collaborative, experimental, user-centred and evidence-based. This shift is necessary because, unfortunately, our justice system is failing to provide meaningful access for British Columbians.

What do we mean when we say “access to justice?”

The term has many meanings, but A2JBC has adopted the following definition: “Access to justice means enabling people to avoid, manage and resolve civil and family legal problems and disputes.”

It means providing people with information to recognize legal problems, empowering them to solve those problems themselves where possible, and, if not, ensuring they can access affordable legal services. It also means that we achieve these goals in a timely and efficient manner.

We are a long way from achieving this type of access. Nearly 12 million Canadians will experience at least one legal problem in a given three-year period.¹ In 2013, the Canadian Bar Association published a report based on interviews with people living in marginalized conditions about their perceptions of the justice system.² One woman from Toronto described one of her difficulties in navigating the system as “the stress of all the steps prior to getting to the step where you can even act out your rights, and you get so frustrated with the process.”³

Another young woman from London, Ontario was asked what she would do if she had a legal problem

and she said “I would talk to my mother and get her opinion, and then I would call the police...I just know to call the police.”⁴

Even those of us who work in this area find the justice system hard to understand at times, and it is clear that we need to do more to make the process of interacting with the courts and other administrative bodies manageable for non-lawyers.

One of the central challenges to ensuring access to justice is the increasingly unaffordable cost of legal counsel. A *Canadian Lawyer* magazine report from last year indicated that the average hourly rate for Western Canadian law firms ranged from \$204 to \$430.⁵ A week-long civil trial would cost on average just under \$55,000.⁶

While free Legal Aid services are available, assistance is limited to certain types of legal problems such as criminal charges, immigration issues, or child protection matters. As well, the income thresholds to qualify for legal aid are generally very low.⁷ If you live alone and make more than \$18,600 a year after taxes, you probably earn too much to qualify for assistance.

This inability to afford counsel has led to a rise in self-represented litigants in our courts and tribunals. In the Provincial Court, there were over 135,000 appearances by self-represented litigants in 2015/2016,⁸

many of whom encountered difficulties when navigating the system that could have been avoided if they had had help.

In response to this access problem, A2JBC has supported new approaches to providing legal services that might better address people's needs. One initiative has created a list of lawyers and paralegals willing to offer "unbundled" legal services. The unbundled model—as opposed to the traditional model of full representation by a lawyer from beginning to end—helps people with discrete steps in the resolution of a legal problem, such as preparing court documents or reviewing an agreement reached through mediation. Another initiative seeks to connect families experiencing separation with the various legal and non-legal services they need to navigate their separation in a way that promotes, rather than undermines, their well-being.


As someone who has a close family member with diverse abilities, I am familiar with some of the obstacles that people with disabilities may face when trying to recognize or solve a legal problem.

In this edition of *Transition*, you'll learn how DABC and its community partners work to protect people with disabilities' access to justice. And, you'll hear some of the unique challenges faced by specific communities, such as people with developmental or intellectual disabilities and Indigenous people.

I am well aware that I—along with others working in the justice system—do not have the answers and ideas that will improve the system for people with disabilities.

For that reason, I invite you to learn more about A2JBC on our website (<https://accesstojusticebc.ca>) and to share your own innovative access to justice stories.

In this spring season of new beginnings, let's take the opportunity to reflect on ways we can all take part in the access to justice movement.

CHIEF JUSTICE ROBERT BAUMAN IS THE CHIEF JUSTICE OF BRITISH COLUMBIA AND CHAIR OF ACCESS TO JUSTICE BC. 

As someone who has a close family member with diverse abilities, I am familiar with some of the obstacles that people with disabilities may face when trying to recognize or solve a legal problem.



CHIEF JUSTICE BAUMAN WITH HIS BROTHER-IN-LAW JIM

¹ *Access to Civil & Family Justice: Roadmap for Change*, Action Committee on Access to Justice in Civil and Family Matters, Ottawa, Canada, October 2013 at 2.

² Canadian Bar Association, *Reaching Equal Justice Report: an invitation to envision and act*, (Ottawa: 2013).

³ *Ibid* at 22.

⁴ *Ibid* at 26.

⁵ Mallory Hendry, "Priced for Value", *Canadian Lawyer* (June 2017) 32 at 33, online: <http://www.canadianlawyermag.com/staticcontent/AttachedDocs/CL_June_17_PricedValue.pdf>.

⁶ *Ibid* at 35.

⁷ "Legal Representation by a lawyer", online: Legal Services Society <https://www.lss.bc.ca/legal_aid/legalRepresentation.php>.

⁸ Provincial Court of British Columbia, Annual Report 2015/2016, (Vancouver: 2016) at 49-50.



ACCESS TO ADVOCACY, ACCESS TO JUSTICE | BY SAM TURCOTT

For people with disabilities, particularly those living at or below the poverty line, an integral part of access to justice is meeting the basic needs of daily living: food, shelter, clothing and supports for health needs.

Many people with disabilities who seek to access these benefits face substantial systemic barriers, in addition to the numerous personal challenges they face.

A central mission of the Advocacy Access program at Disability Alliance BC (DABC) is to help people with disabilities access programs and services to which they are entitled, in spite of these systemic barriers. These include disability assistance and associated supports provided by BC's Ministry of Social Development and Poverty Reduction, Canada Pension Plan Disability benefits, the Disability Tax Credit and the Registered Disability Savings Plan.

THE PARTICULAR BARRIERS PEOPLE ENCOUNTER WHEN SEEKING ACCESS TO BENEFITS ARE ALWAYS UNIQUE TO THE INDIVIDUAL.

COMMON BARRIERS OUR CLIENTS FACE

The particular barriers people encounter when seeking access to benefits are always unique to the individual. Some of the most common challenges include inadequate access to medical support, excessively complex benefit regimes and difficulty obtaining reliable information.

Many people with disabilities struggle to find a supportive family doctor or a suitable alternative to a family doctor. This is a problem not least because doctors and other medical professionals, willingly or not, are the "gatekeepers" for almost all of the social supports available to people with disabilities. To qualify for many disability programs, doctors need to provide a great deal more information about a person's home life, employability

and daily needs than they can usually learn in a 20-minute clinic visit.

To add to this difficulty, patients must pay out of pocket for their doctor to help with applications for disability programs, unless there is a third-party payer in place or their doctor agrees to waive the fee. Where coverage of this cost is not available, people may be dissuaded from accessing programs for which they may otherwise be strong candidates.

ADVOCATES' EXPERTISE

Understanding the law and policy that governs disability benefit programs is not simple. For example, there are currently 62 different policies (articulated in more than 10,000 words) that explain how different sources of income are treated for income and disability assistance recipients alone.

This does not include the 15 other policies that explain a person's duty

to pursue income or the 28 procedure notes about these topics. Neither does it include the many other policies that govern eligibility for health benefits, treatment of assets, residency rules, spousal rules, or a whole range of other subjects.

And, these policies are only associated with a single disability program. Now imagine you receive some support from two or three different benefit programs, and are trying to understand and follow the rules that apply to each. Now imagine you have a brain injury and understanding a particular policy could mean the difference between being able to pay your rent next month or not.

A great many of the front-line workers who deliver these programs make an admirable effort to support and educate people about their rights and responsibilities within these complex programs. Unfortunately, many people with disabilities find that getting clear and consistent information can be a challenge. This may be because individual workers are limited in the time they can allocate toward helping a particular person or because they too struggle with the complexity of some of these programs.

Through Advocacy Access and other programs, DABC is working to make life easier for people with disabilities by reducing barriers to benefit programs.

Our advocates also recognize there are limits to our expertise and that there are many access to justice issues for which we are not the best

DABC WORKS CLOSELY WITH OTHER ORGANIZATIONS THAT CAN TAKE OVER THE REINS WHEN BONA FIDE LEGAL ASSISTANCE IS NEEDED. SOME OF OUR DEDICATED PARTNERS ARE PROFILED IN THIS EDITION OF TRANSITION.

resource. DABC works closely with other organizations that can take over the reins when *bona fide* legal assistance is needed. Some of our dedicated partners are profiled in this edition of Transition.

We're proud to work with them to help people with disabilities to secure the benefits and services to which they're entitled.

We provide information and support to thousands of people each year. However, given the size and scope of these barriers and an overall lack of funding to address them, neither our Advocacy Access program nor other advocacy programs that support people with disabilities across the province, can offer a complete solution to the current predicament.

What is needed is more support, better support, and less complexity.

SAM TURCOTT IS PROGRAM DIRECTOR OF DABC'S ADVOCACY ACCESS PROGRAM AND OUR TAX AID DABC PROGRAM. T



In Memoriam Carol Dixon

DABC staff and volunteers were saddened by the passing of Carol Dixon. Carol has been with us for many years, first as a volunteer, then as an advocate with our Advocacy Access Program and, for the past several years, as a reception volunteer.

Carol was well known in the community and was an entertaining personality around our office. She loved her cats and she loved to tell jokes to whoever would listen.

She will be missed by all of us at DABC.



THE CIVIL RESOLUTION TRIBUNAL

HOW WE'RE BUILDING INCLUSIVITY IN THE JUSTICE SYSTEM | BY SHANNON SALTER

The Civil Resolution Tribunal (CRT) is Canada's first online tribunal, and one of the first in the world. Its goal is to increase access to justice by bringing the justice system to people, and building it around their lives.

The CRT recognizes that everyone comes with a context: skills, abilities and also challenges. With a focus on free legal information and self-help tools and early, collaborative dispute resolution, the CRT provides timely, accessible and inexpensive dispute resolution for strata property disputes, and small claims, \$5,000 and under. The dispute resolution process can be done on a smartphone or tablet, from the comfort of one's home.

The CRT helps people to resolve their disputes by agreement, and makes binding decisions when people can't agree. These binding decisions are enforceable as court orders.

HOW INCLUSIVITY EVOLVED

From the beginning, the CRT was designed to improve access to justice for people who have traditionally experienced barriers navigating the court system, including people with physical and mental disabilities. For this reason, the people we consult first when designing something new for the CRT are frontline community and legal advocates. Whether it's new technology, rules, forms or web content, we want to

are some of the ways we've implemented feedback from advocates to improve access to justice for people with disabilities.

REDUCING TRAVEL BARRIERS

We know that travelling to a court or tribunal can be a barrier to accessing justice for people with physical and mental disabilities, and can increase the anxiety and stress associated with their legal problem. The CRT allows participants to

FROM THE BEGINNING, THE CRT'S GOAL WAS TO IMPROVE ACCESS TO JUSTICE FOR PEOPLE WHO HAVE TRADITIONALLY EXPERIENCED BARRIERS NAVIGATING THE COURT SYSTEM. THIS INCLUDES PEOPLE WITH PHYSICAL AND MENTAL DISABILITIES.

make sure we've considered everyone's needs. Our roster of advocates includes representatives from Disability Alliance BC who have offered valuable feedback that has helped shape the tribunal.

Listening to community legal advocates and their clients has significantly shaped how we work. Here

resolve their dispute from their home or office, without having to travel to a courthouse, take time off work or arrange childcare. We also encourage people to use helpers—for example, a trusted friend or family member, to support them through the dispute resolution process. Helpers can assist when and where it works for them and the participant.

PROVIDING COMMUNICATION ALTERNATIVES

So far, there has been an overwhelming demand for online services, with less than 1% of parties choosing to participate by mail. However, we know that not everyone is comfortable with technology or can easily access it.

That's why the CRT offers a choice of communication methods, including through our website, email, telephone, fax, mail and at 62 Service BC locations across BC. Not surprisingly, approximately 45% of CRT participants access the tribunal outside of typical court registry hours—mainly on weekday evenings.

We've heard from advocates that offering flexibility and choice is particularly important for people with disabilities.

ACCOMMODATING DIVERSE NEEDS

Another way we try to build inclusivity is by asking parties during the application process whether they need any special accommodation. This information is voluntary, and we do not share it with the other parties.

In particular, we ask if someone has difficulty communicating in English, if they have a visual or hearing impairment, a mental health issue, or some other circumstance that requires accommodation.

If a party indicates they need special accommodation, a CRT staff member will contact them to see what we can do to make the process easier. For example, for someone with a visual impairment, this might mean relying less on written material and instead, conducting the mediation and adjudication by telephone. For people who have difficulty with English, the CRT offers free telephone interpretation in over 200 languages, including several Indigenous languages.

INCREASING AFFORDABILITY

We've also implemented a fee waiver form for people with low income which is easy to use and has generous thresholds. For example, a person on disability assistance applying for a fee waiver would simply "click" on that option, "click" to certify that this statement is true, and press "submit." They would instantly be given a fee waiver, without the need to provide supporting documents.

MAINTAINING STAFF EXPERTISE

Finally, advocates have told us how important it is that CRT staff and members have training to understand the needs of participants, particularly those with barriers to accessing the justice system.

So far, CRT staff and members have had training in mental health and brain injury issues, high conflict interactions, as well as extensive cultural competency training, particularly with respect to Indigenous cultural competency. Staff training is an ongoing activity, so that we can build our understanding of the public we serve.

The CRT is committed to ensuring that people with disabilities are empowered to participate actively in the resolution of their disputes by building an inclusive and supportive dispute resolution process.

We are grateful for Disability Alliance BC's advice and support in helping us meet this commitment, and we look forward to continuing to learn from them.

SHANNON SALTER IS CHAIR OF THE CIVIL RESOLUTION TRIBUNAL 



Civil Resolution Tribunal

Learn more about how the Civil Rights Tribunal can help in the Pull-Out guide in this Transition.



THE CHALLENGES OF FINDING JUSTICE FOR INDIGENOUS PEOPLE

| BY NEIL BELANGER

A good definition of justice is: “Just behaviour or treatment, a concern for justice, peace, and genuine respect for people.”

This definition doesn’t define people by our abilities, by our ancestry or by our gender identity. It doesn’t prefer blue eyes over brown or those who can sing or those who are considered most popular. Justice is blind, or so the saying goes—but is it?

In Canada, Indigenous people are over-represented as victims of violent crimes and disproportionately represented within our Nation’s justice system. Indigenous Canadians comprise only 4.3 per cent of the overall population of Canada, yet represent more than 25 per cent of inmates incarcerated today, many of whom live with disabilities.

In 2013, it was reported that in some areas of Canada the rate of incarceration is 33 times higher than the non-Indigenous population.

Outside of the correctional system, Indigenous women, again many living with disabilities, have been murdered or have gone missing, such as those lost on the Highway of Tears or murdered by Robert Pickton.

For each of these women, and countless more, respect was replaced with indifference, that indifference led to inaction, and that inaction allowed unjust behaviour and treatment to continue.

Indigenous Canadians living with a disability experience a disability rate of approximately twice that of the non-Indigenous population of Canada.

Although there are many common barriers faced by both the Indigenous and non-Indigenous population of Canada living with a disability, additional factors play a role in helping to understand the victimization of and the over-representation of Indigenous people in correctional institutions, including those living with disabilities.

The ongoing, inter-generational trauma of residential schools continues to be seen, with many survivors turning to drugs or alcohol

INDIGENOUS
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to ease the pain of years of physical, emotional, spiritual and sexual abuse.

Another factor is poverty. In 2016, Statistics Canada reported that 80 percent, or four out of five of the 623 First Nations communities in Canada, have a median income below the poverty line. Many Indigenous people in Canada today live in poverty making it difficult to ensure their health, social and ongoing financial needs are planned for and addressed, particularly for those living with a disability.

The final factor I’d like to mention here, although there are several more, is racial discrimination. Indigenous people in Canada, Canada’s

First People, are subject to racism and discrimination daily across our nation. Some is hidden, some is not so subtle.

Discriminatory practices, stereotypes and misguided beliefs about Indigenous people remain as prominent today as they were in the last century. From Senators to the general public, racial discrimination continues to be a dark mark for Canada. Take for example, a recent comment posted online (January 2018) by an individual in relation to the shooting death of a 22-year-old Indigenous man in Saskatchewan. "Trial in Battleford is soooooo wrong. Too many Indians there! He was protecting his property, family and himself from thieving Indians."

Facing systemic racial discrimination can lead to serious emotional, psychological and health consequences. Couple that with poverty, the effects of residential schools, and the numerous barriers faced as a person living with a disability, it is understandable why many Indigenous people fall into the justice system and why many become victims of violent crimes.

For Indigenous people living with disabilities who are involved in the justice system or victims of violent crimes, there are a number of supports that may be available.

IN CANADIAN COURTS, THE SENTENCING OF SELF-IDENTIFIED INDIGENOUS PEOPLE REQUIRES THE COURT TO TAKE INTO ACCOUNT THE CIRCUMSTANCES THAT THE OFFENDER HAS LIVED WITH AS AN INDIGENOUS PERSON AND CAN USE INDIGENOUS-BASED SENTENCING PRINCIPLES.

ABORIGINAL LEGAL AID

In Canadian courts, the sentencing of self-identified Indigenous people requires the court to take into account the circumstances that the offender has lived with as an Indigenous person and can use Indigenous-based sentencing principles. There are five First Nations (Gladue) Courts in British Columbia.

For more information on First Nations Courts, please contact Aboriginal Legal Aid in BC at 1-866-577-2525 or visit <http://aboriginal.legalaid.bc.ca/rights/Gladue.php>.

NATIVE COURTWORKERS


The Native Courtworker Association assists Indigenous people who are involved in the justice system or are victims of violence/abuse, in addition to offering a variety of other health and social service programs.

For more information on the Native Courtworker Association, please visit <http://nccabc.ca/> or call 1-877-811-1190.

ABORIGINAL JUSTICE STRATEGY PROGRAMS

In British Columbia, there are approximately 28 Indigenous Justice programs that are available to provide a variety of justice-related services, typically in relation to restorative justice, involving the offender, victim and community.

For more information on British Columbia's Aboriginal Justice Strategy Programs, please visit <http://www.justice.gc.ca/eng/fund-fina/acf-fca/ajs-sja/cf-pc/location-emplace/bc.html>.

NEIL BELANGER IS EXECUTIVE DIRECTOR OF THE BC ABORIGINAL NETWORK ON DISABILITY SOCIETY (BCANDS). 



A MESSAGE FROM THE GENEROUS SPONSORS OF THIS TRANSITION

The Notary Foundation of BC

Fraud and Power of Attorney BY LAURIE SALVADOR

"Who would use a Power of Attorney to commit fraud against a parent?", you might ask.

Sadly, it does happen and BC Notaries are seeing it more and more often these days.

As an example, a child—let's say a son whose name is Billy—comes to live at home just as his parents are becoming vulnerable through age-related illnesses or dementia.

The parents, happy to see their son after a long absence—and perhaps in a bit of a financial fog—are more than willing to give him Power of Attorney (PoA) when he suggests it. They are tired of the monthly effort of paying bills and are having a hard time remembering to keep their affairs up to date.

This is the perfect setting for Billy to be tempted to prematurely pluck a few plums from the inheritance pie.

Billy can easily justify this to himself because, after all, he is the one helping Mom and Dad. He is the one who picks up groceries for them and takes them to the doctor. His siblings who live in the East seem to have little to do with their parents. That is not surprising. They have jobs and young children.

By the time the other siblings realize what is going on, it is too late. Billy has helped himself to the majority of the assets, leaving his parents to survive on only their limited income.

In extreme cases, Billy might even have used his Power of

Attorney to transfer the title of their home to himself, although technically that is illegal unless the Power of Attorney document specifies he has the power to do this.

As legal practitioners, BC Notaries must be vigilant in protecting clients from potential predators. Before a legal professional takes instructions for a Power of Attorney, the following points must be discussed with the client:

- The person who is giving the PoA is giving power to another person to manage his or her financial affairs. That power includes, but is not limited to:
 - buying and selling property on the client's behalf,

including the client's own home if that is specified in the document;

- depositing and withdrawing money from the client's accounts;
- paying for services for the client with the client's money; and
- borrowing money on behalf of the client, if there is a need and a method of repaying the loan from the client's income or other sources.
- The Power of Attorney document is effective only while the client is alive. Its power stops with the client's death.
- The client may cancel ("revoke") the PoA at any stage as long as he or she has the mental capacity. If the client cancels the document, the Attorney must not use it after being made aware of the cancellation.
- The power the client is giving to another person or persons (the Attorney) will continue to be in effect after the client has lost the mental capacity to cancel the document.
- The client must appoint the Attorney using his or her own free will and without any undue influence of a third party.
- There is a possibility the Attorney might abuse the power and steal from the client. While that is a criminal offence, there is the potential for that to happen. Recovery of the money and/or property may be difficult.
- The original Power of Attorney should be kept in a safe location, but the Attorney needs to be aware of the location. The PoA must be accessible to him or her. If it is locked in a safety deposit box and the Attorney does not have access to the box, the document will be of no use.

LAURIE SALVADOR IS A SEMI-RETIRED BC NOTARY IN SIDNEY BY THE SEA.
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TO FIND A NOTARY, OR FOR MORE INFORMATION,
VISIT WWW.NOTARIES.BC.CA

BC NOTARIES Choosing the Attorney

BC Notaries can help clients confirm the person who is being appointed can be trusted.

- We ask questions about the relationship (its length and strength) and the past behaviour of the Attorney. We look for signs of irresponsibility, lack of judgement and an ability to handle his or her own affairs.
- If the client is appointing a son or daughter who impartially could be considered financially irresponsible, another person should be considered. Close family members are not necessarily the best suited individuals for the job.
- Likewise, if the client is appointing a person who has recently befriended him or her, extra caution should be taken.
- When capacity is in question, we always ask the client for written consent to contact his or her physician for an opinion regarding the client's capability.

PRO BONO: TRIED AND TRUE

| BY JAMIE MCLAREN QC

Access to justice was not always the burning political issue it is now. Only recently has its public profile grown to the point that governments, law societies, legal organizations and law schools are addressing the problem in earnest.

Growing awareness of the plight of self-represented litigants (someone who represents themselves in a legal matter rather than hiring a lawyer) has fuelled a movement in justice system reform. Online legal and judicial services have flourished in the wake of rapid technological developments. Law schools have embraced student clinics as a form of valuable experiential learning.

But behind this exciting rush of systemic changes some tried and true methods of increasing access to justice proceed quietly along. One such method is pro bono (free) legal service.

Access Pro Bono (APB) is the main pro bono legal service provider in BC. Its roots reach back to the mid-1990's when the late Dugald Christie was organizing pro bono clinics through the Salvation Army.

NOW, APB OPERATES PRO BONO CLINICS IN 115 LOCATIONS ACROSS THE PROVINCE—AS FAR NORTH AS FORT NELSON, AS FAR SOUTH AS SURREY, AS FAR EAST AS FERNIE AND AS FAR WEST AS PRINCE RUPERT.

Now, APB operates pro bono clinics in 115 locations across the province—as far north as Fort Nelson, as far south as Surrey, as far east as Fernie and as far west as Prince Rupert. Our clinics are more common in BC than outdoor hockey rinks, Canadian Tire stores and White Spot Restaurants. It follows that pro bono legal services are more widely available to low-income British Columbians than moonlit games of pond hockey, Motomaster car batteries and Triple-O hamburgers.

The steady weaving of pro bono legal services into the cultural fabric of BC communities is a bittersweet phenomenon. On one hand, it reflects a pervasive spirit of benevolence and volunteerism among lawyers, and a healthy respect for the rule of law. It evokes warm and folksy images of kind-hearted lawyers counselling local citizens who find themselves a little down on their luck.

On the other hand, it confirms that many British Columbians cannot afford to pay market rates for critical legal services, nor can they

presently rely on government to fill the affordability gap. It's almost redundant to say that the decline in access to justice in BC parallels the steady service cuts to its legal aid system.

For many clients living in cultural or geographic isolation, the negative effects of legal service gaps are compounded by factors of mobility and distance. Some clients spend their last bit of money on a Greyhound ride to the nearest pro bono clinic.


In an effort to serve as many isolated British Columbians as possible, APB offers its free legal advice services by telephone and Skype.

These clinics only require that a client have telephone or internet access to connect with a pro bono lawyer providing legal advice from the comfort of his or her faraway office. The clinics also provide private and accessible means of connecting clients with specific legal, language or cultural issues to remote pro bono lawyers trained to serve their particular needs.

For several years, APB has held special hour-long clinics (rather than its standard half-hour clinics) to better

accommodate the legal needs of people with disabilities. In Vancouver, these special clinics are held in partnership with Disability Alliance BC. APB operates the specialty clinics throughout BC in communities of specific legal need like: victims of domestic violence, veterans, LGBTQ+ people and refugees. Where circumstances allow, APB organizes private in-person consultations with specially-trained lawyers. Nothing is more effective than communicating face-to-face.

APB will always prioritize in-person service over remote service, but its in-person reach is limited by the location of lawyers in the province. With almost 120 clinic locations across BC, APB is nearing the saturation point for clinics located in places near or where lawyers currently practice. Over time, a more even distribution of new lawyers across the province will serve to extend the reach of in-person clinics. But major growth of pro bono culture in BC is likely to occur in the virtual world. British Columbians should be so lucky that the growth of pro bono legal culture in BC is limited by renewed investment in legal aid.

JAMIE MCLAREN QC IS THE EXECUTIVE DIRECTOR OF ACCESS PRO BONO. HE IS ALSO A PRACTISING EMPLOYMENT LAWYER AND A FORMER EXECUTIVE DIRECTOR OF THE UBC LAW STUDENTS' LEGAL ADVICE PROGRAM AND PRO BONO LAW OF BC. 

FOR SEVERAL YEARS, APB HAS HELD SPECIAL HOUR-LONG CLINICS (RATHER THAN ITS STANDARD HALF-HOUR CLINICS) TO BETTER ACCOMMODATE THE LEGAL NEEDS OF PEOPLE WITH DISABILITIES.



**ACCESS
PRO BONO**

Learn more about how Access Pro Bono can help in the Pull-Out guide in this Transition.



PHOTO COURTESY OF BCGEU

In Memoriam Lorraine Logan

DABC and many community organizations lost a powerful advocate in January. Lorraine Logan was a tireless and outspoken champion of workers' rights, LGBTQ+ rights, women's rights and seniors' rights.

Lorraine partnered with DABC on many advocacy issues in her role as Chairperson of the Council of Senior Citizen's Associations of BC (COSCO).

Among her many strengths as a spokesperson, her most remembered may be her down-to-earth perspectives. She was devoted to keeping conversations and solutions grounded in how they affected people she represented.

We'll remember Lorraine's contributions to DABC committees and projects with gratitude and many fond memories.

Our thoughts are with her family and everyone who knew this extraordinary woman.

DABC Executive Director Retiring

It is with sadness and warm wishes for her future that the Board of Disability Alliance BC (DABC) announces the planned retirement of our Executive Director, Jane Dyson, OBC. Jane will be retiring later in 2018.




Ms. Dyson's departure from DABC comes at a time when our organization is at its strongest since it was founded in 1977. It is highly regarded in the not-for-profit and disability communities, and well-respected by funders and all levels of government. This is due in large measure to Jane's strong leadership.

Jane joined DABC in 1998 to work on systemic advocacy issues. She subsequently became a Program Director of DABC's Advocacy Access Program, and Executive Director in 2009.

In 2015, Ms Dyson received the Order of BC in recognition of her work with DABC and the disability community. DABC is now one of the most influential and prominent disability rights organizations in BC.

We are saddened to lose Jane, and sincerely thank her for her years of hard work and dedication to DABC and the disability community. She will be greatly missed by us all. DABC's Board, staff and volunteers will celebrate Jane's successes with the Alliance and we all wish her a long, happy and fruitful retirement.

Jane's decision to retire, like her work with the Alliance, has been done with kindness and thoughtfulness so that DABC's team, community colleagues and clients will continue to experience strong leadership, strong partnerships and excellent service during this transition period. 



Access to Justice

PULL-OUT GUIDE

Where do you go for legal assistance when DABC advocates have reached the limits of their expertise? Our advocates do their best to refer you to other organizations that can help.

This Pull-Out Guide summarizes the legal support available to you from four of our key community partners.

They can assist with legal issues around tenancy, family disputes, income assistance, small claims or discrimination.





ACCESS PRO BONO

If you are dealing with a legal problem, have limited income and need assistance, you can use the services of **Access Pro Bono**.

Access Pro Bono offers services, ranging from legal advice clinics to full legal representation, to individuals and non-profit organizations of limited means.

You can attend advice clinics without charge at locations such as social service agencies, court-houses and churches.

Some common legal issues Pro Bono lawyers can help you with include: motor vehicle claims; criminal or personal injury; contract or civil court procedures; immigration; government benefits; bankruptcy; and much more.

Access Pro Bono lawyers generally do not appear in court or tribunals, but they will advise you, make calls, and assist in completing required documents and preparing for court appearances.



Do I qualify for assistance?

To be eligible for Access Pro Bono services, you must:

- ✓ Live in British Columbia.
- ✓ Have a legitimate legal issue, such as a serious family problem, or a child protection or criminal dispute.
- ✓ Qualify for government-funded legal aid. For more information, see http://www.lss.bc.ca/legal_aid/howToApply.php or call the office.
- ✓ Have a net monthly income below the following amounts. For a 1 to 3 member family, the amount is \$3,265; for families with 4 or more members, the amount is \$4,470.

For additional details and exceptions, see http://www.lss.bc.ca/legal_aid/howToApply.php5.

What information will I need?

You will need to collect information and provide documentation detailing your dispute. This includes names and addresses of all those involved, a clear description of the issues related to your dispute, and any evidence you can collect to support your claim.

Evidence can include:

- ✓ Written documents.
- ✓ Photographs, video recordings or audio recordings.
- ✓ Oral statements of the parties or witnesses.

How do I apply for assistance?

Contact Access Pro Bono for a free 30-minute appointment with a lawyer.

Learn More

Access Pro Bono Society of British Columbia
300–845 Cambie Street, Vancouver, BC V6B 4Z9
Greater Vancouver 604-878-7400 or toll free 1-877-762-6664
help@accessprobono.ca www.accessprobono.ca



Civil Resolution Tribunal

If you are having a dispute with an individual, business or condominium that cannot be resolved, you can request dispute resolution through the BC **Civil Resolution Tribunal (CRT)**.

The CRT is there to help you resolve small claims that involve amounts of \$5,000 or less. It can also resolve a condominium (strata property) claim of any amount.

Will the CRT accept my claim?

If your dispute is a small claim, the CRT will consider it for dispute resolution if it involves:

- ✓ Buying or selling a good or service.
- ✓ Borrowing or lending money.

- ✓ An issue with the construction, improvement or renovation of a building.

If your dispute is with a condominium, it will be considered for dispute resolution if it involves:

- ✓ Non-payment of monthly strata fees or fines.
- ✓ Unfair action by the strata corporation or by people owning more than half of the strata lots in a complex.
- ✓ Unfair, arbitrary or non-enforcement of strata bylaws such as noise, pets, parking or rentals.

- ✓ Financial responsibility for repairs.
- ✓ Irregularities in the conduct of meetings, voting, minutes or other matters.
- ✓ Interpretation of the legislation, regulations or bylaws.
- ✓ Issues regarding the common property.

The CRT is committed to making our services accessible to clients with diverse needs.

What information will I need?

You should gather all information and documents concerning the dispute. CRT will need a description of the problem and your contact information, as well as the names and addresses of the people and/or business involved.

How do I submit a claim?

The CRT encourages you to submit your claim online at <https://civilresolutionbc.ca>.

Visit their website to learn about the different stages of CRT dispute resolution, rules and fees, legislation, and other important information.

When you are ready to submit your claim, you use the CRT's **Solution Explorer** that will guide you step-by-step through decision-making, information-gathering and the forms required in the various phases of the mediation.

When you submit a claim, you provide information about the dispute to the CRT and pay the required fee.

The CRT will guide you through the process of notifying the individuals involved of your claim. You are then encouraged to negotiate with the individuals to see if you can come to a resolution yourself.

If this is not possible, a facilitator will review the claim and collect any additional information to help resolve the dispute.

If neither the personal nor facilitator-assisted negotiation is successful, the Tribunal decision process is initiated and a member

Learn More

Please contact the CRT through their website.

You can find their contact details at: <https://civilresolutionbc.ca/contact-us/>

General website
<https://civilresolutionbc.ca>

of the tribunal will decide a resolution for you.

Meeting Your Needs

The CRT is committed to making our services accessible to clients with diverse needs. This includes people with visual or hearing impairments, mental health issues, difficulty communicating in English or other requirements.

Please ask us how we can help you use CRT's services.

BC Notaries
A TRUSTED TRADITION



Thank you to the Notary Foundation of BC for sponsoring this Transition.

They made this special Access to Justice edition possible.

DABC thanks the Foundation for their ongoing support.



If you need legal assistance and have limited income, **Community Legal Assistance Society (CLAS)** may be able to help. CLAS provides free legal assistance on the following issues to people living on a low income.

Housing evictions: if you are being evicted and have lost your dispute resolution hearing at the Residential Tenancy Branch, your home is being foreclosed upon or your membership in a co-op is being terminated.

Access to government benefits: if you have lost an appeal at the Employment and Assistance Appeal Tribunal or Social Security Tribunal for regular or disability benefits, supplements or other kinds of income support.

Human rights: if you are being discriminated against or if you have lost your appeal at the Human Rights Tribunal.

Mental health: if you have applied for a Review Board hearing under the Mental Health Act or have an upcoming Criminal Code Review Board hearing.

Work-related issues: if you have lost an appeal at the Worker's Compensation Appeal Tribunal, Social Security Tribunal or Em-



ployment Standards Tribunal concerning workers' compensation, employment insurance or other employment-related benefits.

Do I qualify?

The legal jurisdiction of your case determines both the qualification requirements and the information you will need to provide. If your case involves one of the issues in this article, visit the specific page below or call CLAS.

Housing evictions http://www.clasbc.net/being_evicted

Government benefits http://www.clasbc.net/accessing_benefits

Human rights http://www.clasbc.net/human_rights

Mental health http://www.clasbc.net/mental_health_law

Work-related issues http://www.clasbc.net/benefits_workers

Learn More

Community Legal Assistance Society
Suite 300 - 1140 West Pender St., Vancouver, BC V6E 4G1
Greater Vancouver 604-685-3425 or toll-free 1-888-685-6222
<http://www.clasbc.net>



If you have an issue or dispute about your rental apartment in BC, you can contact BC's **Tenant Resource & Advisory Centre (TRAC)**.

TRAC offers you information and guidance at any stage during your rental, from signing a lease to its termination. If you encounter a problem you cannot resolve on your own, you may be eligible for TRAC's Direct Advocacy service. They can assist you in applying for dispute resolution through the Residential Tenancy Branch (RTB).

Learn More

Phone the Tenant Info-line at 604-255-0546 or toll-free 1-800-665-1185
HSRTO@gov.bc.ca <http://tenants.bc.ca>

Or, visit a Residential Tenancy Branch near you
<https://tinyurl.com/ybb9fgy8>.

Will TRAC accept my dispute?

Although there is no income restriction, TRAC may give priority to tenants who cannot afford legal advice or representation from a lawyer.

TRAC can represent you if:

- ✓ Many tenants in your building are experiencing the same issue and are interested in filing for dispute resolution jointly.
- ✓ You encounter an issue that TRAC considers serious, common or systemic.

In some circumstances, your claim may not be eligible—for example, if it is about a rental in an assisted living facility, an educational institution, a co-op or vacation accommodation.

What information will I need?

You will need to provide documentation detailing your dispute, such as the names and addresses of everyone involved, an outline of the issue, and any evidence to support your claim.

Evidence can include:

- ✓ Written documents.
- ✓ Photographs, video recordings or audio recordings.
- ✓ Statements of the parties or witnesses.

How do I make a claim?

Dispute resolution applications can be submitted at www.gov.bc.ca/landlordtenant. TRAC's website (www.tenants.bc.ca) explains the different stages of dispute resolution, how TRAC works, residential tenancy law legislation and other important information. And, you can learn more about finding a rental home, and your rights and responsibilities, by taking TRAC's free online course at rentingitright.ca.



we are all
connected

How Advocacy Access Can Help

Since 1989, DABC's Advocacy Access Program has been a place of support, information and one-to-one assistance for people with all disabilities.

Each year, our advocates assist hundreds of people in-house to apply for and appeal the denial of provincial and federal (Canada Pension Plan) disability benefits. We help hundreds more over the phone and by email.

We also help other organizations across BC to assist people with disabilities through our workshops and publications.

Tax AID DABC

Through our Tax Assistance and Information for People with Disabilities DABC (Tax AID DABC) program, we assist people who are receiving the

Persons with Disabilities (PWD) benefit or the Persons with Persistent and Multiple Barriers (PPMB) benefit with simple income tax filings and information/referrals.

taxaid@disabilityalliancebc.org

Access RDSP

In August 2016, DABC started operating Access RDSP in partnership with Plan Institute and the BC Aboriginal Network on Disability Society (BCANDS).

Access RDSP's goal is simple: to increase the number of British Columbians who have an Registered Disability Savings Plan (RDSP).

We offer one-to-one assistance, as well as workshops.

rdsp@disabilityalliancebc.org

Make An Appointment

There is a big demand for one-to-one assistance from our advocates, so please call Advocacy Access to book your appointment. Thank you.



Metro Vancouver
604-872-1278

Toll Free
1-800-663-1278

Edition Review | How Did We Do?

Understanding your right to access to justice is crucially important for people living with a disability. DABC created this edition to give you information and tools to find the help you need to protect your rights. We would appreciate your feedback in this brief survey. Please tear this page along the perforation and fax it back to DABC at 604-875-9227. Or, take the survey online at <https://www.surveymonkey.com/r/6RZKVLX>.



Send in your completed paper or online survey for a chance to win a \$25 gift certificate to London Drugs or Starbucks. To enter the draw, please provide your name and email.

NAME _____ EMAIL _____

Did this edition improve your understanding of the following?	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
• What access to justice means in BC.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• The types of assistance DABC can provide.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• When you need to look for legal assistance outside of DABC.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• The kind of assistance you can receive from four key organizations, outlined in the Pull-Out Guide.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• How to access free legal advice through clinics and other opportunities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• How BC Notaries can assist you or family members around creating a safe power of attorney.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Do you have any other comments about what you learned in this Transition?

This special edition of Transition is funded through the generosity of the BC Notaries and the Notary Foundation.





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 DABC 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 DABC 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 DABC 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 Justina at the DABC at jloh@disabilityalliancebc.org or 604-875-0188. She will send you DABC Planned Giving information to review with your financial planner or lawyer, family and friends. 



JUSTICE FOR PARENTS WITH DISABILITIES

| BY KAREN DELONG

In 1986, the Supreme Court of Canada ruled unanimously that Eve, a 24-year-old woman with an intellectual disability, could not be sterilized without her consent. This landmark case, known as the Eve Decision, has had a profound impact on the global movement to fully recognize the rights of people with intellectual disabilities, and also their right to be parents.

The United Nations Declaration on the Rights of Persons with Disabilities (UNCRPD) was ratified by Canada in 2010 with joy and celebration. It was heralded as a human rights advancement built upon the values of equality, non-discrimination and the duty to accommodate.

Unfortunately, many Canadians with disabilities continue to face attitudinal and systemic barriers on a daily basis. Parents, and particularly mothers with disabilities, experience a biased and often fearful system which bars them from their right to become the loving and nurturing parent they are capable of becoming.

Article 23 of the UNCRPD titled *Respect for Home and the Family* states: "In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents."

Our organization, Inclusion BC, has supported parents through situations where the opposite has happened and resulted in trauma to both the parents and children. The scenario usually plays out in the following way.

placed in foster care or with a relative via a Kinship placement.

In another situation we have seen, a mother who has been successfully parenting her child for many years experiences some bumps along the way, as many single parents do. She faces a system that is not receptive to providing additional, temporary supports to her. Instead, she finds herself in a "one strike, you're out" situation, labelled an unfit parent.

PARENTS, AND PARTICULARLY MOTHERS WITH DISABILITIES, EXPERIENCE A BIASED AND OFTEN FEARFUL SYSTEM WHICH BARS THEM FROM THEIR RIGHT TO BECOME THE LOVING AND NURTURING PARENT THEY ARE CAPABLE OF BECOMING.

A woman, identified as having a disability, gives birth to her child. A child protection social worker comes to the hospital, often called by a concerned nursing team.

Despite having a support network and disability-related supports, the worker will visit and decide whether or not baby and mother will go home together. The baby may be

When this happens, the child is separated from their mother abruptly. The separation lasts over a year and creates sadness and anxiety for everyone.

Once again, the mother was presumed to be incapable to parent on her own, based upon her disability. She is offered no support to advocate on her own behalf and the parent without the disability or with an extended family is favoured.

Women with intellectual disabilities, in particular, face intense scrutiny and discrimination when they become mothers. In each of these scenarios, the discriminatory treatment was brought to light by family members and advocates, and policies and practices were challenged.

What do we need to prevent the trauma and heartache of families being broken apart needlessly?

- Ministry policies that reflect the rights of all parents.
- Training for social workers and justice system workers to ensure that people with disabilities understand their rights and are treated fairly.
- Access to equitable assessments, necessary supports and accommodations for parents.

As pointed out in the 2014 report, *Able Mothers: The intersection of parenting, disability and the law** by West Coast Leaf, decisions to remove children from their mothers who have disabilities are often based upon myths and stereotypes surrounding the mother's abilities.

THE GOOD NEWS IS WE HAVE MANY STORIES OF PARENTS WHO HAVE CHALLENGED THE SYSTEM AND HAVE GONE ON TO BECOME THE MATRIARCH OF BEAUTIFUL FAMILIES. THE BAD NEWS IS THIS IS FAR FROM THE NORM. SO MUCH WORK REMAINS TO BE DONE.

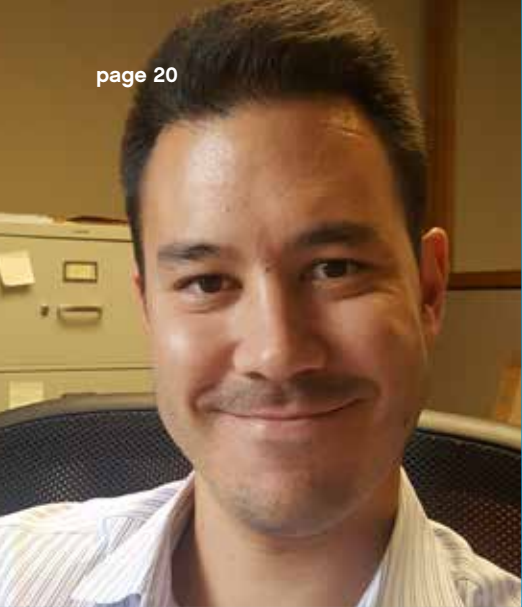
The almost unilateral assumption that parents, and particularly mothers with intellectual disabilities, are unfit due to their disability, flies in the face of our Charter. It also brings scrutiny to Child Protection policies and practices where supports to parents are considered short-term.

We need to be looking at these supports as accommodations based on disability and therefore a long-term need. To expect parents with disabilities to somehow "overcome" their disability-specific needs in the short-term is uninformed and discriminatory.

The good news is we have many stories of parents who have challenged the system and have gone on to become the matriarch of beautiful families. The bad news is this is far from the norm. So much work remains to be done.

*Laura Track September 2014
<http://www.westcoastleaf.org/wp-content/uploads/2014/12/2014-REPORT-Able-Mothers.pdf>

KAREN DELONG IS DIRECTOR OF COMMUNITY DEVELOPMENT AT INCLUSION BC. 



PROTECTING YOUR HOUSING

| BY ANDREW SAKAMOTO

With BC facing a rental housing crisis, it's more important than ever to understand your rights as a tenant. Do you know how to defend your home if your landlord tries to evict you? What if they won't make repairs or return your security deposit? All BC tenants have certain rights under the *Residential Tenancy Act*. If your landlord is breaking the law, you can ask the provincial government to enforce your rights and order your landlord to follow their legal responsibilities.

BC'S TENANT-LANDLORD "COURT"

The BC government has a department called the Residential Tenancy Branch (RTB) that offers a service called dispute resolution. This is essentially BC's tenant-landlord "court". If you and your landlord can't resolve a problem on your own, you don't need to hire an expensive lawyer and go to Small Claims Court or BC Supreme Court. Instead, you can apply for dispute resolution through the RTB and ask an arbitrator to make a legally-binding decision.

Dispute resolution arbitrators have the power to make legal decisions on a range of topics. For example, an arbitrator can:

- Order your landlord to follow the law;
- Order your landlord to pay you money;
- Order your landlord to repair your rental unit;
- Prevent your landlord from entering your rental unit;
- Give you permission to change your locks;
- Give you permission to withhold money from future rent payments; and,
- Cancel an eviction notice that your landlord has given you.

While dispute resolution shares some similarities with court, it also has some important differences. For example, the vast majority of hearings are conducted over the phone. This approach makes sense, considering the Residential Tenancy Branch receives more than 20,000 applications per year, but phone hearings aren't ideal for everyone. If you have a disability that might prevent you from effectively participating in a phone hearing, you do have the right to ask that your hearing be held in person, or even in writing.

APPLYING FOR DISPUTE RESOLUTION

Dispute resolution is also more affordable than court. While the standard application fee is \$100, low income tenants may not have to pay

anything at all if they submit a "fee waiver" application. Even if you do have to pay \$100, you can request that your landlord repay you that fee if you win your hearing.

Once you have submitted your application, you will be given an information package that tells you the date and time of your hearing, and the phone number you must call to connect to the teleconference. You will also have to give a copy of this information package to your landlord within three days of receiving it. Depending on the nature of your dispute, your hearing might be scheduled for weeks or months down the road. Make sure to mark the date of your hearing on your calendar and keep your information package in a safe place.

SUCCEEDING AT DISPUTE RESOLUTION

One of the key similarities between dispute resolution and court is that both systems require strong evidence. Don't assume that you can win your case by simply explaining your side of the story to an arbitrator.

Submit as much evidence as possible, but only if it is relevant to your case and will help persuade the arbitrator to rule in your favour. Please see the Pull-Out Guide in this Transition for details on evidence you can provide.

While it is a generally a good idea to submit your evidence along with

| CONTINUED ON PAGE 22



Help Improve BC Responses to Fires and Floods

Your experiences of BC fires and floods can help raise awareness with emergency responders and support services. | **by Karen Martin**

If you or a family member are a person with a disability who was evacuated from your home during the 2017 fires or flooding in BC, we want to hear about your experiences—both positive and negative.

- What were the challenges you faced in evacuating as a person with a disability?
- Did you get emergency information in the alternative format you needed?
- Was accessible transportation available to help you evacuate or to help you get to community emergency services and resources?
- Was the reception centre facility for evacuees accessible?

DABC has been working on emergency preparedness and people with disabilities since 2006. We train local Emergency Program staff and volunteers throughout BC on how to make their emergency response plans more accessible and inclusive of the needs of people with disabilities.

Being able to give real-life examples of how people with disabilities were impacted during emergencies is important to raising awareness with Emergency Program staff and volunteers.

Your experiences will help us show emergency workers what they are doing well and where they need to improve when it comes to helping

Your experiences will help us show emergency workers what they are doing well and where they need to improve when it comes to helping people with disabilities.

people with disabilities. The stories you tell us will be anonymous. Your name and community will not be attached to your story in our training materials.

We would also like to hear from community organizations that provide services to people with disabilities.

- Was your organization and your services impacted by the BC floods and fires in 2017?
- Were your clients, staff or volunteers with disabilities impacted?

Your organizations' experiences, and those of your clients, will also provide invaluable learning opportunities for local emergency programs throughout the province. We will keep names and places anonymous.

Please send your stories and experiences of the BC fires and floods to karen@disabilityalliancebc.org.

KAREN MARTIN IS A PROJECT COORDINATOR AT DABC. 

| PROTECTING YOUR HOUSING,
CONTINUED FROM P. 20

your application, you also have the option to submit evidence after you've applied for your hearing. The deadline for the applicant to submit evidence is 14 days before the hearing, and the deadline for the respondent to submit their evidence is 7 days before the hearing.

ASKING FOR HELP

Although dispute resolution is designed for self-representation, not everyone will feel comfortable participating on their own. If you think you may need some assistance preparing for and participating in a dispute resolution hearing, there are legal organizations around the province that might be able to help, including TRAC. We assist hundreds of tenants with disabilities each year through our Tenant Infoline, legal education workshops, direct representation, and social media. Visit Povnet's "Find an Advocate Map" (povnet.org/find-an-advocate/bc) to search for legal advocates in your community.

For more information on dispute resolution, visit TRAC's website (tenants.bc.ca) and online course (rentingitright.ca).

ANDREW SAKAMOTO IS EXECUTIVE DIRECTOR OF TENANT RESOURCE & ADVISORY CENTRE (TRAC). 



Learn more about how the Tenant Resource & Advisory Centre can help in the Pull-Out guide in this Transition.

Save the Date for Fall Fling 2018!

September 27, 2018

DABC's 6th annual fundraising gala is on September 27, 2018 at the Italian Cultural Centre. Last year's gala was a fun evening and a great success. We'd like your help to make this year's even bigger and better!

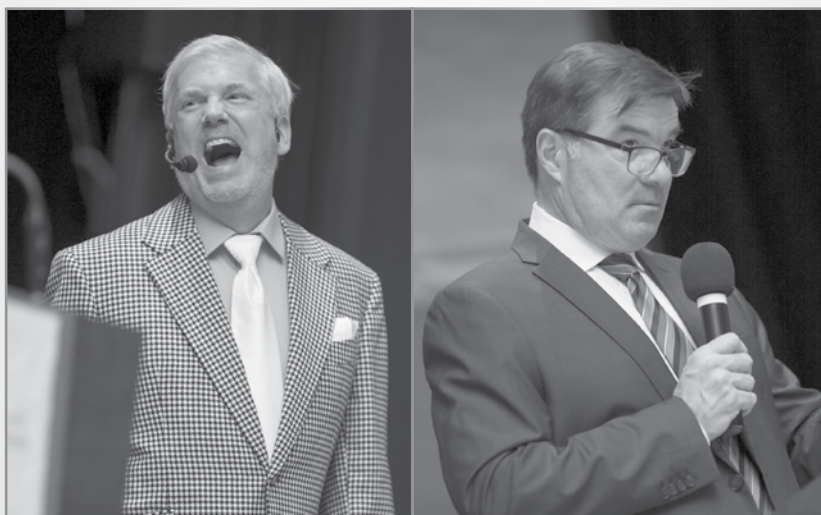
We'd like to invite you to attend Fall Fling 2018 or support us by sponsoring the event. For information about sponsorship opportunities, please visit our website (www.disabilityalliancebc.org) or contact our fundraiser coordinator Kirsten Larsen at dabcfundraiser@gmail.com or 604-875-0188.

As always, our gala will feature a dinner, an employment awards ceremony, silent and live auctions and a fun quiz game. For the first time this year, we will be featuring live artists who will be creating art on the spot to be auctioned off to the highest bidder. We are thrilled to welcome back CBC's Stephen Quinn as our emcee and entertainer David C. Jones.

Fall Fling is attended by people and organizations associated with BC's disability community, and is a great opportunity to connect with colleagues and community members, and support DABC's work.

All proceeds raised through our gala are directed to DABC's programs and projects benefitting British Columbians with disabilities. We hope to see you there!

OUR 2017 HOSTS WILL JOIN US IN 2018 | DAVID C. JONES (LEFT) AND STEPHEN QUINN



Travel is not fun. My definition of fun does not include: worry, delays, jet lag, packing and unpacking, being uncomfortable, tight seats, crying babies, people coughing, noisy passengers or unprofessional staff. What does all this have to do with our recent “train day” aboard VIA Rail? In fact, the experience of my companion John and I was the complete opposite!

I am a person with a disability. Nine years ago, I was completely paralyzed from the neck down after contracting a very rare neurological disease called Guillain-Barré Syndrome. I had my left knee completely replaced in 2011 and my right in 2016. I was recently diagnosed with breast cancer and subsequently had several surgeries, including a double mastectomy.

You can well imagine my apprehension when deciding to embark on our recent adventure that involved planes, trains and automobiles. You are right—it was a crazy idea on many levels.

As the delegate representing the Victoria Disability Resource Centre, I had to travel to Ottawa to attend the National Conference and AGM for Independent Living Canada.

Our plans were to fly into Sarnia a few days before the convention to visit some relatives I had not seen in 30 years. We decided to try the train and contacted VIA Rail to make the necessary travel arrangements.

We arrived at the station for the train’s 6:00 a.m. departure and waited in a comfortable waiting room. My ticket identified me as requiring special boarding assistance, so we showed the ticket to the two agents who came off the train ask-



ing if we were “The Jennings.” They welcomed us aboard.

I was asked if I needed the lift. I said “yes” and the agents brought out a portable lift. They also asked if I required a manual wheelchair, but I opted to use “Pinky” (my walker) and over to the stairs we went. They pushed the manual lift up against the train car’s stairs and I walked onto it. Joe, the Service Manager, and Lance hand-cranked the lift until I was level with the train landing. When the flap came down, I boarded the train.

Once aboard, the attendants, Guylane and Jose, settled us into our comfortable seats, took my walker and showed us the accessible features of the train car, such as where wheelchairs, scooters and walkers are tied down. As a bonus for people with disabilities, the accessible washroom even included a transfer seat.

We then waved goodbye to my cousin and her husband as the train pulled away. We both gushed about

how exciting this day aboard VIA Rail was going to be!

From the departure at the Sarnia train station to our arrival in Ottawa, we were met with warm smiles, gentle interactions, amazing food, attentive service and large comfortable seating. We met fabulous staff along the way: Andrew, Avril and Jason—London to Toronto; Don, Derek, Justin, Julie and Carole—Toronto to Kingston; and, Lorraine, Karim and Jacques on our final leg—Kingston to Ottawa. All in all, it was a wonderful day aboard VIA Rail with inclusive features throughout our journey. It certainly opened our eyes to the endless possibilities that VIA Rail can deliver.

For more information about traveling on VIA Rail with a disability, see <http://www.viarail.ca/en/travel-info/special-needs>.

SUZAN JENNINGS

WWW.PARALYZEDWITHOUTWARNING.CA 



Support DABC

ABOUT US

Our mission is to support people, with all disabilities, to live with dignity, independence and as equal and full participants in the community. We champion issues impacting the lives of people with disabilities through our direct services, community partnerships, advocacy, research and publications.

FRONTLINE SERVICES

Our Advocacy Access Program provides one-on-one assistance with provincial and federal (Canada Pension Plan Disability) income supports and other benefits. Our Tax AID DABC program helps PWD and PPMB recipients to file their income taxes year-round.

PROGRAMS AND PROJECTS

Our projects respond to community need and increase people's ability to participate and contribute.

MAKING PARTNERSHIPS

We stay connected with a large network of community organizations across BC and regularly provide them with updates about issues of importance to the disability community.

FREE PUBLICATIONS

We publish a range of capacity-building self-help guides and advocate resources, in reader-friendly language. Resources are provided free of charge, either by mail or from our website.

BECOME A DABC MEMBER

Numbers matter. The more members we have, the stronger our voice in the community.

Please become a Disability Alliance BC (DABC) member today. You can be a voting member or a non-voting member, and we welcome both individuals and groups.

I accept your invitation to join the DABC and enclose my membership fee of \$15 (individuals) and \$25 (groups).

I am also including a tax-deductible donation of \$_____. (Donations over \$10 are tax deductible).

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

You can also become a member or donate online at:
<http://www.disabilityalliancebc.org/about-dabc/become-a-member>.

THANK YOU FOR YOUR INVALUABLE SUPPORT

Please check the applicable boxes:

☐ New membership or ☐ Renewal

☐ Voting Member or ☐ Non-voting Member

Voting members are people with disabilities and self-help groups where at least 50% of members have a disability.

Name _____

Organization _____

Address _____

City/Prov _____ Postal Code _____

Phone _____ Email _____

KEEP IN TOUCH!



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Sign up for our Enews at
disabilityalliancebc.org

Visit our website often to see our work on behalf of the disability community, and to connect with us through social media.

We hope to see you there.



New Resources for People Who Are Victims of Crime | by Karen Martin

Disability Alliance BC (DABC) recently released a series of short videos and guides on a number of topics about the criminal justice system for people with disabilities who are victims of crime.

Plain-language Videos

These videos provide information on the criminal justice system—how it works and what to expect. The videos are in a reader-friendly format for people with low-literacy, and in sign language with captioning for people who are Deaf.

The goal is to help people with disabilities better understand the criminal justice system's procedures and processes they will go through as a victim of a crime. When information is communicated in a form that is not easily understood, these procedures and processes become obstacles to fair access and a fair outcome. This is especially true for people with intellectual disabilities, brain injuries, learning disabilities, people who are blind, and people who are Deaf.

These videos provide information on the criminal justice system—how it works and what to expect. The videos are in a reader-friendly format for people with low-literacy, and in sign language with captioning for people who are Deaf.

The videos are also intended to help victim support workers share important information with victims/survivors to provide the support they need throughout the process.

The *How I Need to Know* Project video topics are:

- How to Report a Crime to Police.
- How to Write Your Victim Impact Statement.
- Being a Witness and Testifying in Court.
- What Happens When You Go to Court.
- What to Do if You Have Been Sexually Assaulted.
- How to Report a Crime When You Have a Communications Disability.
- ASL Series Videos.

You can access these videos at: <http://disabilityalliancebc.org/how-i-need-to-know-videos/>.

Illustrated Help Sheets

Not all people with disabilities have access to computers, or are physically able to use computers or devices to access videos. This is especially true for those living in remote areas and people who are socially isolated. To address this need, DABC also created help information sheets in English and French to cover the key information in the videos. A victim support worker can provide the appropriate help sheets as an easy-to-read reference for clients with a disability.

You can access the help sheets at: <http://disabilityalliancebc.org/category/publications/violence-prevention/>.

Project Partners and Subject Matter Experts

DABC wants to thank our subject matter experts and project partners who provided invaluable input and feedback for the content of the videos:

- Communications Disabilities Access Canada (CDAC) is a

In Spring and Summer 2018, we'll be promoting the resources to service providers in the community. We'll host webinars and work with our partners to share the resources.

Canada-wide, non-profit organization that promotes accessibility for people who have communication disabilities.


- Ending Violence Association (EVA) BC is a non-profit organization that provides support, training, resources, tools, education and research to victim-serving programs in BC, such as: community-based victim services, Stopping the Violence programs, and sexual assault centres.
- Inclusion BC is a non-profit organization that works with individuals with developmental and intellectual disabilities.
- Provincial Office of Domestic Violence, BC Ministry of Children and Families.
- BC Ministry of Public Safety, Community Programs, Victim Services and Crime Prevention.

Next Steps

In Spring and Summer 2018, we will be promoting the resources to service providers in the community. DABC will host webinars and work with our partners to share the resources.

The goal of this project is to provide information and support to people with disabilities at a vulnerable time. We're developing an evaluation process to learn from front-line organizations if we're meeting this goal.

For more information about the videos, help sheets and our project contact:

KAREN MARTIN IS PROJECT COORDINATOR OF HOW I NEED TO KNOW. YOU CAN CONTACT KAREN AT EMAIL [KAREN@DISABILITYALLIANCEBC.ORG](mailto:karen@disabilityalliancebc.org) OR PHONE 604 875-0188. 



Department of Justice
Canada

Ministère de la Justice
Canada

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ABOUT TRANSITION

Editorial Statement

The views and opinions expressed within the pages of Transition are not necessarily those held by the total membership or Board of Directors. The material presented is meant to be thought-provoking and to promote dialogue.

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ADVOCATING FOR CHANGE TO BC'S MENTAL HEALTH ACT

BC is violating the rights of people with mental disabilities. Two recent efforts at exposing these violations have been at the forefront of the work of the Community Legal Assistance Society (CLAS). | BY LAURA JOHNSTON

RESOLVING ISSUES WITH INVOLUNTARY DETENTION

In winter 2017, Community Legal Assistance Society (CLAS) published the report *Operating in Darkness: BC's Mental Health Act Detention System*. The report reveals several disturbing practices and points to a number of deep flaws in the BC *Mental Health Act*. These practices do not comply with the rights guaranteed by the *Canadian Charter of Rights and Freedoms* and the *United Nations Convention on the Rights of Persons with Disabilities*:

- The BC *Mental Health Act* authorizes detaining facilities to “discipline” involuntary patients. For example, a facility can order a patient to be restrained by mechanical straps to a bed and be placed into solitary confinement.
- Unlike other detained populations in Canada, involuntary patients in BC have no right to have their clothing removed by an attendant of the same sex.

Female patients routinely have their clothes removed by male staff, including security guards from private companies.

- The BC *Mental Health Act* permits indefinite detention with no mandatory periodic oversight.
- Although any individual is constitutionally entitled to a lawyer without delay at the time they are detained, no legal aid is available for mental health detainees to obtain independent legal advice at the time they are detained.

The *Mental Health Act* detention system does not just need a few amendments or tweaks, it needs to be overhauled. *Operating in Darkness* lays out a clear set of actions that the BC government should take to respect the rights of people with mental disabilities, including establishing an independent law reform commission to overhaul the *Mental Health Act*.

REFORMING MENTAL HEALTH LAW

CLAS is also involved in mental health law reform efforts. CLAS is representing the Council of Cana-

dians with Disabilities (CCD), in the BC Supreme Court in its challenge to the BC deemed consent laws. CCD is a national human rights organization of people with disabilities working for an inclusive and accessible Canada. The organization consists of nine provincial member groups, seven national disability organizations, and one affiliate member, including Disability Alliance BC.

People who are involuntarily detained under BC's *Mental Health Act*—or released from hospital on leave—currently have no right to give or refuse consent to any psychiatric treatment. They are legally “deemed” to consent to all psychiatric treatment and can be forcibly administered medications and electroconvulsive therapy, even when they are mentally capable of making their own treatment decisions.

The law also deprives detained individuals of the right to have psychiatric treatment decisions made by a supported or substitute decision-maker. This means that a representative named in a representation agreement, as well as family members and friends, are excluded from participating in their loved one's recovery process by being involved in psychiatric treatment decisions.

OPERATING IN DARKNESS LAYS OUT A CLEAR SET OF ACTIONS THAT THE BC GOVERNMENT SHOULD TAKE TO RESPECT THE RIGHTS OF PEOPLE WITH MENTAL DISABILITIES, INCLUDING ESTABLISHING AN INDEPENDENT LAW REFORM COMMISSION TO OVERHAUL THE MENTAL HEALTH ACT.

“BC is the only jurisdiction in Canada that still uses a ‘deemed consent’ model,” says Melanie Benard of the Council of Canadians with Disabilities. “In other jurisdictions, doctors must assess a patient’s capacity to consent and consult with a substitute decision-maker before imposing treatment. BC’s outdated law violates the *Canadian Charter* and the *UN Convention on the Rights of Persons with Disabilities*.”

“Many people delay seeking or don’t seek mental health care because they fear being involuntarily detained under the Mental Health Act and losing all control of their treatment,” says Laura Johnston, one of the CLAS lawyers on the case. “This law equates having mental health problems with being mentally incompetent to make decisions. That assumption is inaccurate and based on prejudice that has no place in Canadian law.”

CLAS is committed to working on improvements to the *Mental Health Act* and other systemic issues important to people with disabilities.

To read the ***Operating in Darkness*** report and learn more about the challenge to BC’s deemed consent laws, visit <http://www.clasbc.net>.

LAURA JOHNSTON IS A LAWYER WITH THE COMMUNITY LEGAL ASSISTANCE SOCIETY COMMUNITY LAW PROGRAM. 



Learn more about how the Community Legal Assistance Society can help in the Pull-Out guide in this Transition.





Join Our Visionaries Circle

Jane Dyson, DABC Executive Director

Help DABC to promote the dignity and independence of people with disabilities.

Be part of our Visionaries Circle with monthly giving—the best kind of support you can offer. Even a small amount goes a long way and provides a more stable funding base we can count on to plan and provide our programs and services.

Joining is easy. You choose how.

- You can set up monthly donations in seconds at www.CanadaHelps.org by searching for “Disability Alliance BC.”
- Or, set up a monthly credit card donation by contacting Terry at 604-875-0188.

Thank you for your support!

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INFORMATION

For information on advertising with DABC, please contact Ann at 604-875-0188 or annvrlakcomm@gmail.com.



We couldn't get there without you.

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- ♥ City of Vancouver
- ♥ Council of Canadians with Disabilities
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- ♥ Law Foundation of British Columbia
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- ♥ Notary Foundation of BC
- ♥ Province of British Columbia
- ♥ Vancouver Coastal Health
- ♥ Vancouver Foundation

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- ♥ BC Association for Individualized Technology and Supports for People with Disabilities
- ♥ BC Government and Services Employees Union
- ♥ BC Housing, HAFI Program
- ♥ BC Hydro Employees Community Services Fund
- ♥ BC Teachers Federation
- ♥ CUPE Metropolitan Vancouver District Council
- ♥ Davies Home Health Care
- ♥ Health Services of BC
- ♥ Home Medical Equipment Dealers Association of BC (MMEDA)-Hospital Employees Union, People with Disabilities Committee
- ♥ Inclusion BC
- ♥ Island Mediquip Home Medical Equipment Specialists
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