

Community Forum: Family Law Act Updates

**Vernon, BC
February 6, 2013**



**Legal
Services
Society**

British Columbia
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COMMUNITY FORUM: Family Law Act Updates

Tolko Industries

3000 – 28th Street | Vernon, BC | V1T 6M1

Wednesday | February 6 | 2013

AGENDA

Time	Session	Speaker	Facilitator
9:00 – 9:30	Breakfast & Registration		Baljinder Gill
9:30 – 9:45	Introductions and Welcome	• Baljinder and Lynn McBride	N/A
9:45 – 11:00	Update on Recent Developments in Family Law & Child Protection Law	• Allan Gaudette – Local Agent • Christina Venters – Family Lawyer	Baljinder Gill
11:00 – 11:15	Break		
11:15 – 12:15	Panel on Domestic Violence and Family Law Act	• Allan Gaudette – Local Agent / Family Lawyer • Christina Venters – Family Lawyer • Tom Ryan – Crown Counsel	Lynn McBride
12:15 – 1:00	Lunch		
1:00 – 2:15	Overview of LSS Services and Resources	• Mary Britton – LSS Intake • Lynn McBride – Overview of Aboriginal Services • Baljinder Gill – Overview of PLEI • Penny Goldsmith – Povnet	Lynn McBride, Baljinder Gill
2:15 – 2:30	Break		
2:30 – 3:15	Other Legal Resources	• Lorraine Lunquist – IPC Consortium • Lynn McBride – Clicklaw	Baljinder Gill
3:15 – 4:00	Restorative Justice and Gladue	• Margaret Clark – Restorative Justice Society • Ig Pielecki, Lawyer	Lynn McBride

Community and Publishing Services

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1. Family



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An introduction to the *Family Law Act*

PowerPoint created by: John-Paul Boyd

Aaron Gordon Daykin Nordlinger

20 November 2012

Law Foundation / Legal Services Society

<http://www.bcfamilylawresource.com/>

Coming into force

- FLA became law on 24 November 2011
- Bulk of act, including all of the really important parts, not presently in effect
- FLA to come into force on **18 March 2013**
- the FLA will apply to all cases in which a court action is started *after* March 18, 2013, regardless of date of marriage/ date of separation/ etc.

Determining parentage, guardianship, the care of children, relocation.

CHILDREN

Parentage

- FLA determines parentage for all purposes within province except adoption (s. 23)
- Parents are presumed to be **biological father** and **birth mother** (s. 26)
- Presumptions of paternity (s. 26), for example: when a male person was married to the child's birth mother on the day the child was born

Parentage – Assisted Reproduction

- Donor **is not parent**, unless artificial reproduction agreement to contrary (ss. 24, 30)
- Surrogate mother **is parent**, unless artificial reproduction agreement to contrary (ss. 29, 30)

Best interests of child

- Best interests of child are **only consideration** not “paramount” consideration (s. 37)
- Expanded list of factors includes: views of child, history of care, capacity of person to exercise responsibilities for child, impact of family violence, and any civil or criminal proceedings relevant to the child’s safety or well-being (s. 37)

Best interests of child

- Presumption that views of children will be heard in determining children's best interests "unless inappropriate" (s. 37)
- Additional factors prescribed to determine **impact of family violence** on child and on person's capacity to care for child (s. 38)
- Court *must* consider family violence factors if violence is an issue

Guardianship

- Parents living together at child's birth are both **guardians** of child; parent may lose this status by agreement or order (s. 39)
- Parent never living with child is not guardian without appointing agreement or order unless regularly cares for child (s. 39)
- Non-parent may only be appointed guardian by court order (s. 50)

Guardianship

- Guardians have **parental responsibilities**, the duty to make decisions respecting a child in the best interests of the child (s. 41)
- Parental responsibilities may be allocated among or shared between guardians (s. 40)
- Guardians have duty to consult each other unless consultation would be unreasonable or inappropriate (s. 40)

Guardianship

- The time a guardian is with a child is **parenting time** (s. 42)
- During parenting time, guardian has care and control of child and responsibility for day to day decision-making (s. 42)
- Parenting time may be on terms and conditions, including supervision (s. 45)

Guardianship

- **Parenting arrangements** are arrangements for parental responsibilities and parenting time under agreement or order; does not include contact (s. 1)
- No presumptions that parenting time should be shared equally or that parenting responsibilities should be allocated equally or shared equally (s. 40)

Guardianship

- Guardian can temporarily authorize a person to handle limited parental responsibilities if unable to act (s. 43)
- Guardian may appoint a guardian in anticipation of permanent incapacity and in will in case of death (ss. 53, 55)
- Parent who is not a guardian does not become a guardian on guardian's death (s. 54)

Persons without guardianship

- People who are not guardians, including parents who are not guardians, have **contact** with a child (s. 59)
- Contact may be agreed to by all guardians, or may be granted by court (ss. 58, 59)
- Contact may be on terms and conditions, including supervision

Relocation

- Guardians wishing to relocate with or without child must give **60 days' notice** to guardians and persons with contact (s. 66)
- If objection, moving guardian must show that **1** move is made in good faith, **2** reasonable arrangements are proposed to preserve relationship with other guardians (s. 69)
- May be opposed on basis move is not in child's best interests (s. 69)

Relocation

- If guardians have equal time, moving guardian must show that **1** move is made in good faith, **2** reasonable arrangements are proposed to preserve relationship with other guardians, and **3** move is in child's best interests (s. 69)
- Good faith measured in relation to reasons for the move, whether move will enhance quality of life of guardian or child (s. 69)

Making changes: orders

- Orders about parenting arrangements and contact may be varied if there has been a change in needs or circumstances of child, including as a result of a change in circumstances of another person (s. 47)

Making changes: agreements

- Portions of agreements on parenting arrangements and contact may be set aside if agreement not in best interests of child (s. 44)

Minors who lose entitlement, ranked obligations, order requiring insurance to be maintained, making support binding on payor's estate.

CHILD SUPPORT

Disqualifying minor children

- Entitlement may terminate where minor **becomes a spouse** or voluntarily **withdraws** from parental charge, for reasons other than family violence or objectively intolerable living circumstances (s. 147)
- Minor may requalify for support on returning to charge of parents (s. 147)

Ranked priorities

- Duty of **non-parent guardians** secondary to obligation of parents (s. 147)
- Duty of **stepparents** secondary to both (s. 147)
- Stepparent's liability assessed considering length of time child and stepparent cohabited and standard of living enjoyed by child during relationship (s. 147)

The not-so-sweet hereafter

- Where payor has **insurance policy**, court may order that policy be maintained and that child or spouse be named as beneficiary (s. 170)
- Support obligation may be made **binding on payor's estate**, either at making of original child support order or upon recipient's application post-mortem (s. 170)

Making changes: orders

- Orders for child support may be varied upon a **change** in circumstances under Child Support Guidelines, if, since hearing, evidence of a **substantial nature** has become available or if evidence of **lack of disclosure** has become available (s. 152)

Making changes: agreements

- Portions of agreements on child support may be set aside **if court would make a different order** (s. 148)

Who is a spouse, effect of agreements, insurance to secure obligation, making support binding on estate.

SPOUSAL SUPPORT

Standing

- “Spouses” are 1 married spouses, 2 persons cohabiting in marriage-like relationship for more than two years, and 3 persons cohabiting in marriage-like relationship shorter than two years who have had a child together (s. 3)
- Claim must be brought within two years of divorce or nullity for married spouses or separation for unmarried spouses (s. 198)

Entitlement, duration and quantum

- Entitlement determined by specified **objectives** (ss. 160, 161)
- If entitlement, quantum and duration determined by specified **factors** (ss. 160, 162)

Misconduct

- Court must not consider misconduct ...except misconduct that **1** unreasonably causes, prolongs or aggravates need for support, or **2** unreasonably affects ability to pay (s. 166)

Review provisions

- Orders and agreements can provide for review of spousal support obligation upon **fixed date** or occurrence of **defined event** (s. 168)
- Review provisions may address manner of review and considerations on review (s. 168)
- Order or agreement may be reviewed upon party becoming eligible to receive **pension benefits** if silent as to effect (s. 169)

Support from the afterlife

- Payor can be required to maintain **life insurance policy** to secure spousal support obligation in same manner as for child support
- Spousal support can be made **binding on payor's estate** in same manner and on same test as for child support
- Payor's personal representative has same standing as with child support (s. 171)

Making changes: orders

- Orders for spousal support may be varied upon a **change** in the needs, means and other circumstances of a spouse, or if, since hearing, **evidence of a substantial nature** has become available or **evidence of lack of disclosure** has become available (s. 167)

Making changes: agreements

- Agreements on spousal support may be set aside where there is a **lack of procedural fairness** at the negotiation and execution of the agreement or if agreement turns out to be **significantly unfair** (s. 164)
- Until agreement is set aside, court **may not** make order on spousal support (s. 165)

Family property, family debt, excluded property, valuing property.

PROPERTY AND DEBT

Standing

- “Spouses” are 1 married spouses, 2 persons cohabiting in marriage-like relationship for more than two years (s. 3)
- Claim must be brought within two years of divorce or nullity for married spouses or separation for unmarried spouses (s. 198)

Excluded property

- All property owned by a spouse prior to the commencement of the spousal relationship is **excluded property** (s. 85)
- Includes gifts and inheritances, certain court awards, certain insurance proceeds, certain trusts received during the relationship (s.85)
- Includes **property bought during relationship** with excluded property (s. 85)

Family property

- All property owned by either party at the date of separation is **family property**, including assets acquired after separation with family property (s. 84)
- Includes corporate interests, ventures and partnerships, bank accounts, annuities, RRSPs and private pensions (s. 84)

Family property

- Family property doesn't include the value of excluded property brought into the relationship (s. 85)
- Family property does include the **increase in value** of excluded property (s. 84)

Family debt

- All debt incurred by a spouse during the spousal relationship is **family debt**, including debt incurred after separation to maintain family property (s. 86)

Presumptions

- Spouses are presumed to be entitled to **half** of family property and be **half** liable for family debts, regardless of use or contribution (s. 81)
- Excluded property is presumed to remain the property of the owning spouse (s. 96)

Unequal division

- The court may divide family property or family debt unequally if equal division would be **significantly unfair** (s. 95)
- Factors include length of spousal relationship, spouse's contribution to other's career, family debt exceeding family property, spouse's responsibility for increase or decrease in value of property or debt (s. 95)

Division of excluded property

- The court may divide excluded property if it cannot divide family property located outside province or if it would be significantly unfair not to divide excluded property (s. 96)
- Factors are length of spousal relationship and spouse's direct contribution to excluded property (s. 96)

Agreements

- Spouses may make property agreement dividing what should be divided, dividing what shouldn't be divided, dividing unequally what should be divided equally, valuing property other than it should be valued (s. 92)

Making changes: agreements

- Agreements on property and debt may be set aside where there is a **lack of procedural fairness** at the negotiation and execution of the agreement or if agreement turns out to be **significantly unfair** (s. 93)
- Court **may not** make order on property or debt in face of agreement unless agreement is set aside (s. 94)

Protection orders, children's best interests, duty to screen for violence.

FAMILY VIOLENCE

Family violence

- Defined as including: physical abuse, sexual abuse and verbal abuse; psychological and emotional abuse, including harassment, stalking and restricting personal liberty; and, for children, exposure family violence (s. 1)

Screening for family violence

- New requirement on **family dispute resolution professionals**, including lawyers, mediators and family justice counsellors to screen for family violence (s. 8)
- Must assess impact on family violence on safety and capacity of party to negotiate fair settlement (s. 8)

Best interests of the child

- Factors include presence of family violence; if family violence, test is prescribed for court to assess impact of family violence (ss. 37, 38)
- Orders and agreements are not in the best interests of children unless they protect the well-being of children to the maximum extent possible (s. 37)

Protection orders

- Variety of orders may be made to protect “**at-risk family member**” from family violence
- Application may be made by at-risk family member, a person on behalf of at-risk family member or court on its own motion (s. 183)
- Application for protection order may be brought without notice and independent of any other action or application (ss. 183, 186)

Protection orders

- Orders include: restraints on communications, attending or entering place, following person, possessing weapons; directions to police to remove person from property, accompany person to remove belongings, seize weapons; requirement to report; other terms (s. 183)
- Protection orders expire in one year unless otherwise ordered (s. 183)

Duties of dispute resolution professionals, duties of parties to disclose.

DISPUTE RESOLUTION PROCESSES

Dispute resolution processes

- New emphasis on and support for dispute resolution processes out of court (s. 4)
- New duty to make full and frank disclosure imposed on parties not litigating (s. 5)
- Better legislative support of agreements generally, and significantly strengthened support for agreements on property and spousal support (ss. 6, 7, 93, 164)

Family dispute resolution

- “Family dispute resolution” means services of family justice counsellor or parenting coordinator; mediation, collaborative law and arbitration; other processes prescribed by regulation (s. 1)

Duties of professionals

- Family dispute resolution professionals must assess for **family violence** and extent to which it impairs party's capacity to bargain (s. 8)
- Must inform party of dispute resolution processes and **other resources** (s. 8)
- Must advise that agreements and orders about children must be made in children's **best interests only** (s. 8)
- Lawyers must certify compliance (s. 197)

Family dispute resolution

- Court may require parties to engage in dispute resolution process (s. 224)
- Court may adjourn proceeding while parties attempt to resolve issues before court (s. 223)

Parenting coordinators

- Parenting coordinators may assist with implementation of **parenting arrangements** or **contact** when appointed by order or agreement (s. 15)
- May resolve disagreements by **consensus** or by making **binding determinations** (ss. 17, 18)
- Court may enforce, vary or set aside (s. 19)

Arbitration

- *Commercial Arbitration Act* amended to better accommodate family law disputes (ss. 306-313)
- Award inconsistent with FLA of no effect (s. 309)
- May appeal award on question of law, or law and fact, under CAA s. 31 (s. 312)
- Party may apply to vary award on same grounds as could vary order under FLA (s. 311)

Conduct orders, general provisions for enforcement of orders,
extraordinary enforcement provisions.

COURT PROCESSES

Conduct orders

- Court may make conduct orders for reasons including to: **manage behaviour** frustrating resolution, **prevent misuse** of court process, and **facilitate settlement** (s. 222)
- Orders include: dismiss or strike pleadings or application, adjourn proceeding, judge seizing self, attend counselling, attend dispute resolution, restrict communications, restrict contact, maintain family home (ss. 223-226)

Specific enforcement powers

- Withholding of or failure to exercise parenting time or contact enforceable by referral to dispute resolution or counselling, make-up time, reimbursement of expenses (ss. 61, 63)
- Agreements on children and support can be filed and enforced as orders (ss. 44, 58, 148, 163)

General enforcement powers

- Where no specific enforcement provision, may order may be enforced by requiring **security**, payment of party's **expenses**, or payment of **up to \$5,000** (s. 230)
- Where nothing else will secure compliance, court may order party be **jailed** (s. 231)
- Provisions not applicable to protection orders, only enforced by *Criminal Code*, s. 127 (s. 188)

Finally, a summary
of the highlights of
the new act.

Children

- New provisions on **parentage** addressing assisted reproduction and parental status for all purposes
- Expanded **best interests** test
- Parents cohabiting during child's life are **guardians** with **parental responsibilities** and have **parenting time** with child
- Non-guardians have **contact** with child

Children

- New powers to **enforce** parenting time and contact for both provincial court and supreme court
- New test to determine **mobility** with shifting burden to establish best interests; only guardians may object

Child support

- Statutory authority to terminate support for minors who **leave home** or **marry**
- Nifty **ranking of obligations** of parents, non-parent guardians and stepparent
- New criteria to establish extent of **stepparent** liability
- Obligation may be made **binding on estate**

Spousal Support

- Regime applies to unmarried couples in short cohabiting relationships who have a child
- Consideration of **misconduct**, in a limited way
- Remarkable new **deference to agreements** on spousal support; two tests to set aside assess fairness at different moments in time
- Obligation may be made **binding on estate**

Property and debt

- Regime also applies to unmarried couples cohabiting for at least two years
- New regime exempts assets **brought into relationship** and certain classes of assets acquired during relationship
- Shared assets are those **acquired during relationship** and **increase in value** of exempt assets

Property and debt

- Regime presumes equal liability for **debts** incurred during relationship
- New **deference to agreements** on property and debt; two tests to set aside assess fairness at different moments in time

Dispute resolution processes

- New power of court to compel parties to enter dispute resolution process ...and to take counselling
- Out-of-court processes supported with **disclosure** requirement
- Statutory support for parenting coordination, may make **binding determinations**
- Renewed role for **arbitration**

Court processes

- New **enforcement powers** applicable in provincial court, including some with teeth
- New suite of **conduct orders** and **protection orders** enabling better control of parties

2. Overview of LSS Services & Resources



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Community
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February 2013



32 Legal Aid Offices

Abbotsford	Campbell River	Chilliwack
Courtenay	Cranbrook	Dawson Creek
Duncan	Fort St. James	Fort St. John
Hazelton	Kamloops	Kelowna
Langley	Nanaimo	Nelson
New Westminster	North Vancouver	Penticton
Port Alberni	Port Coquitlam	Prince Rupert
Quesnel	Richmond	Salmon Arm
Smithers	Surrey	Terrace
Vancouver	Vanderhoof	Vernon
Victoria	Williams Lake	

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Community Engagement & Outreach Team

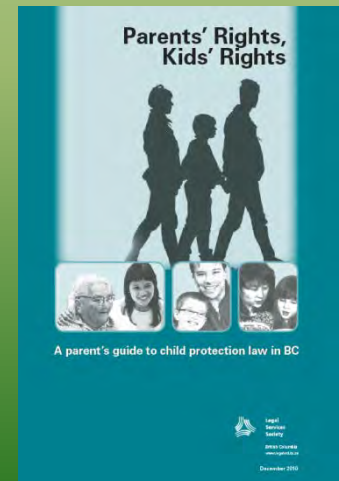
LSS Publications & the new FLA

All current LSS family law **PRINTED** materials will be revised and updated to conform to the new FLA by March 18, 2013 (the FLW “in force” date) in three key areas:

- General family law
(e.g. *Living Together or Living Apart*)
- Abuse & family law violence
(e.g. *Surviving Relationship Violence and Abuse, For Your Protection* and the *Live Safe End Abuse* series)
- Child protection (*Parents’ Rights, Kids’ Rights*)

A number of **NEW** publications will be added to the family law print collection:

- *A Guide to the New BC FLA* (gives an overview to introduce the FLA changes in plain language)
- *Understanding Mediation in Child Protection Cases* (a fact sheet for the Aboriginal community).



LSS Publications & the new FLA

All current material on the [FLWS](#) will be revised and updated to conform to the new FLA (self-help guides, fact sheets, FAQs and videos alike).

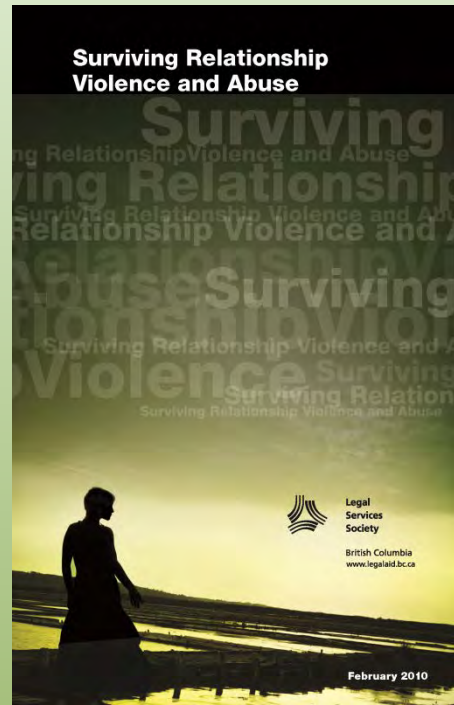
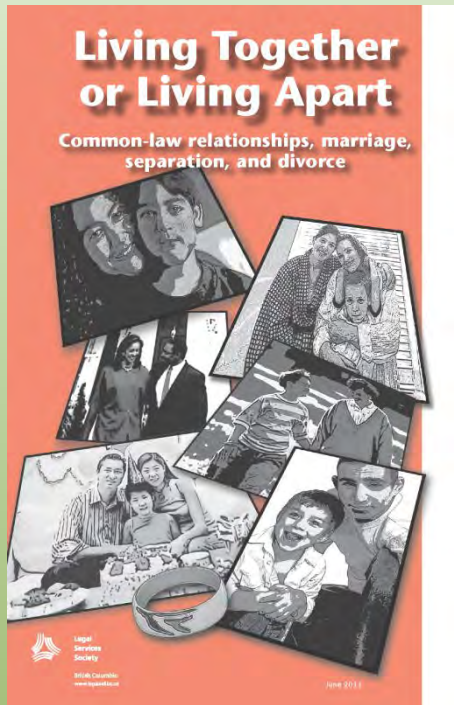
A number of **NEW** fact sheets and self-help guides will be added to the website.

Fact sheets (20 more)

- General family law (e.g. Best Interests of the Child, Guardianship and Parenting Arrangements, Parentage etc.)
- Abuse & Family Violence (e.g. Family Court protection orders)
- Child protection with a focus on dispute resolution options (e.g. Collaborative planning and decision making in child protection cases)

Self-help guides (6 more)

- General family law
(e.g. how to set aside an agreement in Provincial Court)
- Guides will focus on dispute resolution options
(e.g. how to start or respond to a family case in Supreme Court)



**For any queries or suggestions about
FLA-impacted publications, please contact:**

Candice Lee
Supervisor, Print, Web & Multimedia
Email: candice.lee@lss.bc.ca

Family Law

in British Columbia

Helping families use the law



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Go

Welcome

The [Legal Services Society](#) maintains this legal information website and provides legal aid in British Columbia, Canada. If you're having a family problem, you may also qualify for a lawyer to advise you or take your case. Contact [legal aid](#) to find out if you qualify.

Who can help



Shortcuts

[Self-help guides](#)

[Fact sheets](#)

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Changes coming

[About the new Family](#)

[Law Act](#)



What's new in family law

Find out about the [latest changes](#) to family law

feedback



Legal Services Society

Legal aid can help

British Columbia, Canada



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We're here to help

Welcome to the Legal Services Society (LSS), the organization that provides legal aid in BC.

If you have a legal problem and can't afford a lawyer, we can help. Join the thousands who use the self-help information on our [Family Law in BC](#) website or who read our free legal information [publications](#). You may also qualify for some [legal advice](#) from a lawyer or even for a [lawyer to take your case](#).

Find out more about [legal aid](#) and LSS.



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Thank You!



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February 2013



Legal Services Society
Legal aid can help

British Columbia, Canada



Working with LSS Intake

February 6, 2013
Vernon

How to Apply for Legal Representation?

- **Call** LSS Provincial Call Centre at 604-408-2172 in Greater Vancouver or 1-866-577-2525 (call no charge)



- **Come** into one of our Legal Aid offices (contact info available on our website www.legalaid.bc.ca)



Our Clients



You can apply for a legal aid lawyer to help you with a:

- ❖ Family,
- ❖ Criminal, or
- ❖ Immigration problem.

Who qualifies?

A Client qualifies for legal aid when:

1. The legal problem is covered by LSS; and
2. The client meets financial guidelines



What legal problems are eligible for coverage?

Criminal – You can get a lawyer in a *criminal case* if, after a client was convicted, he or she would:

- go to jail,
- face a conditional sentence that would severely limit their liberty,
- lose their way of earning a living, or
- face an immigration proceeding that could lead to their deportation from Canada.



Family Law

A lawyer can represent a client in a **family law case** in the following serious family situations :

For example:

- ❑ when they need an immediate court order to ensure you or your children's safety and security,
- ❑ to resolve a serious denial of access to their children,
- ❑ when the other parent threatens to remove the children permanently from the province, or
- ❑ when they have custody of their children and the other parent has access, but he or she has unlawfully held the children and denied them custody.



Child removal

BC law says that:

If the safety of a child in BC is at risk, the

Ministry of Children and Family Development (or an Aboriginal delegated agency) must investigate; and

If necessary, the ministry remove the child from the home.

This process is called **Child Protection**.



Child Protection matters

They can get a lawyer to represent them if:

❖ the Ministry of Children and Family Development has taken or has threatened to take their child(ren) away from them, or

❖ there are custody and access issues related to a child in the care of the Ministry for Children and Family Development.

Immigration

A lawyer can represent a client in an immigration law case if:

- ❖ they are facing an immigration proceeding that may result in their removal from Canada, or
- ❖ they wish to claim refugee status.

If a client wishes to claim refugee status and they qualify, they can get a lawyer to:

- ❖ help them fill out forms
- ❖ help them prepare for a refugee claim hearing
- ❖ represent them at their hearing



Financial Eligibility

Income chart(All case types)

Household Size
Income

Monthly Net

1

\$1,470

2

\$2,050

3

\$2,640

4

\$3,230

5

\$3,810

6

\$4,400

7 or more

\$4,990



❖ Family members include children and parent(s) or other adult(s) responsible for and living with the children.

❖ Income is your net income from all sources (excluding a common-law partner of two years or less) and child support payments.



Financial Eligibility

Personal Property (All case types)

Household Size

1

2

3

4

5

6 or more



Exemption

\$2,000

\$4,000

\$4,500

\$5,000

\$5,500

\$6,000



Personal Property:

Includes but is not limited to:

- ❖ accounts receivable;
- ❖ antiques;
- ❖ bank accounts; cash;
- ❖ collections (coins, stamps);
- ❖ household furnishings;
- ❖ insurance policies;
- ❖ jewellery;
- ❖ livestock;
- ❖ other personal property;
- ❖ pending settlements;
- ❖ recreational equipment;
- ❖ recreational boat;
- ❖ stocks/bonds/investment
- ❖ and works of art.



Appealing a refusal

If an intake legal assistant tells a client that they're not financially eligible for legal aid or that their case isn't covered by legal aid, they may be able to request a review of this decision.

- **Client has right to appeal a refusal**

The intake legal assistant who refused the application will provide the client with a "*Legal Aid Representation Services — Refused*" form. This form will indicate whether a review is available to them.

- **Coverage and financial eligibility reviews must be submitted within 30 days of being refused legal aid to:**

Provincial Supervisor
Vancouver Regional Centre
400 – 510 Burrard Street
Vancouver, BC V6C 3A8
Fax: 604-682-0787

Requests for reviews must:

❖ be in writing,

❖ set out your reasons for disagreeing with the decision, and

❖ include copies of supporting documentation.



Legal Services Society
Legal aid can help

British Columbia, Canada



Working Together

You can help your clients:

- Understand the intake process
- Prepare for the interview
- Organize documentation
- Make sure they follow up and provide intake with requested info





Legal Services Society
Legal aid can help

British Columbia, Canada



More information

- Legal Services Society www.legalaid.bc.ca.
- Family Law in BC www.familylaw.lss.bc.ca
- Justice BC--www.justicebc.ca/en/cjis/
Provides information about the criminal justice system in BC and helps you access resources and services.
- Immigration, refugee, & citizenship-
www.multilingolegal.ca
Information about the law and community resources in BC in nine languages.



British Columbia, Canada

Legal Aid Intake - Vernon

- Phone: 250-545-3666
- Fax: 250-545-4419



British Columbia, Canada

Are you a member of the public or helping someone with a legal problem?

The Clicklaw website offers a single place to start on the Internet for quality legal information, education and help for British Columbians. Here are **five key ways you can use Clicklaw**:

The screenshot shows the Clicklaw website interface. At the top, there's a navigation bar with links like 'British Columbia, Canada', 'Laws, Cases & Rules', 'Blog', 'About Us', 'Contact', 'Contributors', and 'Text Size'. Below this is the Clicklaw logo and a search bar. The main content area is divided into several sections: 'Solve Problems', 'Learn & Teach', 'Reform & Research', and 'HelpMap'. Each section has a brief description and a list of topics. For example, 'Solve Problems' includes 'Your money', 'Your family', 'Your daily life', 'Your safety', 'Your communities', and 'Your legal system'. 'Learn & Teach' includes 'Access resources that build awareness of laws and how the legal system works.' 'Reform & Research' includes 'Access resources that feature analysis and reform of the law and the legal system.' 'HelpMap' includes 'Find someone in your community who can help with legal problems.' At the bottom, there's a 'What's new on Clicklaw' section with recent news items and a 'Find us on Facebook & Twitter' section with social media icons.

1 In **Solve Problems**, find understandable information on your legal rights and options to solve legal problems

2 Choose from over 100 **common questions**, which offer starting points for common legal problems

3 On **HelpMap** search for someone in your community who can help with legal problems

4 Find resources and services that are in **languages** other than English

5 See **what's new** on the Clicklaw blog or find Clicklaw on Facebook or Twitter



The Clicklaw HelpMap

Integrated with Google Maps, the HelpMap assists the public in British Columbia in finding those who can provide assistance with legal problems in their community. It also assists service providers and helpers who are making referrals for clients who have legal issues.



HelpMap

Find someone in your community who can help with legal problems.

Three steps to finding law-related assistance on the HelpMap

1 Search by keyword or city/town at www.clicklaw.bc.ca. Or you can browse by topic.

Search the HelpMap for law related help with a Keyword OR Location

Keyword

or

cl

Go

Campbell River

Chilliwack

Clinton

2 [optional] Refine your search by topic, location, type of service, or language.

Refine your search

HelpMap

Campbell River

Topic

Legal help & lawyers (16)

Abuse & family violence (15)

Family law (14)

Crimes & offences (13)

Victims of crime (11)

+ more topics...

Location

+ Language

+ Type of service

Your search results

Results: 1 to 5 of (27)

Sort by: relevance | most viewed | alphabet

Lawyer Referral Service

Lawyer Referral Service is a program that connects you with the right lawyer. Lawyers who participate in the program offer an initial consultation of up to 30 ... [+ more details](#)

From The Canadian Bar Association BC Branch (CBABC)

Topics: Abuse & family violence; Accidents & injuries; Alternatives to court; Business & non-profits; [+ all topics](#)

Legal Aid Intake Services

The Legal Services Society (LSS) provides intake at more than 50 legal aid office and courthouse locations across BC. To qualify for a legal aid lawyer, ... [+ more details](#)

From Legal Services Society

Topics: Abuse & family violence; Children & teens; Crimes & offences; Family law; [+ all topics](#)



Campbell River Courthouse

500 - 13th Avenue, Campbell River, BC, V9W 6P1

3 Click on a service to see details on the Clicklaw HelpMap.



What can you find on the HelpMap

- o pro bono clinics, community legal clinics, and legal aid offices
- o organizations with community legal advocates
- o court registries
- o courthouse libraries
- o Native Courtworkers
- o victim support programs
- o key government agencies
- o dozens of other law-related helping services



www.povnet.org

<http://facebook.com/povnet>
<http://twitter.com/povnet>

#300 - 1140 W. Pender Street
Vancouver, BC V6E 4G1
Phone (604) 876-8638
fax (604) 685-7611
Email info@povnet.org

A network for advocates, community workers and marginalized communities.

Povnet website

The Povnet website provides up-to-date information about welfare, housing and homelessness, unemployment, disability and human right issues.



We host a "Find an Advocate" map to assist people in finding some help wherever they are in BC or across the country. You can also follow up-to-date information on PovNet by linking to our Twitter and Facebook feeds.

PovNet links to resources for immigrants and refugees, seniors, women, youth, workers, people with disabilities, First Nations, Inuit and Aboriginal people. The site offers links to provincial, federal and territorial legislation, information about books, videos and articles about poverty issues.

Email lists

Povnet hosts confidential email lists for front line workers, advocates, community and settlement workers.

These lists provide a forum for discussing cases, sharing strategies and identifying and working on systemic issues that arise in the pursuit of access to justice:

Our BC lists:

- ▢ Welfare
- ▢ Housing
- ▢ Mental health
- ▢ Workers' rights
- ▢ First Nations & Aboriginal
- ▢ Debt

Our national lists:

- ▢ Canadian Pension
- ▢ Employment insurance
- ▢ Older adults
- ▢ Issues
- ▢ Intercultural

If you are interested in joining any of these lists, contact us at co-ordinator@povnet.org.

Povnetu



<http://povnetu.povnet.org>

Povnetu offers online courses for front line workers.

Current PovNetU courses include:

- ▢ Introduction to Advocacy
- ▢ Welfare Level 1 and 2
- ▢ Residential Tenancy Level 1 and 2
- ▢ Employment Insurance Level 1 and 2
- ▢ Seniors' Residential Care Advocacy
- ▢ Persons with Disabilities Appeals
- ▢ Dealing with Debt
- ▢ CPP Disability

Contact povnetu@povnet.org for more information and schedules.

PovNet is funded by the Law Foundation of BC with additional funding from the Legal Services Society. Additional support for PovNetU courses is provided by BC Government and Service Employees' Union, BC Coalition of People with Disabilities, BC Teachers Federation, Community Legal Assistance Society, Community Unemployed Help Centre (Winnipeg), First United Church Mission, Hospital Employees Union, Law Foundation of Ontario, Society of Notaries Public of BC and TRAC Tenants Resource and Advisory Centre.

May 2012

3. Aboriginal Services



IMPROVING LEGAL SERVICES FOR ABORIGINAL PEOPLES



Pamela Shields
Manager, Aboriginal Services

Lynn McBride
Community Engagement Coordinator



February 2013

LEGACY OF COLONIALIST HISTORY



- INDIAN RESIDENTIAL SCHOOL GENERATIONAL IMPACT
- ILLITERACY
- ABORIGINAL CHILD APPREHENSION
- POVERTY
- FASD
- SEXUAL ABUSE

GOAL #1:

Reducing the number of



Aboriginal people in prison

GOAL #2:

Reducing the number of



Aboriginal children in care

“ABORIGINAL” defined inclusively



- FIRST NATIONS (INDIAN)
 - STATUS
 - NON-STATUS
 - ON & OFF RESERVE
- MÉTIS
- INUIT

ABORIGINAL LEGAL SERVICES



- PUBLICATIONS
- ABORIGINAL COMMUNITY
LEGAL WORKERS
- EXPANDED DUTY COUNSEL
- GLADUE INITIATIVE



Search our site

Google[™] Custom Search 

Aboriginal

- [Aboriginal legal issues](#)
- [Aboriginal Gladue rights](#)
- [First Nations Court](#)
- [Aboriginal publications](#)
- [Who can help](#)

[A Guide to Aboriginal Organizations and Services](#)

[BC Association of Aboriginal Friendship Centres](#)

[Native Courtworker and Counselling Association of BC](#)

[Union of BC Indian Chiefs: Publications](#)

[Clicklaw](#)

Aboriginal publications

Below are links to all of our Aboriginal publications.



ABORIGINAL CHILD PROTECTION PUBLICATIONS

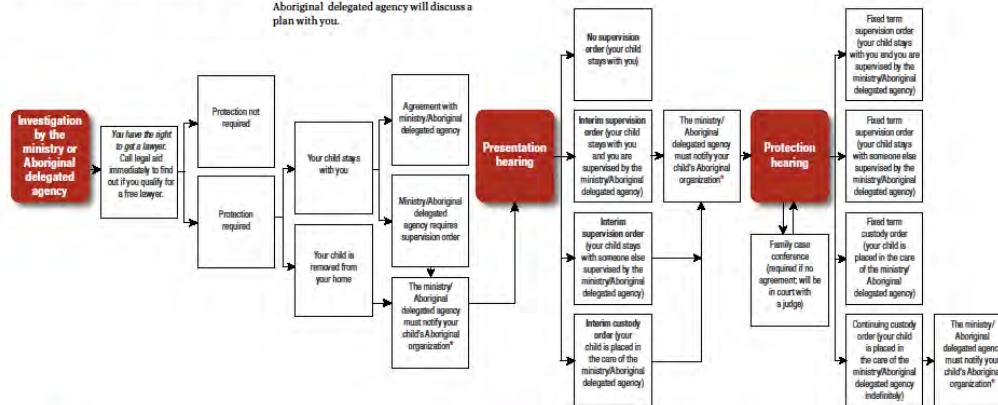
The Aboriginal child protection process: Information for Aboriginal parents and communities

Child protection laws and what they mean for Aboriginal families

It is very important for Aboriginal children to be able to spend time with their extended families and communities. Child protection laws in BC recognize the importance of Aboriginal family ties to Aboriginal children.

If the ministry or Aboriginal delegated agency decides that your child needs protection, you can:

- ask for a **family group conference**. A facilitator will organize the conference. The conference is *not* in court and a judge is *not* involved. Your family members, friends, and other people who help to care for your child can be involved, as well as your lawyer and advocate. At the conference, a social worker from the ministry or Aboriginal delegated agency will discuss a plan with you.
- ask the ministry or Aboriginal delegated agency to use **traditional decision making**. Your community leaders and family members can take part in working out a plan.
- ask for a **mediator** (someone who will help work out an agreement between you and the ministry/Aboriginal delegated agency).



* Note

Your child's Aboriginal organization may be a band, friendship centre, treaty first nation, Aboriginal community, Aboriginal organization as listed in the Child and Family Service Act regulations, or a Nisga'a Lisims government. Talk to your lawyer to make sure the right people in your child's Aboriginal organization are informed at the appropriate time of decisions that affect your child.

Legal aid

604-468-2172 (in the Lower Mainland)
1-866-577-2525 (no charge, outside the Lower Mainland)

October 2009



Aboriginal Child Protection poster

1-Page Fact Sheets

Right to Counsel Cards

Mediation

EARLY INTERVENTION



Asserting legal rights

Aboriginal Community
Legal Workers

Expanded
Duty Counsel

First Nations Court



<http://www.legalaid.bc.ca/aboriginal/>



**Legal
Services
Society**

British Columbia
www.legalaid.bc.ca

ENDING  VIOLENCE
Association of BC

www.endingviolence.org

Indigenous Communities' Safety Project

Funded by:

Law Foundation of Ontario
and Vancouver Foundation

Project Managers:

Ending Violence Association of BC (EVA)
and Legal Services Society (LSS)

Project Purpose

- provide knowledge sharing to Aboriginal leadership including governance leadership, service providers and the natural leadership
- work with 12 Aboriginal communities (First Nations and urban Aboriginal communities)
- focus on criminal justice, family justice and child protection laws, policies and practices that directly affect police and government responses to domestic and sexual violence and child abuse

Project Goals

This project has multiple goals, including:

- Encouraging communities to discuss practical ways to improve safety and access to justice for women and children.
- Helping communities develop community safety plans that will help keep women and children safe from domestic and sexual violence and child abuse and neglect.
- Empowering Aboriginal communities across the province to respond to violence.
- Empowering Aboriginal service providers to better assist Aboriginal communities—especially women and children—to keep themselves safe, to be aware of their legal rights, and to access justice if they become victims.

12 Aboriginal Communities

1. Saik'uz First Nation (Vanderhoof)
2. Nak'adzli First Nation (Fort St. James)
3. Lytton First Nation, including Merritt
4. Sto:lo Nation Chiefs Council (Chilliwack)
5. Tsay Keh Dene (north of Mackenzie; north end of Williston Lake)
6. Nisga'a (northwest BC; west of Hazelton)
7. Blueberry First Nation (Fort St. John)
8. BC Association of Aboriginal Friendship Centres
(at their Youth Conference in Penticton in March 2013)
9. Gitwangak (near Hazelton)
10. Gitanyow (near Hazelton)
11. Gitsegukla (near Hazelton)
12. 12th community to be confirmed

Indigenous Communities' Safety Project WEBINAR

If you are interested in attending a webinar to learn more detailed information about this project and the training curriculum and related materials, contact:

Pamela Shields

Manager of Aboriginal Services at LSS

Beverley Jacobs

Indigenous Communities Project Consultant

Lynn McBride

Community Engagement Coordinator at LSS

Project Consultant

Beverley Jacobs, LL.B., LL.M, PhD Student
Indigenous Communities Project Consultant
Ending Violence Association of BC

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IMPROVING LEGAL SERVICES FOR ABORIGINAL PEOPLES



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Community Engagement Coordinator

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February 2013

4. Restorative Justice



**Legal
Services
Society**

British Columbia
www.legalaid.bc.ca

Restorative Justice Society – North Okanagan

...the RJS-NO was incorporated in
November 2011...

Bringing together the:

Lumby & District RJ Program which received referrals from January 2002 – December 2010

with the North Okanagan RJ Program which received referrals from January 2006 – October 2011...

Our logo represents the person harmed, the person who caused harm, the guardians and supporters, the community and the RJ Team coming together in a circle to reach an agreement on how to repair the harm.



www.restorativejusticesociety.ca

Board of Directors...

- **Composition of RJS – NO Board:**
 - **Safe Communities Unit**
 - **RJ Volunteer Practitioners**
 - **Okanagan Indian Band & Splatstin First Nation**
 - **School District #22**
 - **Financial Services**
 - **Members of Vernon Bar Association**

Language is everything...

- Especially, within the principles and practices of restorative justice as it strives to decriminalize the event, so:
 - Person Harmed
 - Person Who Caused Harm
 - Incident
 - Community of Care
 - Conference

Background...

- Restorative justice:
 - is not new and is not adversarial
 - is for the Person Harmed (PH) first and foremost, with a focus on the Person Who Caused Harm (PWCH) and involves guardians & supporters
 - PH must agree to be involved in the RJ process
 - PWCH must admit and be prepared to meet the PH
 - is pre-charge, so we deal with a public matter in a private way...

Geographic area...

Receive referrals
from the RCMP,
School District #22
and #83 within
Vernon/North
Okanagan
Detachment area.



CATEGORIES 3 & 4

CATEGORY 3

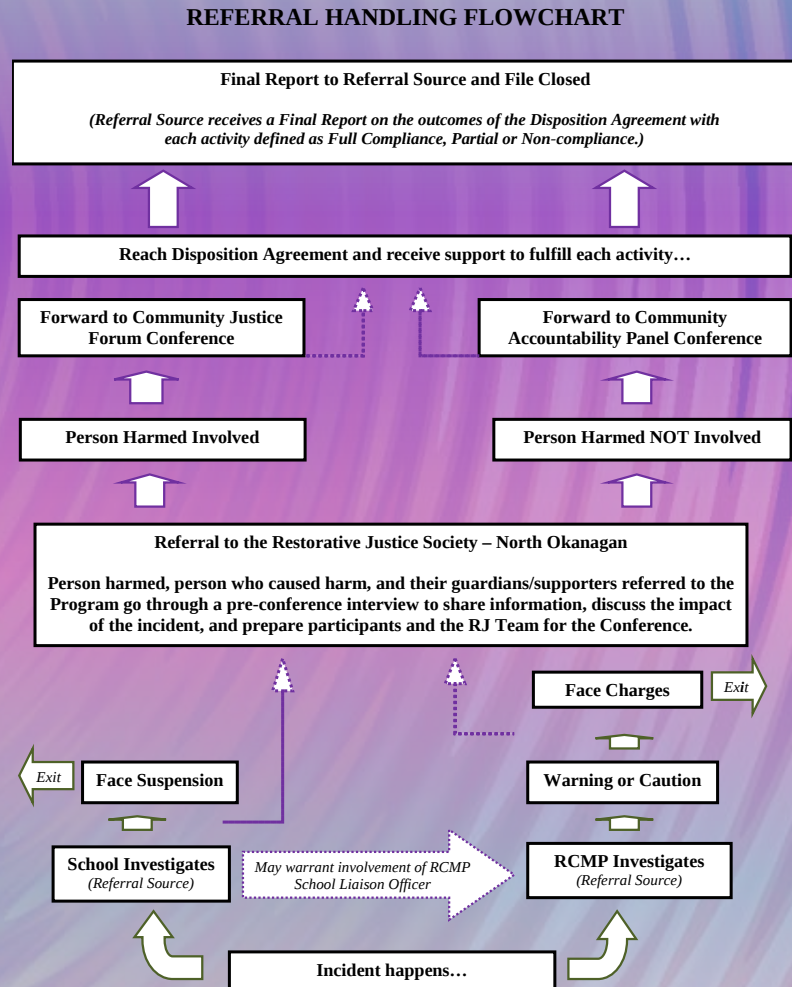
- Forgery, fraud, false pretense...over \$5,000...
- Theft over \$5,000...
- Possession of stolen property over \$5,000...
- Unauthorized use of computer...
- Mischief over \$5,000
- Assault –s266...
- Indecent act...
- Possession of house/car breaking instruments
- Take auto without consent
- Trespass at night
- Communicate for the purpose of prostitution...
- Break & enter other than a dwelling

CATEGORY 4

- Forgery, fraud, false pretense...under \$5,000...
- Theft under \$5,000...
- Possession of stolen property under \$5,000...
- Causing disturbance
- Mischief under 5,000

Referral Handling Flowchart...

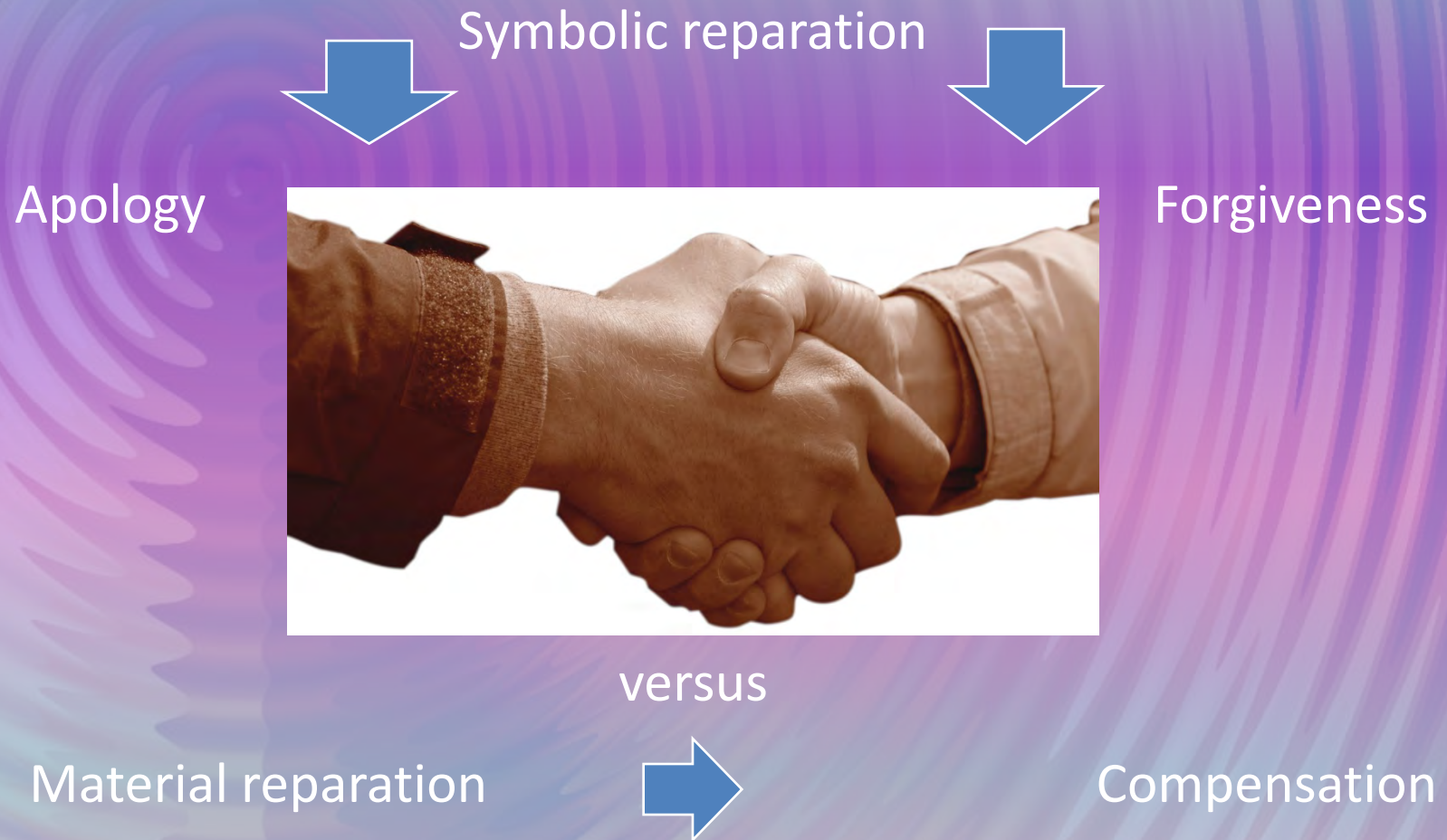
- Final Report
- Agreement
- Conference
- Screening
- Referral



RJ Approaches...

- There are several approaches of restorative justice and the RJS – NO uses the following:
 1. **Community Justice Forum Conference**
(Person Harmed Involved)
 2. **Community Accountability Panel Conference**
(Person Harmed NOT Involved)
 3. **Resolved**
(No Conference is Hosted)

Reparation in Agreements



Wrap-up...

- www.restorativejusticesociety.ca
 - www.rjbc.ca
 - <http://www.csc-scc.gc.ca>
 - [Home page](#)
 - [Referral flowchart](#)

5. Immigration



**Legal
Services
Society**

British Columbia
www.legalaids.bc.ca

Vernon & District Immigrant Services Society



Programs & Services

Staff Services available in:

- English
- French
- German
- Spanish

Mission Statement

VISION

- Our vision is a vibrant community that welcomes our clients and provides excellent opportunities to contribute to society in a way that appreciates the value of cultural and ethnic diversity.

VALUES

- We believe, everybody can make a unique and positive contribution to our society
- We recognize that participation is a two-way street in which our clients and the wider community gain the most through positive and frequent exchanges
- We will partner with other organizations which share our values in order to broaden our network, share capacities, and create greater opportunities for our clients
- We will provide excellent service to our clients
- We will be ethical and honest
- We will be socially and environmentally responsible
- We will be respectful of culture and ethnicity

Mission Statement

Vernon & District Immigrant Services Society's mission is to serve Immigrants, Refugees, First Generation Canadians, Canadians and their families.

- To assist Newcomers from other countries in their orientation and settlement in our community.
- To recognize and provide their unmet needs.
- To encourage their participation in Canadian society.
- To encourage an attitude in the community of cross-cultural awareness and understanding.
- To provide a reception and information centre for educational, cultural and social interaction.
- To assist in employment readiness through access of existing programs and creation of new programs.
- To encourage and help them obtain Canadian citizenship.
- To refer Newcomers and Canadian citizens to other community organizations and agencies.

VDISS – The History



- Vernon & District Immigrant Services Society (VDISS) is a non-profit agency operating since 1989.
- The Society was formed to provide necessary and specialized services for Refugees and Newcomers to Vernon and surrounding areas.
- Outreach Services Salmon Arm established 2009



Our Programs and their Funders

- Ministry of Jobs, Tourism and Skills Training:
 - Settlement
 - English Language Services for Adults
 - ELSAP Tutoring Program
 - On-site Child Minding
- Ministry of Advanced Education, Innovation and Technology
 - Interfaith Bridging Program
- Ministry of Social Development:
 - Work BC Employment Program
- Other funding received from
 - Welcome BC
 - fee for service & fundraising
 - BC Gaming
 - AMSSA- Annual Health Fair



Canada



Settlement & Integration

Eligibility for Services:

- **Permanent Residents** (Landed Immigrants)
- **Naturalized Canadian Citizens** and their families & First Generation Canadians
- **Refugee**
- Non-Immigrant Foreign Domestic Workers in Canada who **may apply for Permanent Residence** (Live-in Caregivers , Provincial Nominee Program)
- **Approved in Principle** - Those with permission to remain in Canada on the intended granting of Permanent Resident status

Settlement & Integration

Intermediate Outcomes/Goals:

- Clients become more comfortable with Canadian norms,
- Participate in Canadian Society and
- Become better able to meet their personal goals (foreign credential recognition, further education, employment, language skills).

Long-term Outcomes/Goals:

- Clients achieve a sense of well-being,
- Gain confidence and independence,
- Contribute their skills and abilities to society,
- Participate in and affect Canadian institutions and civil society and
- Identify with and enrich Canadian Society (Citizenship, further education, purchasing a home, volunteerism).



Needs & Barrier Assessment

Immediate Goals

1. **Financial** – SIN # registration, bank account, wages/currency, Income Assistance, Employment Insurance, Income Tax Preparation and Filing, GST, Child Tax Credits.
2. **Health & Medical** – B.C. Medical Registration, Pharmacare, Health Centres and Clinics, Health Practitioners, Crisis Centres, Premium Assistance, Dental Varnish Program, Vaccinations.
3. **Housing & Accommodation** – Men and Women's shelters, management companies, subsidized housing, residential tenancy act, housing options.
4. **Transportation** - Driving Licensing in B.C., insurance, bus services.
5. **Education** – English Language Services for Adults, Local elementary and high school information and enrolment ; educational facilities.
6. **Employment** - workplace culture, employment standards, resumes/cover letters, labour market trends, options for foreign credentials, job postings.
7. **Recreation** - Recreational programs and centres, parking, shopping centres, food security and other programs.
8. **English Language Assessments**- Determine language abilities and refer to appropriate programs according to client need.
9. **Legal Services**
accompaniment and assistance with basic issues
Referrals for complicated situations
(free legal clinic, Dial-A-Law, family law, legal aid clinics @ Court House)

Barriers & Difficulties Often Faced

- Lack of Canadian Work Experience
- Lack of Certification/Unrecognized Foreign Certification
- Recent training & lacking work experience
- Language, Cultural Issues and/or Racism
- Limited knowledge of Canadian Norms
- Family/Domestic Violence
- Sponsorship Breakdown
- Mental Health

Settlement and Integration Program and Vulnerable Immigrant Populations in Smaller Communities (Welcome BC)

***Services available in the Shuswap Area incl. Salmon Arm,
Sicamous, Enderby, Armstrong, Lumby and Vernon***

Direct client services include quick information and referral, orientation, counselling, assisted access to services, life skills and education program/courses, and community connections delivered within a guided pathway case management approach.

Vulnerable populations with high needs or at-risk immigrants (e.g. primary health, care, mental health, school and children and family services



English Language Services for Adults (ELSA Classes)

Eligibility Requirements:

- Students must be Permanent Residents or Naturalized Citizens.
- Students with letters from CIC stating that their Permanent Resident application is approved in principle.
- Students' English levels must assess between literacy and level 5 according to the Canadian Language Benchmarks.
- Non-Eligible Students may be accepted for a fee depending on current class size.
- Childminding is available to students



English Language Services

- ELSA Classes (English Language Services for Adults)
 - Beginner Levels 1 – 3 & Literacy Support
 - Intermediate Levels 4 & 5 with Labour Market Focus 5
 - Upper Intermediate Levels 6&7 (evenings)Both the beginner and intermediate students receive 15 hours of instruction per week.
- One-to-One Tutoring Program
- Exam (TOEFL & IELTS) Preparation Classes
- Language Assessment (read, write, speak, listening), results determine class placement of student
- Nationally recognized CLB Assessment Centre
VDISS has 4 certified Canadian Language Benchmark Assessors

Tutoring Program

- Volunteer tutors are trained and set up with an eligible student to provide one-to-one language support.
- Tutor-student pairs meet once a week at a convenient time for both for about two hours.
- Eligible students:
 - Have a CLB level between literacy and level 6
 - Have one of the accepted immigration documents

Work BC Employment Services Centre

Helping Immigrants, Refugees, Visible Minorities, New Canadians & First Generation Canadians, who are legally entitled to work in Canada, finding and keeping jobs!

Newcomers

- Long Time Immigrants & Naturalized Citizens

Professionals

- Skilled & Unskilled Workers
- Limited & Advanced English Language Abilities

Individuals approved in principle for Permanent Residency Status are eligible for Case Management Services

Employment Services Tailored to Meet the Needs of the Client

- **Case Management:** A course of action to respond to a situation involving an individual & the implementation of such a program. Specifically, development of a **RETURN TO WORK ACTION PLAN**
- Employment Counselling
- Career Decision Making
- Skill Development
- Canadian Job Search Strategies
- Resumes & Cover Letters
- Assistance with Foreign Credential Process
- Liaison with local employers and striving to meet Labor Market demands in all occupational sectors

How Do We Retain & Attract Immigrants to the Okanagan? We Asked!

In 2005 with funding, VDISS designed a survey to identify what was needed to attract & retain immigrants to the Greater Vernon area. When asked, immigrants already settled in the region responded with the following:

- A resource package promoting lifestyle & business opportunities for international tourists visiting the Okanagan.
- A website with more detailed information & links for promoting greater Vernon.
- Continued community education & awareness: events such as a Cultural Day, ethnic celebrations, and Cultural Centers to increase the welcoming aspect of Greater Vernon for prospective Immigrants.

Outcomes Of the Survey

In response to the data collected in the survey:

An Action Plan for a Welcoming Community:

- Portal on Immigrant Information connected to the City of Vernon's website
- Educational workshops on Multiculturalism & Diversity
- Increased education on Multiculturalism & Diversity within our school system

Living in Vernon Website/Brochure/DVD 2010/11

- To provide a wide range of information to newcomers to Vernon

Marketing for Attracting Newcomers

- Vernon Newcomers Guide available only Online: <http://www.welcomebc.ca/>
- Brochures available at Vancouver International Airport, City of Vernon, Chamber of Commerce Vernon and Kelowna
- Online at VDISS's Website, VDISS's Facebook page, Welcome BC, City of Vernon

Questions?



#100 – 3003 30th Street

Vernon, BC, V1T 9J5

Main: (250) 542-4177

Employment: (250) 542-4612

Fax: (250) 542-6554

Email: vdiss@shaw.ca

Web: www.vdiss.com