



**Legal  
Services  
Society**

British Columbia  
[www.legalaid.bc.ca](http://www.legalaid.bc.ca)



**VICTORIA REGIONAL CONFERENCE**  
**Family & Child Protection Law, Aboriginal Services & Civil Law Issues**

**Inn at Laurel Point**  
**680 Montreal Street**  
**V8V 1Z8 Victoria**

**AGENDA – Tuesday March 13**

Time	Session	Speaker	Facilitator
8:00 – 9:00	<i>Registration &amp; Breakfast</i>		
8:30 – 9:00	<b>Opening Ceremony &amp; Welcome</b>		
9:00 – 10:45	<b>Overview of Family Law Act</b>	➤ Mary E. Mouat, Q.C. – <i>Family Lawyer</i>	Baljinder Gill
10:45 – 11:00	<i>Coffee Break</i>		
11:00 – 11:45	<b>Overview of LSS Intake services</b>	➤ Deneen Garrett – <i>LSS</i>	Baljinder Gill
11:45 – 12:30	<b>Gladue and Restorative Justice</b>	➤ Gillian Lindquist – <i>Executive Director Restorative Justice Victoria</i>	Baljinder Gill
12:30 – 1:15	<i>Lunch</i>		
1:15 – 2:45	<b>Wills and Estates</b>	➤ Dominic Meslin – <i>Lawyer</i>	Baljinder Gill
2:45 – 3:00	<i>Coffee Break</i>		
3:00 – 4:30	<b>Overview of Child Protection Law</b>	➤ Bradley R. Cope – <i>Child Protection Lawyer</i> ➤ Parveen Nijjar – <i>Director's Counsel</i>	John Simpson



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**AGENDA – Wednesday March 14**

Time	Session	Speaker	Facilitator
8:00 – 9:00	<i>Registration &amp; Breakfast</i>		
9:00 – 10:30	<b>Domestic Violence and Protection orders</b>	➤ Mary E. Mouat, Q.C. – <i>Family Lawyer</i>	Baljinder Gill
10:30 – 10:45	<i>Coffee Break</i>		
10:45 – 11:15	<b>Update on LSS and other Legal Resources</b>	➤ Patricia Lim – <i>LSS</i>	Baljinder Gill
11:15 – 12:30	<b>Housing and Resources</b>	➤ Together Against Poverty Society ( <i>TAPS</i> )	Baljinder Gill
12:30 – 1:15	<i>Lunch</i>		
1:15 – 2:30	<b>Overview of Criminal Law Role of Duty Counsel/Integrated Courts</b>	➤ Roland Kuzma – <i>Lawyer and Local Agent LSS</i>	Baljinder Gill



# An Overview of the *Family Law Act* ("FLA")

By Mary E. Mouat, Q.C.

# Fundamental Principles

1. Resolution of Family Law Disputes, Part 2 *FLA*
  - a) Division 1 - Resolution Out of Court Preferred
2. Care of and Time with Children, Part 4 *FLA*
  - a) Division 1 - Best interest of Child

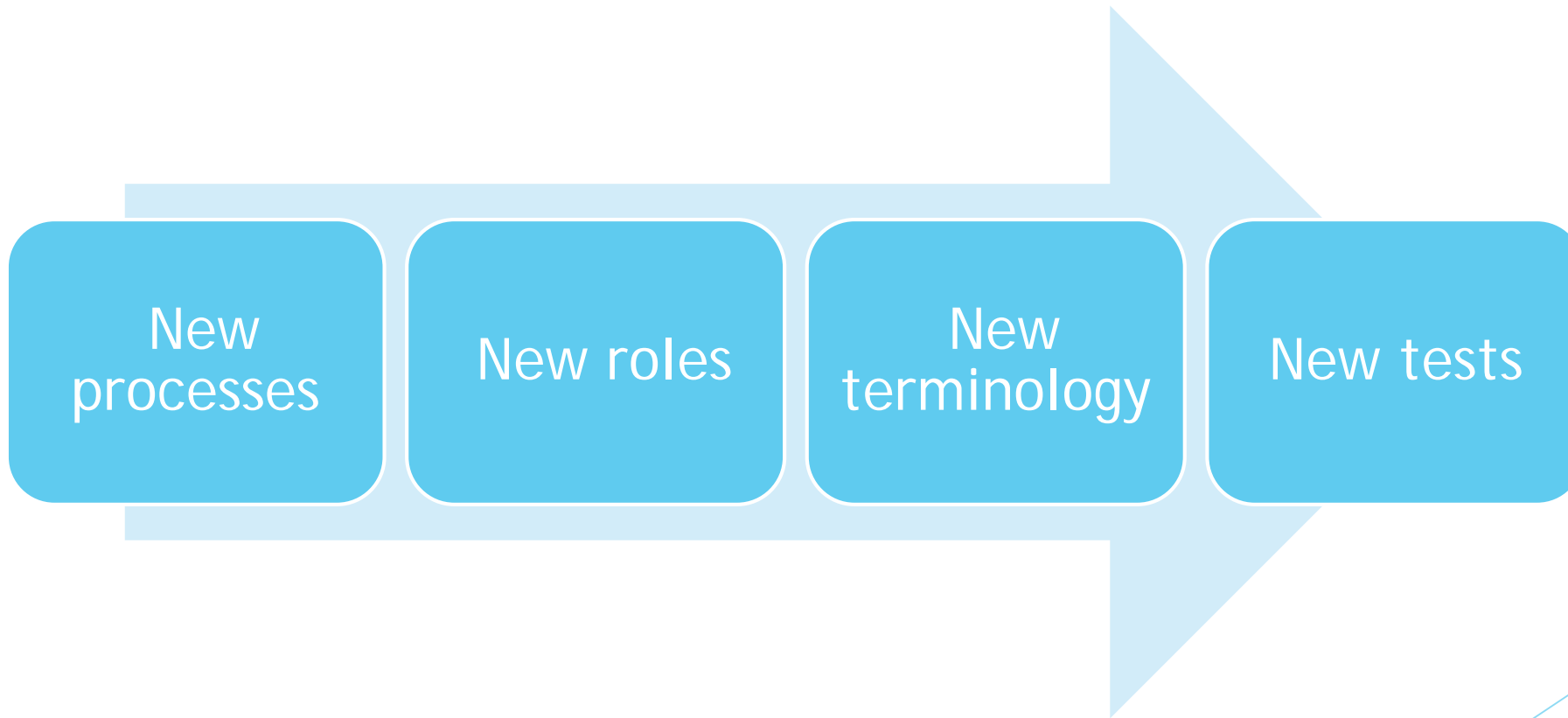
# Fundamental Principles Continued

## 3. Court Processes, Part 10 *FLA*

### a) Conduct of Proceeding, Section 199:

- (1) A court must ensure that a proceeding under this Act is conducted
  - (a) with as little delay and formality as possible, and
  - (b) in a manner that strives to
    - (i) minimize conflict between, and if appropriate, promote cooperation by, the parties, and
    - (ii) protect children and parties from family violence.
- (2) If a child may be affected by a proceeding under this Act, a court must
  - (a) consider the impact of the proceeding on the child, and
  - (b) encourage the parties to focus on the best interests of the child, including minimizing the effect on the child of conflict between the parties.

# These Principles Created:



# Family Dispute Resolution

- ▶ Includes collaborative family law process:
  - ▶ <http://www.bccollaborativerostersociety.com>
  - ▶ <http://www.collaborativefamilylawgroup.com>
- ▶ Time limits laid out at section 198 of the *FLA* are “suspended during any period in which persons are engaged in family law dispute resolution with a family dispute resolution professional.” (s. 198(5))
- ▶ **GET IT IN WRITING**

# Family Dispute Resolution Continued

- ▶ A "family dispute resolution professional" means any of the following:
  - ▶ (a) a family justice counsellor;
  - ▶ (b) a parenting coordinator;
  - ▶ (c) a lawyer advising a party in relation to a family law dispute;
  - ▶ (d) a mediator conducting a mediation in relation to a family law dispute, if the mediator meets the requirements set out in the regulations;
  - ▶ (e) an arbitrator conducting an arbitration in relation to a family law dispute, if the arbitrator meets the requirements set out in the regulations;
  - ▶ (f) a person within a class of prescribed persons;



# Family Violence

- ▶ "family violence" includes:
  - ▶ (a) physical abuse of a family member, including forced confinement or deprivation of the necessities of life, but not including the use of reasonable force to protect oneself or others from harm,
  - ▶ (b) sexual abuse of a family member,
  - ▶ (c) attempts to physically or sexually abuse a family member,
  - ▶ (d) psychological or emotional abuse of a family member, including
    - ▶ (i) intimidation, harassment, coercion or threats, including threats respecting other persons, pets or property,
    - ▶ (ii) unreasonable restrictions on, or prevention of, a family member's financial or personal autonomy,
    - ▶ (iii) stalking or following of the family member, and
    - ▶ (iv) intentional damage to property, and
  - ▶ (e) in the case of a child, direct or indirect exposure to family violence;

# Duties of Family Dispute Resolution Professionals

- ▶ **Section 8, *FLA*:** (1) A family dispute resolution professional consulted by a party to a family law dispute must assess, in accordance with the regulations, whether family violence may be present, and if it appears to the family dispute resolution professional that family violence is present, the extent to which the family violence may adversely affect
  - ▶ (a) the safety of the party or a family member of that party, and
  - ▶ (b) the ability of the party to negotiate a fair agreement.
- ▶ (2) Having regard to the assessment made under subsection (1), a family dispute resolution professional consulted by a party to a family law dispute must
  - ▶ (a) discuss with the party the advisability of using various types of family dispute resolution to resolve the matter, and
  - ▶ (b) inform the party of the facilities and other resources, known to the family dispute resolution professional, that may be available to assist in resolving the dispute.
- ▶ (3) A family dispute resolution professional consulted by a party to a family law dispute must advise the party that agreements and orders respecting the following matters must be made in the best interests of the child only:
  - ▶ (a) guardianship;
  - ▶ (b) parenting arrangements;
  - ▶ (c) contact with a child.

# Alternative Dispute Resolution

Mediation

Mediation/Arbitration

Parenting  
Coordinators

# Mediation

- ▶ A consensual dispute resolution with the assistance of a neutral third party
  - ▶ <http://www.mediatebc.com>

# Mediation/Arbitration

- ▶ The mediation/arbitration process is ideal for parties who want to do their best to negotiate settlement, and failing a total settlement, have a neutral independent third party make a decision on the unresolved issues.

# Arbitration

- ▶ A legal process
- ▶ In an arbitration, evidence is called and decisions are made based on the law
- ▶ Exception: last/best offer

# Parenting Coordinators

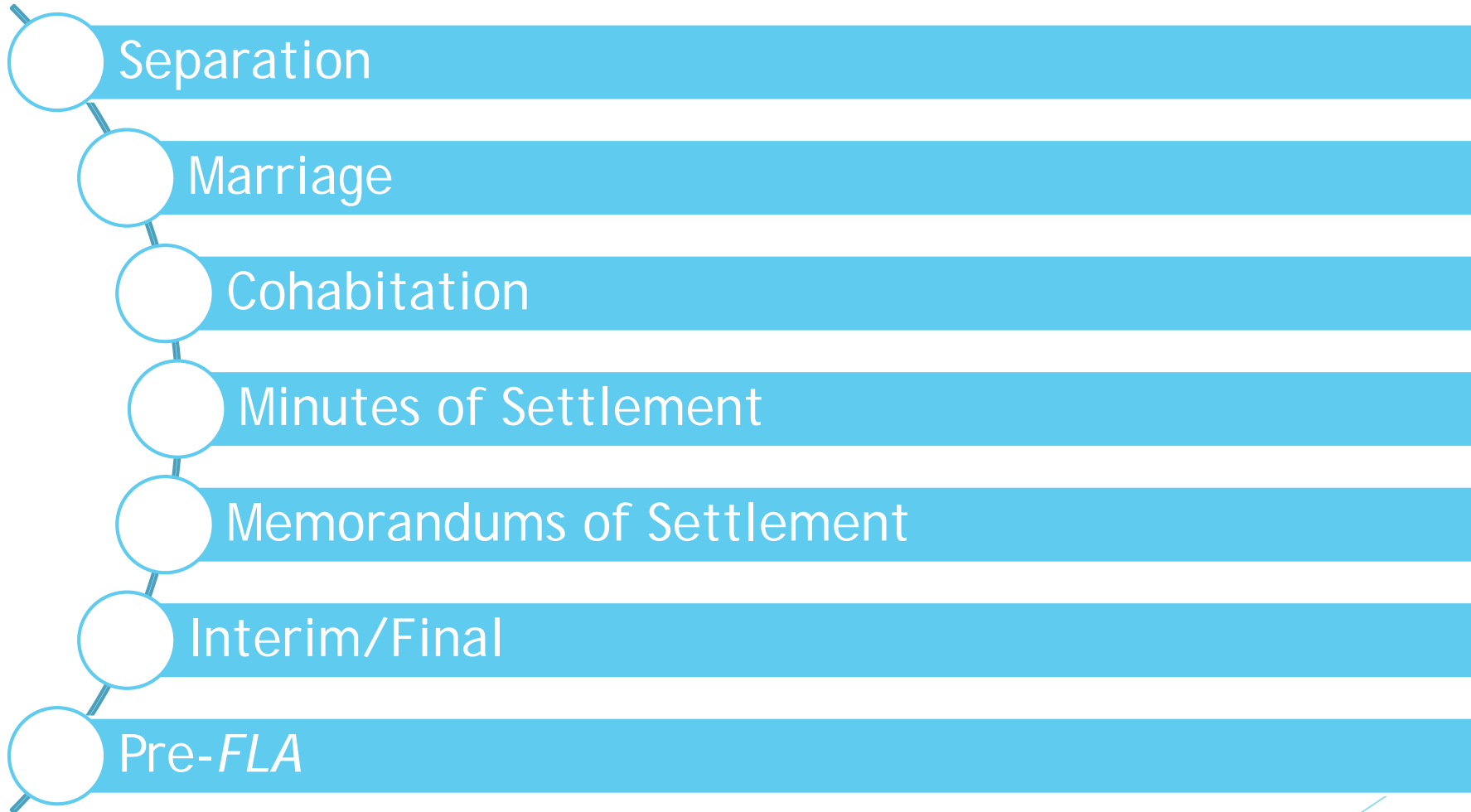
- ▶ Parenting coordinators have a defined role in the *FLA* (sections 14 to 18) and in the regulations.
  - ▶ <http://www.bcparentingcoordinators.com>

# Disclosure

- ▶ Section 5 of the *FLA* is mandatory:
- ▶ “a party to a family law dispute must provide to the other party full and true information for the purposes of resolving a family law dispute.”



# Agreements



# Parentage, Part 3 *FLA*

- ▶ **Parentage to be determined by this Part**

- ▶ **23** (1) For all purposes of the law of British Columbia,
  - ▶ (a) a person is the child of his or her parents,
  - ▶ (b) a child's parent is the person determined under this Part to be the child's parent, and
  - ▶ (c) the relationship of parent and child and kindred relationships flowing from that relationship must be as determined under this Part.
- ▶ (2) For the purposes of an instrument or enactment that refers to a person, described in terms of his or her relationship to another person by birth, blood or marriage, the reference must be read as a reference to, and read to include, a person who comes within the description because of the relationship of parent and child as determined under this Part.

# Best Interests of Child

- ▶ **Section 37 FLA:** (1) In making an agreement or order under this Part respecting guardianship, parenting arrangements or contact with a child, the parties and the court must consider the best interests of the child only.
- ▶ (2) To determine what is in the best interests of a child, all of the child's needs and circumstances must be considered, including the following:
  - ▶ (a) the child's health and emotional well-being;
  - ▶ (b) the child's views, unless it would be inappropriate to consider them;
  - ▶ (c) the nature and strength of the relationships between the child and significant persons in the child's life;
  - ▶ (d) the history of the child's care;
  - ▶ (e) the child's need for stability, given the child's age and stage of development;
  - ▶ (f) the ability of each person who is a guardian or seeks guardianship of the child, or who has or seeks parental responsibilities, parenting time or contact with the child, to exercise his or her responsibilities;
  - ▶ (g) the impact of any family violence on the child's safety, security or well-being, whether the family violence is directed toward the child or another family member;
  - ▶ (h) whether the actions of a person responsible for family violence indicate that the person may be impaired in his or her ability to care for the child and meet the child's needs;
  - ▶ (i) the appropriateness of an arrangement that would require the child's guardians to cooperate on issues affecting the child, including whether requiring cooperation would increase any risks to the safety, security or well-being of the child or other family members;
  - ▶ (j) any civil or criminal proceeding relevant to the child's safety, security or well-being.

# Best Interests of Child Continued

- ▶ (3) An agreement or order is not in the best interests of a child unless it protects, to the greatest extent possible, the child's physical, psychological and emotional safety, security and well-being.
- ▶ (4) In making an order under this Part, a court may consider a person's conduct only if it substantially affects a factor set out in subsection (2), and only to the extent that it affects that factor."

# Hear the Child

- ▶ Children have rights; parents have responsibilities
- ▶ <http://hearthechild.ca>

# Parentage Continued



Guardianship

Parenting Time

Contact

# Parental Responsibilities

- ▶ **Section 41, FLA:** For the purposes of this Part, parental responsibilities with respect to a child are as follows:
  - ▶ (a) making day-to-day decisions affecting the child and having day-to-day care, control and supervision of the child;
  - ▶ (b) making decisions respecting where the child will reside;
  - ▶ (c) making decisions respecting with whom the child will live and associate;
  - ▶ (d) making decisions respecting the child's education and participation in extracurricular activities, including the nature, extent and location;
  - ▶ (e) making decisions respecting the child's cultural, linguistic, religious and spiritual upbringing and heritage, including, if the child is an aboriginal child, the child's aboriginal identity;
  - ▶ (f) subject to section 17 of the [Infants Act](#), giving, refusing or withdrawing consent to medical, dental and other health-related treatments for the child;
  - ▶ (g) applying for a passport, licence, permit, benefit, privilege or other thing for the child;
  - ▶ (h) giving, refusing or withdrawing consent for the child, if consent is required;
  - ▶ (i) receiving and responding to any notice that a parent or guardian is entitled or required by law to receive;
  - ▶ (j) requesting and receiving from third parties health, education or other information respecting the child;
  - ▶ (k) subject to any applicable provincial legislation,
    - ▶ (i) starting, defending, compromising or settling any proceeding relating to the child, and
    - ▶ (ii) identifying, advancing and protecting the child's legal and financial interests;
  - ▶ (l) exercising any other responsibilities reasonably necessary to nurture the child's development.

# Parentage Continued

- ▶ Only guardians can exercise parenting responsibilities (section 40) and guardians must exercise responsibilities in a child's best interest (43).
- ▶ Transition provisions of the *FLA* mean that if a person had custody or guardianship of a child by agreement or court order, that person is a guardian.  
If a person, even a parent, had only access, not a guardian: section 251
- ▶ The court appoint a guardian (section 51) and specific evidence is required: including criminal record checks. [See also Supreme Court Family Rules, Rule 15-2.1 and Form 101 Affidavit]



# Parentage Continued

- ▶ Section 40(4) In the making of parenting arrangements, no particular arrangement is presumed to be in the best interests of the child and without limiting that, the following must not be presumed:
  - ▶ (a) that parental responsibilities should be allocated equally among guardians;
  - ▶ (b) that parenting time should be shared equally among guardians;
  - ▶ (c) that decisions among guardians should be made separately or together.

# Relocation

- ▶ Relocation: a change in the location of the residence of a child that “could reasonably be expected to have an impact on the child’s relationship with a guardian...or one or more other persons having a significant role in the child’s life.” (Section 65)

# Relocation Continued

- ▶ There are two tests and if the non-relocating guardian has “substantially equal parenting time”, then in addition to proving the move is in good faith, that workable arrangements to preserve relationships have been proposed, then the relocating guardian must prove that the relocation is in the best interest of the child.

# Property Division

- ▶ Part 6 of the *FLA* is close but not the same as the old legislation
- ▶ In addition to knowing about Form 1 and Form 2, remember federal pensions are divided under federal legislation.

# Child Support

- ▶ Federal Child Support Guidelines in British Columbia
- ▶ A guardian who is not a child's parent has a duty to support but that duty is secondary to that of a child's parents.
- ▶ Stepparents don't have a duty to support UNLESS the stepparent contributed to the child's support for at least one year and the proceeding for support was commenced within a year of the last contribution to the child's support.

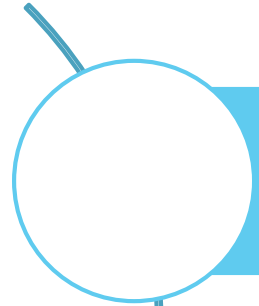
# Child Support Continued

- ▶ Child support still has priority over spousal support and section 171(3) allows a court to order a person having a duty to pay child or spousal support to do so after death.

# Spousal Support

- ▶ The spousal support provisions in the FLA essentially mirror the *Divorce Act* and if entitlement is established, the *Spousal Support Advisory Guidelines* must be considered.
- ▶ Arrears of support
  - ▶ Test to reduce or cancel remains “grossly unfair”

# Possible Traps



Agreements



Limitation Dates



# Other Topics

- ▶ Court Process and Protection from Family Violence will be covered in tomorrow's presentation

# Section 211 Reports

- ▶ Section 211 reports are not simply “custody and access” or Section 15 reports.
- ▶ 211 (1) A court may appoint a person to assess, for the purposes of a proceeding under Part 4 [*Care of and Time with Children*], one or more of the following:
  - ▶ (a) the needs of a child in relation to a family law dispute;
  - ▶ (b) the views of a child in relation to a family law dispute;
  - ▶ (c) the ability and willingness of a party to a family law dispute to satisfy the needs of a child.
- ▶ (2) A person appointed under subsection (1)
  - ▶ (a) must be a family justice counsellor, a social worker or another person approved by the court, and
  - ▶ (b) unless each party consents, must not have had any previous connection with the parties.
- ▶ (3) An application under this section may be made without notice to any other person.
- ▶ (4) A person who carries out an assessment under this section must
  - ▶ (a) prepare a report respecting the results of the assessment,
  - ▶ (b) unless the court orders otherwise, give a copy of the report to each party, and
  - ▶ (c) give a copy of the report to the court.
- ▶ (5) The court may allocate among the parties, or require one party alone to pay, the fees relating to an assessment under this section

Thank you

Questions?

# Working with LSS Intake



March 2018

Deneen, Provincial Supervisor, Legal Aid Applications

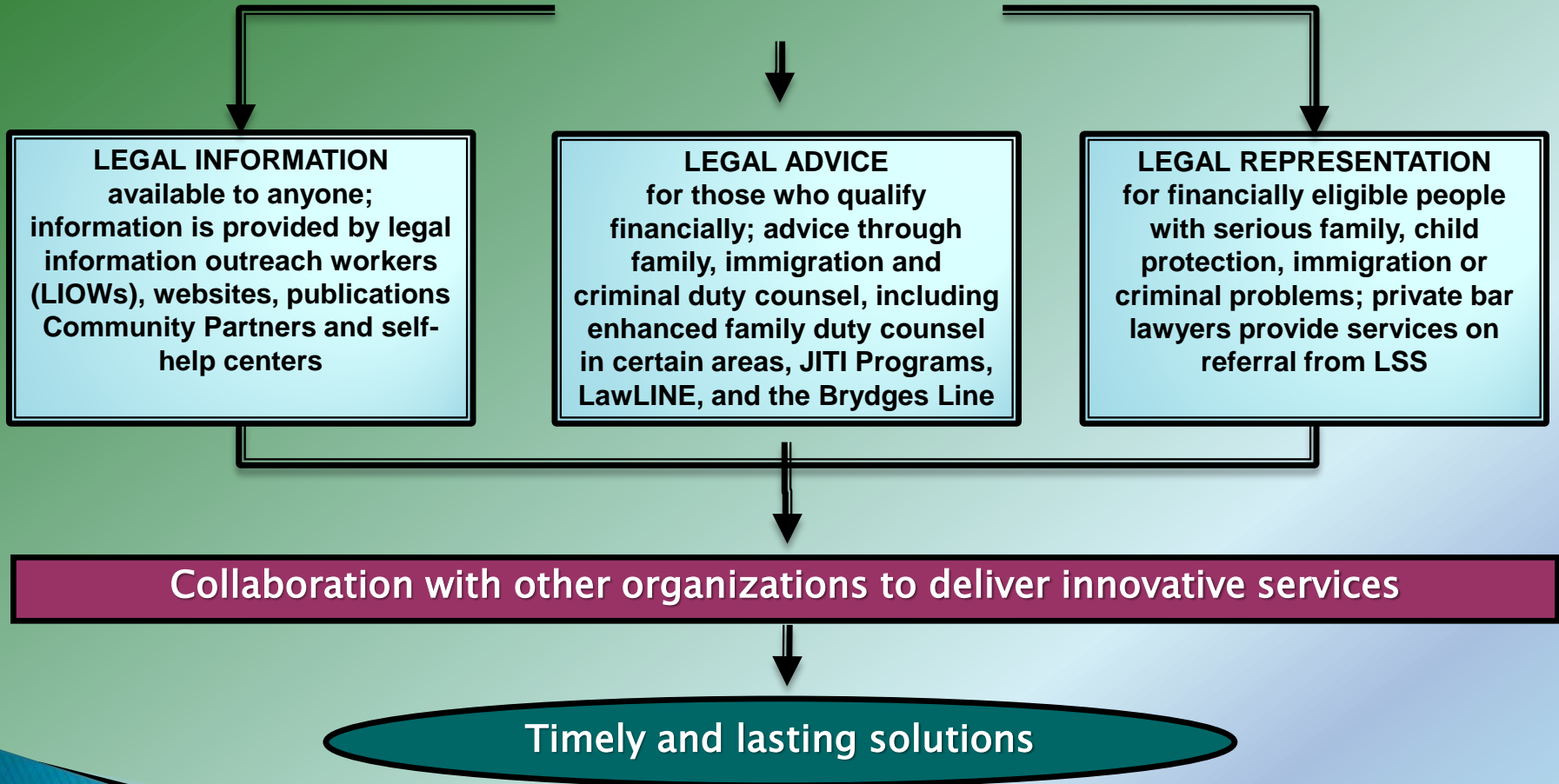
# Our Clients





# Services Overview

## Legal Aid



# Legal Information

## Legal Information Outreach Worker



# LSS Self-Help Websites

The screenshot shows the homepage of the 'Family Law in British Columbia' website. The header includes navigation links: Home, What's new, Site map, About us, Contact us, and Feedback. The main title 'Family Law in British Columbia' is prominently displayed. Below the title, there are tabs for 'Your legal issue', 'Your community', 'Your FAQ', 'Legal system', and 'Staying out of court'. A search bar is located on the right. The 'About us' section explains that the website is maintained by the Legal Services Society (LSS), which provides legal aid in British Columbia. It lists various legal issues covered, such as separation, divorce, child and spousal support, parenting, guardianship, child protection, and family property. A 'Live Help' chat icon is visible. The footer contains copyright information for 2015 and links to the LSS website and other resources.

Home [What's new](#) [Site map](#) [About us](#) [Contact us](#) [Feedback](#) Legal Services Society

## Family Law in British Columbia

Your legal issue Your community Your FAQ Legal system Staying out of court Search Go

### About us

#### Who we are

This website is maintained by the Legal Services Society (LSS), the organization that provides legal aid to British Columbia, Canada. See the LSS website for more information about [legal aid](#) or [LSS](#).

#### What's this website about?

On the Family Law in British Columbia website, family law includes:

- separation
- divorce
- child and spousal support
- parenting, including:
  - guardianship (parental responsibilities and parenting time)
  - contact with a child
  - custody
  - access
- child protection/removal
- division of family property and debts
- adoption

Because people facing family law issues often find they're also dealing with other related matters, we also provide limited information for some of those related areas, like:

- family violence if children aren't affected
- income assistance
- immigration issues like sponsorship breakdown

However, these aren't family law issues.

#### Can this site answer all my legal questions?

Probably not. This site is meant to provide legal information only, not legal advice. Legal information is general information about the law that helps someone identify a legal issue and the options that might be available to address that issue. Legal advice is specific to a situation. It involves applying the law to a particular situation, and providing a legal opinion and specific advice about the best course of action.

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The screenshot shows the homepage of the Legal Services Society website. The header includes navigation links: Home, Legal aid, Lawyers, Community workers, Aboriginal, LSS News, and About us. The main title 'Legal Services Society' is prominently displayed, along with the tagline 'Legal aid can help'. Below the title, there are tabs for 'Home', 'Legal aid', 'Lawyers', 'Community workers', 'Aboriginal', 'LSS News', and 'About us'. A search bar is located on the left. The 'We're here to help' section welcomes visitors to the Legal Services Society (LSS), which provides legal aid in BC. It lists various services offered, such as legal help, a lawyer to take a case, a legal aid office, publications, LSS latest news, career opportunities, and LSS Online. A 'Live Help' chat icon is visible. The footer contains copyright information for 2015 and links to the LSS website and other resources.

Legal Services Society  
Legal aid can help  
British Columbia, Canada

Home Legal aid Lawyers Community workers Aboriginal LSS News About us

### Search our site

Google Custom Search

#### 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,
- find information for the Aboriginal community on our Aboriginal Legal Aid 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.

#### LSS board chair talks about early success of LSS pilot projects in speech to Law Society Benchers

#### I'm looking for...

- Legal help
- A lawyer to take my case
- A legal aid office
- Publications
- LSS latest news
- Career opportunities
- LSS Online

#### Our locations

#### Our services

#### Our publications

#### Contact us

#### Family Law in BC

#### MYLAWBC

my problem, my solution

#### I am a...

- Person who needs legal help
- Lawyer
- Community worker
- Aboriginal person
- Reporter

#### I want to...

- Apply for legal aid
- Contact LSS
- Get help with my family law problem
- Find family law court forms

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Legal aid Lawyers Community workers Aboriginal About us

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[www.legalaid.bc.ca](http://www.legalaid.bc.ca)



# Community Partners

Community partners are available in 26 communities around the province. Clients can:

- get free legal information;
- call Legal Aid;
- find nearest Legal Aid office;
- get legal help online; and
- connect with people who can help.



# Legal Advice



**Duty Counsel**



**Family LawLINE**

# Duty Counsel

**Duty Counsel provides legal advice in the following areas of law:**

- **Family law**
- **Criminal**
- **Immigration Law (if in detention)**



# Justice Innovation and Transformation Initiatives (JITI)

- Expanded Criminal Duty Counsel (Out Of Custody –Port Coquitlam)
- Expanded Family Duty Counsel (Victoria)
- Expanded Family Law Line
- Parent Legal Centre (Vancouver and Surrey)



# Expanded Family Duty Counsel (Victoria)

LSS is expanding this program to provide greater continuity of advice as well as new services such as legal coaching to support people who are representing themselves. It is located at the Justice Access Centre in Victoria. Clients can set appointments so that they can work with the same lawyer throughout the service. The lawyers can also now provide up to 6 hours of service for each current legal matter.

# APPLYING FOR LEGAL AID

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

Clients applying for immigration matters can call the LSS Immigration Line at 604-601-6076 or 1-888-601-6076 (no charge)



Come into one of our Legal Aid offices, their contact information is available on our website  
*[www.legalaid.bc.ca](http://www.legalaid.bc.ca)*

# Legal Aid Offices

There are 36 communities in BC where someone can apply for legal aid in person and get legal information.





# Who Qualifies for Legal Aid?

A client qualifies for legal aid when:

- The legal problem is covered by LSS; and
- The client meets LSS financial guidelines





# What Legal Problems Are Eligible For Coverage?

*Criminal* – Where charges are serious and there is a likelihood of jail



*Family Law* – Serious family situations regarding parenting (guardianship, parenting arrangements or custody/access), protection orders, child support and more depending on the issues. The issues need to be addressed immediately to ensure the safety of the children and/or the client.



*Child Removal* – Where the Ministry of Children and Family Development or a Designated Agency has removed a child(ren) or where there is a risk or **threat** of a child(ren) being removed. This could also include custody and/or access issues arising from a child in care.



*Reciprocals* – Where the client lives in one province and their Family or CFCSA matter is in another province.





*Immigration* – Where the client may wish to claim refugee status or where the client faces an immigration proceeding that may result in their removal from Canada.



# Financial Eligibility

## *Representation Income Chart*

### Household Size

### Monthly Net Income

1	\$1,550
2	\$2,160
3	\$2,780
4	\$3,400
5	\$4,020
6	\$4,640
7 or more	\$5,250

Effective April 1, 2017



# Financial Eligibility

## *LEGAL ADVICE GUIDELINES*

### Household Size Monthly Net Income

1 – 4	\$3,400
5	\$4,030
6	\$4,670
7 or more	\$5,280

▶ Effective April 1, 2017



# Financial Eligibility

## *Personal Property (All case types)*

### Household Size

### Exemption

1	\$2,000
2	\$4,000
3	\$4,500
4	\$5,000
5	\$5,500
6 or more	\$6,000

Effective April 1, 2017





# FINANCIAL DISCRETIONARY COVERAGE

Legal Representation – Criminal, Family, CFCSA, Immigration, and Appeal Cases

- If an applicant is over the financial eligibility guidelines, by approximately \$100 – \$200 on income or \$500 on assets, and the matter is a serious and complex case, and there is available budget, it can be sent for discretionary coverage review



# Requesting A Review of A Denial

A client can request a review of a denial for legal aid

- This request must be in writing
- The client should state why they disagree with the denial and explain why they believe they should get legal aid
- The client should include any supporting documents

Coverage and financial eligibility reviews must be submitted within 30 days of the denial of legal aid to:

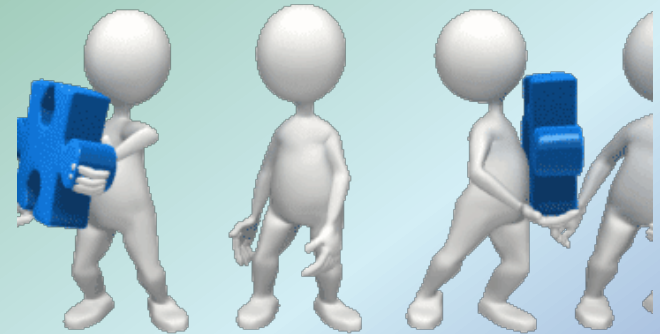
Provincial Supervisor  
Vancouver Regional Centre  
400 – 510 Burrard Street  
Vancouver, BC V6C 3A8  
Fax: 604-682-0787



# 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 information



# **Presenter: Deneen**

Provincial Supervisor, Legal Aid Applications

Phone: 604-601-6217

Fax: 604-682-0787

E-Mail: [deneen.vancouver@lss.bc.ca](mailto:deneen.vancouver@lss.bc.ca)





# Gladue Reports

Gillian Lindquist

Gladue Report Writer



## What are Gladue Rights?

- Special legal rights for Aboriginal (First Nations, Inuit, Metis) people in Canada
- Based on their special circumstances (experiences)
- The term *Gladue* comes from the Supreme Court of Canada case that upheld these legal rights

# Colonization

Aboriginal people in Canada are living with the impacts/harms of colonization.

These are often intergenerational.

The result is that Aboriginal people experience higher rates of social problems.

Including higher rates of contact with the criminal justice system.

They also face racism/systemic discrimination within the justice system.



# Colonization Con't

- Indian Residential/Day Schools
- *The Indian Act*
- The 60s Scoop
- Loss of language/culture/identity
- Loss of land/disconnection from land
- Abuse (sexual, physical, emotional, spiritual, psychological)
- Higher levels of poverty, lower levels of education, high unemployment, poor housing, homelessness and lack of food security.
- Trauma





# Legal Basis – 1996 – The Purpose and Principles of Sentencing

Section 718.2: A court that imposes a sentence shall also take into consideration the following principles:

(e) all available sanctions that are reasonable in the circumstances should be considered for all offenders, ***with particular attention to the circumstances of aboriginal offenders.***



# Jamie Gladue

- 19 year old Aboriginal women – stabbed her common law husband in Nanaimo
- Plead guilty to manslaughter
- Judge in case said 718.2(e) didn't apply because she didn't live on reserve
- Gladue appealed – went all the way to the Supreme Court of Canada



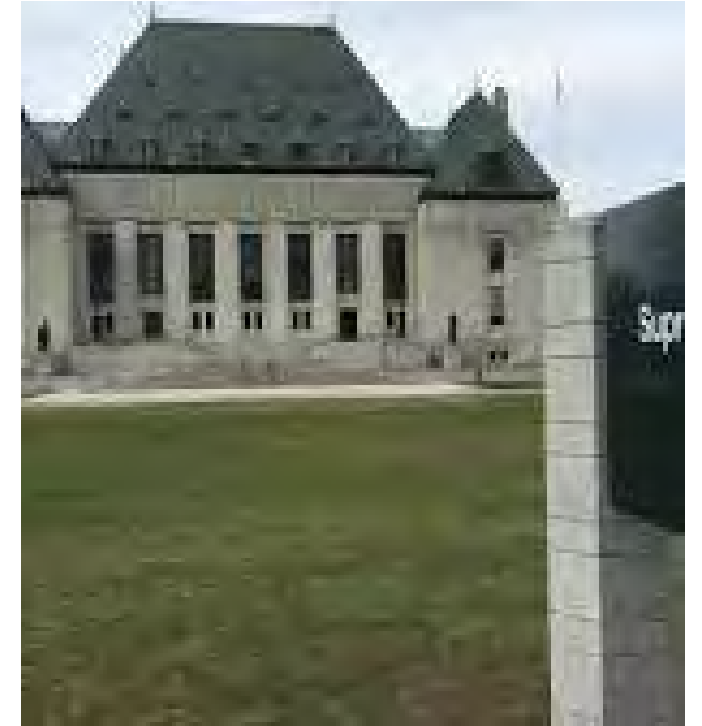
# Supreme Court of Canada Found:

- Justice system is failing Aboriginal people.
- Far too many are being incarcerated.
- Judges must take the special circumstances of Aboriginal people into consideration, such as their background, restorative justice options, and all options other than jail.
- Sentences should be healing vs. punitive.
- Residence on or off reserve is not a factor



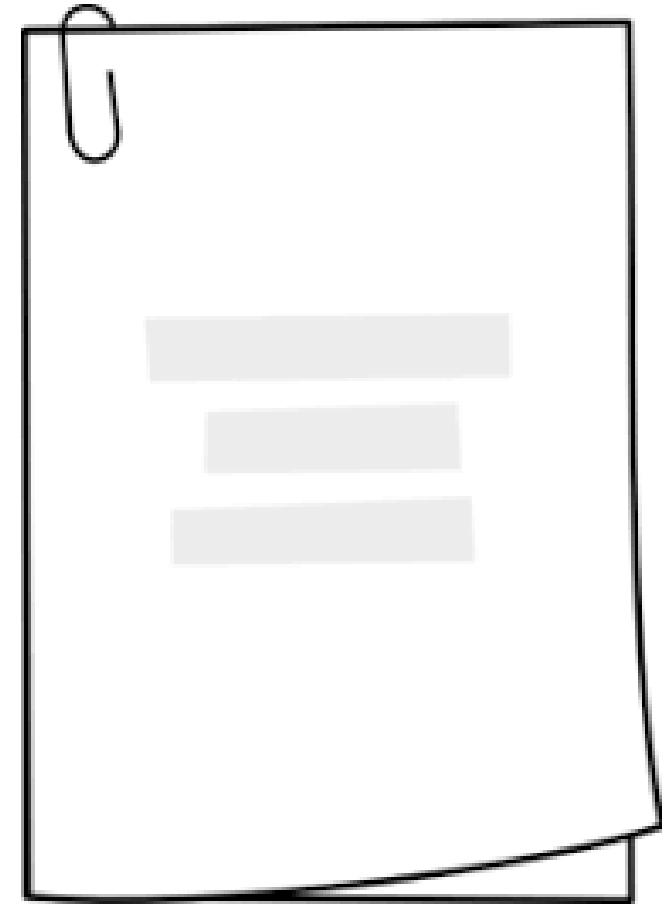
# R. v. Ipeelee

- 2012 Supreme Court of Canada decision
- Found that judges must look at how special circumstances affect all Aboriginal peoples, and the Aboriginal person in court.
- Judges must explain how they thought about the person's special circumstances.
- Gladue applies to all crimes under the Criminal Code, even very serious ones.
- The judge must try to come up with a sentence that fits the crime, the person who committed it, their community, and the victim.
- Said a written Gladue report may be the best way to make sure a judge thinks about Gladue factors and restorative justice.



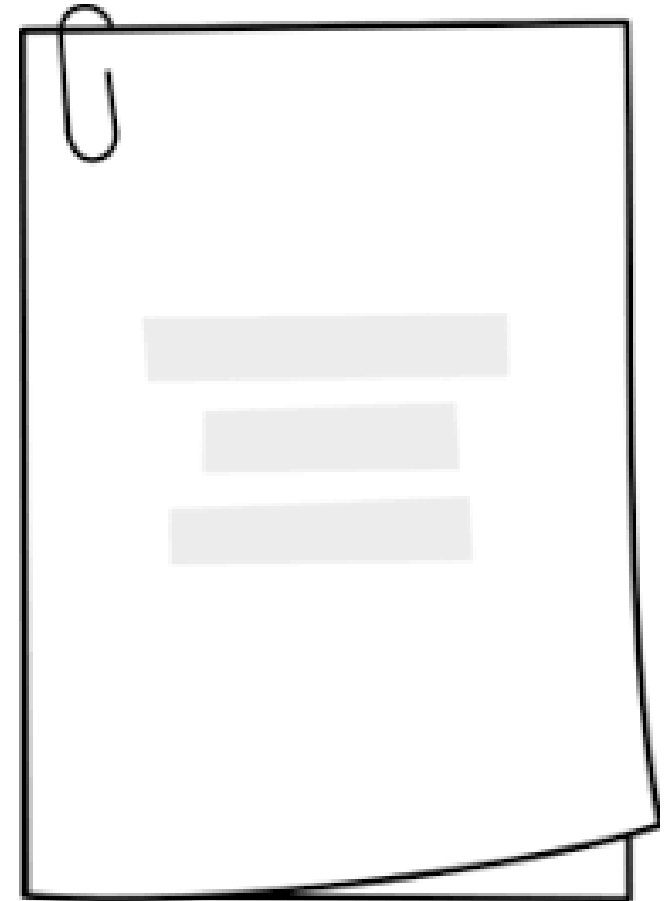
# The Reports

- Anyone can request a report (defence, Crown, judge)
- Subject can be status/non-status
- Subject can waive their Gladue rights
- For a funded report, defence counsel requests a disbursement authorization through LSS Online Portal (PP will be provided)
- The Gladue coordinator through LSS will find a writer
- Timeline: 8-weeks from when documents are provided to writer by defence



# The Reports

- The writer will:
  - interview the subject (while in remand or in the community) as many times as required;
  - interview collaterals (family, friends, community members, workers, etc.);
  - request/review additional documentation;
  - write the report;
  - go through editing process with LSS editors;
  - submit the report to counsel.



# The Reports

- Personal History and Family Relationships
- Current Circumstances
- Living arrangements and finances
- Education, employment, and career goals
- Health
- (Optional section) Fetal Alcohol Spectrum Disorder (FASD)
- Substance Use
- Personal Attributes and Other Resources
- Aboriginal Community(ies) and History
- Connection to Aboriginal community and culture
- (Optional section) Indian residential school and its intergenerational effects
- (Optional section) Impacts from colonization
- Criminal Record
- Previous Interventions
- Proposed Interventions
- Summary
- Restorative Justice Options

# Examples of Institutional Options

- Length of sentence
- Completing sentence in a correctional facility and/or halfway house that focus on Aboriginal culture and healing.
- Access to:
  - employment opportunities and job readiness training,
  - educational upgrading (Adult Basic Education),
  - spiritual support services, as well as Elder and Aboriginal Liaison Services,
  - programming (drug and alcohol, etc.),
  - mental health supports and assessments.
- Section 84 release plan (Aboriginal person being released into the community).



# Examples of Community Based Options

- Where to reside
- Attend treatment
- Drug and alcohol counseling
- Complete an educational program
- Anger management programming
- Culture camps
- Counseling
- Communication/conflict management training (healthy relationships)
- Cultural programs
- Working with an Elder(s)
- Mental health services and assessments
- Healing circles

# Examples of Community Based Options Con't

- Traditional parenting courses
- Life skills training
- Residential school support worker/counseling
- FASD or neuropsychological assessment
- Seeing a psychiatrist/psychologist
- Employment skills training
- Individual and family counseling
- Community living support
- Traditional singing and/or dancing groups
- Trauma programming
- Financial trust for settlement money

# Funding

- The Gladue report pilot project began in 2011 with limited funding.
- 2014 – 2017: About 80 Gladue reports completed each fiscal year.
- 2017 – 2018: 114 Gladue reports completed so far; 47 additional reports currently being worked on.
- For the 2018 fiscal year, LSS has received more funds from the province and is able to do an additional 110 reports. Starting April 1, 2018, LSS has funding for a total of 250 reports.





Joleen Steininger

Gladue & Administrative Assistant

Indigenous Services Department

Legal Services Society

[gladue.coordinator@lss.bc.ca](mailto:gladue.coordinator@lss.bc.ca)

Phone: (604) 601-6240

For More Information

Questions?



# Further Reading

- Gladue in Canada – Personal story from Maclean's, 2017:  
<http://www.macleans.ca/news/canada/why-gladue-has-not-lived-up-to-its-promise-for-indigenous-justice/>
- Gladue rights booklet from LSS:  
<http://aboriginal.legalaid.bc.ca/resources/pdfs/pubs/Your-Gladue-Rights-eng.pdf>

The background of the slide features a close-up, artistic shot of a liquid, likely oil or honey, being poured. The liquid flows from the top right towards the bottom left, creating smooth, undulating waves. The colors range from a pale, milky white to a rich, warm orange, with the transition occurring as the liquid moves. The lighting is soft and diffused, highlighting the glossy texture of the liquid's surface.

# Wills & Estates

Dominic Meslin



# Overview

1. Incapacity Planning vs. Estate Planning
2. Defaults
3. The Law
4. What changed with the *Wills Estates and Succession Act* ("WESA")
5. Formalities and Practicalities
6. What can go wrong?

# Incapacity Planning vs. Estate Planning

## Incapacity Planning

- Power of Attorney
- Health Care Representation Agreement
- Advance Directive
- Nomination of Committee

## Estate Planning

- Will
- Trust
- Beneficiary Designations
- Joint Tenancy

# Incapacity Planning vs. Estate Planning

## Children

- Appointing a guardian
  - By Will
  - By *Family Law Act* ("*FLA*") designation (Form 2, s. 23 *FLA Regulation*)
- Trustee

# Defaults

- What happens if you have no plan in place?

# Defaults

## Incapacity

- Committee
  - s. 6, *Patients Property Act*
- Temporary Substitute Decision Maker
  - s. 15, *Health Care (Consent) and Care Facility (Admission) Act*

# Defaults

## Estate

- Intestacy (*WESA* Part 3)
  - Partial
  - Full
- Grant of administration
  - Will Annexed
  - No will

# Defaults

## Children

- Surviving Guardian
- Public Guardian and Trustee and Ministry of Children and Family Development
- Court appointed guardian under *FLA*



# The Law

- WESA
- *Representation Agreement Act*
- *Power of Attorney Act*
- *Patients Property Act*
- <http://www.bclaws.ca>

# What changed with *WESA*

- Old wills remain valid
- S. 58 allows court to relax formalities of will and admit nearly anything other than video as a testamentary instrument
- Old rules for will variation remain in place
- Lifetime interest in matrimonial home to surviving spouse replaced with option to purchase home on conditions

# What changed with *WESA*

- Brings estate law inline with family law re: “spouse”
- Anyone at or over 16 can make a will
- Marriage no longer invalidates will
- March 31, 2014

# Formalities and Practicalities: Wills

## Validity

### **At least 16 years of age**

- Exceptions
  - Member of Military
  - Active service

### **Testamentary Capacity**

- Sound mind
- General idea of property owned
- Understand and appreciate division of property
- No delusions influencing disposition

### **Undue Influence**

- Executed voluntarily
- Potential for dependence or domination by beneficiary
- Once established, beneficiary must prove undue influence was not present

# Formalities and Practicalities: Wills

## Formalities

### In writing

- s. 37(1)(a)  
*WESA*

### Signed

- At end
- Attestation clause

### Witnessed

- At least two witnesses
- Present at same time (as each other AND will-maker)

### Exceptions

- Holograph Will (no witnesses)  
– not valid unless member of military on active service

# Formalities and Practicalities: Healthcare Representation Agreements

## Standard Agreement (s. 7)

- **Includes**
  - Personal Care
  - Minor and major health care
  - Legal affairs
  - Routine financial affairs
- **Doesn't Include**
  - Broader health care powers

## Non-Standard Agreement (s. 9)

- **Includes**
  - Minor and major health care
  - Other health care procedures
    - ECT, abortion, experimental treatments, etc.
- **Doesn't Include**
  - Legal affairs
  - Financial affairs

# Formalities and Practicalities: Powers of Attorney

- Powers
  - Legal decision making
  - Financial decision making
- Duties
- Revocation
- Part 6 *Land Title Act*
  - Three year limitation unless says otherwise



# Formalities and Practicalities: Powers of Attorney

## General POA

- Commences when signed
- Ends upon incapacity

## Enduring POA

- Commences when signed
- Continues through incapacity

## Springing POA

- Commences on occurrence of event

## Limited POA

- Commences on specific time or purpose

# Formalities and Practicalities: Committees

- Appointing committee
- Done under *Patients Property Act*

# Formalities and Practicalities

- *Land Title Act* declaration
- Copies
  - POA and Rep Agreement
- Cost
  - Basic Will, POA, HRA = \$750 - \$1,500

# What can go wrong?

- Will Variation Claim
  - Spouse or Child only
  - Must show there was no adequate provision for proper maintenance and support, AND
  - Commence within 180 days of grant
- Executor renounces
- Intestacy



Restorative  
Justice VICTORIA

# Restorative Justice

Gillian Lindquist  
Executive Director



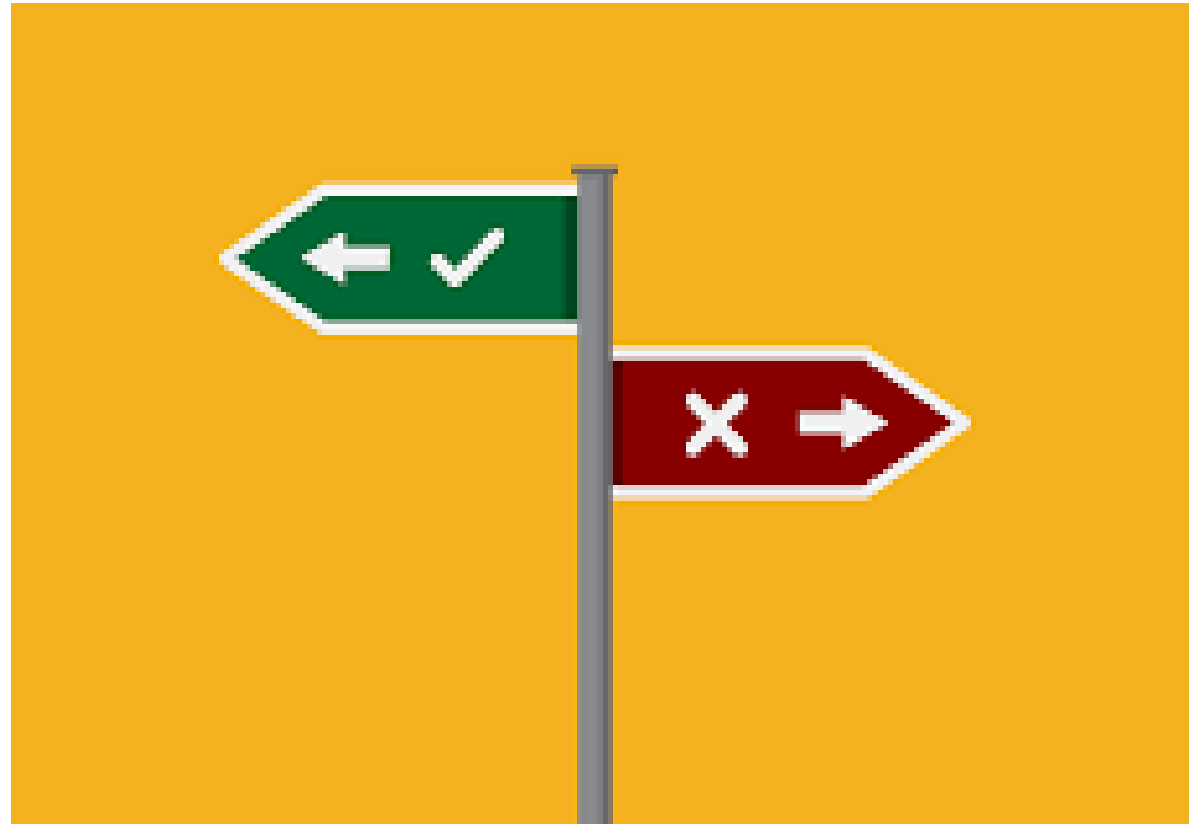
# What is Restorative Justice?

*“Restorative justice is a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs and obligations, in order to heal and put things as right as possible.”*

*Source: Zehr (2002)*

# Common Concerns and Misconceptions

- It can only be used to address minor offences/first time offenders
- It's diversion
- It's "soft on crime"
- It's the same as mediation
- It's offender focused
- It's about forgiveness and reconciliation
- It's designed to primarily reduce recidivism





# Restorative Justice Is....

Concerned with everyone's needs, especially victims'.

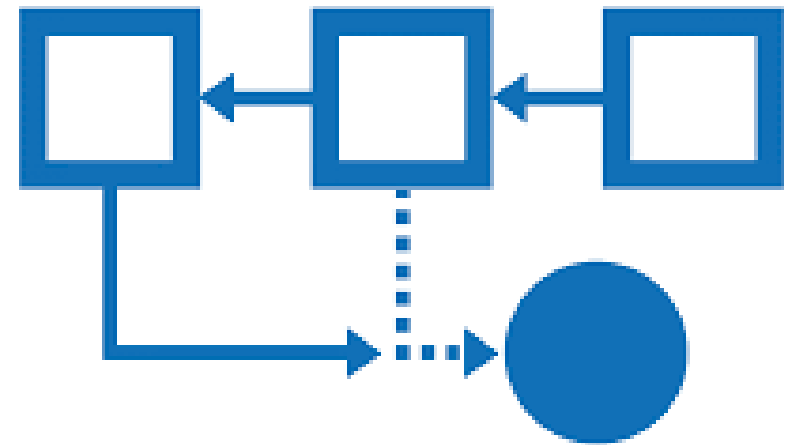
Common needs from victims include:

- Information/answers to questions
- Truth
- Empowerment
- To have a voice
- Restitution
- Vindication/validation
- Safety/protection
- And more! Each victim is unique and will have distinct needs.



# The Process

- Referral
- Intake and assessment
- Team selection
- Prep
- Indirect communication and/or dialogue
- Agreement completion
- File closure





## Who Participates?

Depending on the model used and the needs of the participants:

- the victim(s)
- the offender(s)
- supporters for both (friends and/or professionals)
- relevant community members
- police/justice service professionals when appropriate
- facilitators
- mentors

# Victim Involvement

Restorative justice is 100% voluntary for all those involved, especially victims.

Victims choose their level of involvement


Very little ←————→ A lot

**No involvement**

**Indirect involvement**

**Partial involvement**

**Full involvement**



# Restorative Justice Agreements

---

Agreements are designed to address (at least) two things:

1. Repairing the harm done the victim(s) and the community
2. Address the underlying reasons (causal factors) for the offence

# When to Use Restorative Justice?

- There is an identified act or acts perpetrated by an individual (or group) that has harmed another person (or people)
- The person responsible for the harm accepts responsibility for their actions and is willing to address the harms and root causes
- The victim views restorative justice as a meaningful way to address the harm (restorative justice may not be the only mechanism used)
- The people involved have the capacity to participate in the process
- The restorative justice process will not create further harms
- There are facilitators available who are qualified and competent to do the prep work and hold space for the process



# Restorative Justice Within the CJS

## **Diversion:**

- Community based referrals directly from the police (pre charge)
- Alternative measures/extra judicial sanctions by Crown (pre or post charge)

## **Integrated:**

- As an adjunct to court prior to sentencing

## **Sentencing:**

- As a condition within the sentence (consent from accused and voluntary for victim)

## **Post-sentence:**

- While the offender is incarcerated (provincial/federal)
- Upon release
- Post release



# Restorative Justice in the CRD

## **Restorative Justice Victoria**

- Victoria and Oak Bay Police (includes Esquimalt)
- Adult Crown for Victoria, Oak Bay, Esquimalt, and the Western Communities
- Judiciary/probation
- Schools
- ICBC
- Accepts self-referrals

## **South Island Wellness Society**

- Restorative justice services for Aboriginal people in the region
- Accepts referrals from the CJS and the community

## **John Howard Society**

- Saanich Police
- Adult Crown for Saanich

## **Saanich Peninsula Restorative Justice**

- Sidney RCMP and Central Saanich Police
- School District #63
- Adult Crown for Central Saanich and Sidney

## **Westshore RCMP**

- Internal restorative justice program run within the department for police referrals

## **Youth Probation**

- All youth Crown referrals under Extra Judicial Sanction



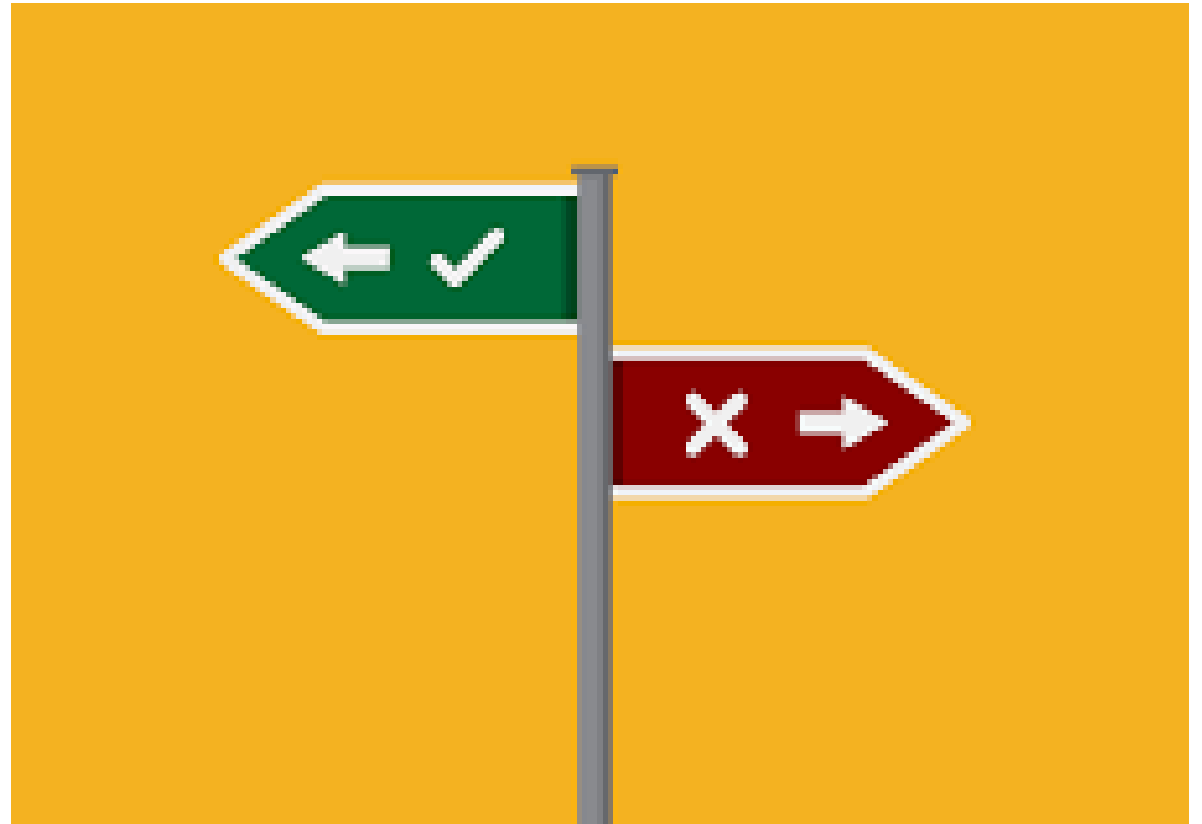
# Restorative Justice in Canada



- BC has over 90 individual RJ agencies and 32 programs under the Indigenous Justice Program, Department of Justice Canada
- Correctional Service Canada has facilitators available for restorative justice with federally sentenced offenders “Restorative Opportunities”
- Manitoba the first province to create an Act specific to restorative justice in 2015
- There are a multitude of programs across the country and each province works differently

# Common Concerns and Misconceptions

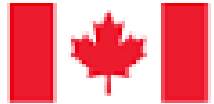
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- It's designed to primarily reduce recidivism



# Free Online Course in Restorative Justice

Email [Office@RJVictoria.com](mailto:Office@RJVictoria.com) to register

Thanks to the Victim Fund - Department of Justice Canada!



Department of Justice  
Canada

Ministère de la Justice  
Canada

Questions?





[www.RJVictoria.com](http://www.RJVictoria.com)

[Gillian@RJVictoria.com](mailto:Gillian@RJVictoria.com)

Phone: 250-383-5801

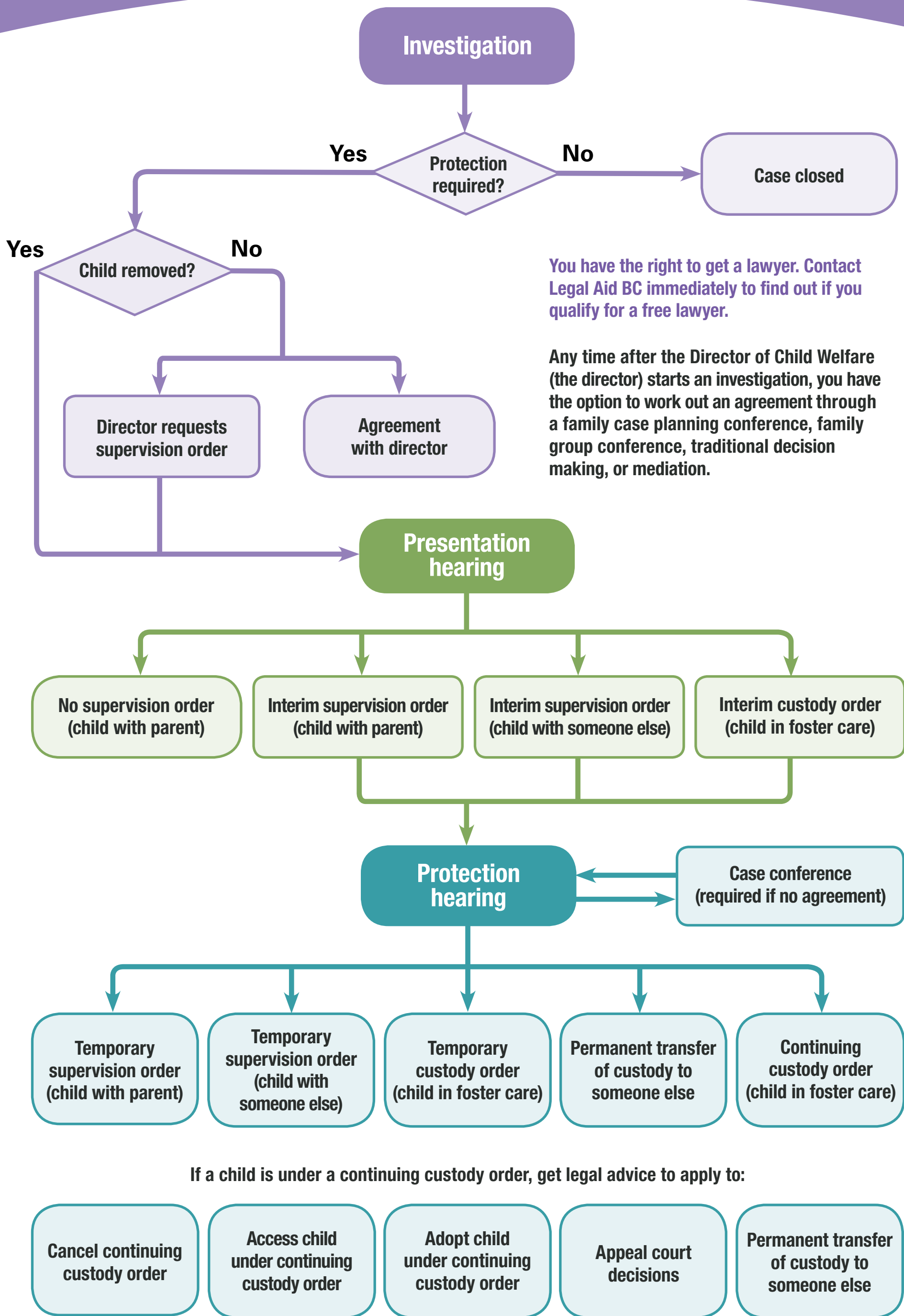
Contact Us

# The Child Protection Process



Legal  
Services  
Society

British Columbia  
www.legalaid.bc.ca



You have the right to get a lawyer. Contact Legal Aid BC immediately to find out if you qualify for a free lawyer.

Any time after the Director of Child Welfare (the director) starts an investigation, you have the option to work out an agreement through a family case planning conference, family group conference, traditional decision making, or mediation.

# Family Violence and the Family Law Act

Laura Atkinson

# Key Features

- Focus on Family Violence is woven throughout the Family Law Act
- Requirement for Family Law Dispute Resolution Practitioners to complete Family Violence Screening Training
- Impact of Family Violence brought into the best interest of the child test for all determinations involving children
- Criminal enforcement of Protection Orders



## Definition section 1

**"family violence"** includes

- (a) **physical abuse** of a family member, including forced confinement or deprivation of the necessities of life, but not including the use of reasonable force to protect oneself or others from harm,
- (b) **sexual abuse** of a family member,
- (c) **attempts** to physically or sexually abuse a family member,
- (d) **psychological or emotional** abuse of a family member, including

## Section 1 cont.

- (i) intimidation, harassment, **coercion or threats**, including threats respecting other persons, pets or property,
- (ii) unreasonable **restrictions on**, or prevention of, a family member's **financial or personal autonomy**,
- (iii) stalking or following of the family member, and
- (iv) intentional damage to property, and
- (e) in the case of a child, **direct or indirect exposure** to family violence;

## Definition section 37

**37** (1) In making an agreement or order under this Part respecting guardianship, parenting arrangements or contact with a child, the parties and the court must consider the best interests of the child only.

(2) To determine what is in the best interests of a child, all of the child's needs and circumstances must be considered, including the following:

....

(g) the impact of any family violence on the child's safety, security or well-being, whether the family violence is directed toward the child or another family member;

## Section 37 Cont

(h) whether the actions of a person responsible for family violence indicate that the person may be impaired in his or her ability to care for the child and meet the child's needs;

(i) the appropriateness of an arrangement that would require the child's guardians to cooperate on issues affecting the child, including whether requiring cooperation would increase any risks to the safety, security or well-being of the child or other family members;

(j) any civil or criminal proceeding relevant to the child's safety, security or well-being.

## Definition section 38

**38** For the purposes of section 37 (2) (g) and (h) [*best interests of child*], a court **must** consider all of the following:

- (a) the nature and seriousness of the family violence;
- (b) how recently the family violence occurred;
- (c) the frequency of the family violence;
- (d) whether any psychological or emotional abuse constitutes, or is evidence of, a pattern of coercive and controlling behaviour directed at a family member;

## Section 38 Cont.

- (e) whether the family violence was directed toward the child;
- (f) whether the child was exposed to family violence that was not directed toward the child;
- (g) the harm to the child's physical, psychological and emotional safety, security and well-being as a result of the family violence;
- (h) any steps the person responsible for the family violence has taken to prevent further family violence from occurring;
- (i) any other relevant matter.

## Section 183

- (2) A court may make an order against a family member for the protection of another family member if the court determines that
  - (a) family violence is **likely to occur**, and
  - (b) the other family member is an at-risk family member.
- Note: Protection Orders can be stand alone orders

## Section 183 Cont

### **Order may include:**

- Restrictions on communication, including means
- Restrictions on attendance
- Restrictions on following
- Restrictions on firearms
- Removal from family residence
- Supervision of obtaining personal belongings
- Seizing firearms etc.
- Requirement to report to court
- Any other term of condition to protect



## Section 184

### Factors in making an order

- History of family violence
- Escalating/Repetitive behaviour
- Patterns of controlling behaviour
- Risk factors – substance abuse, employment/financial problems, mental health problems, access to weapons
- Family member's perception of safety
- Vulnerability circumstances – age, pregnancy, health or financial dependence
- Extent of any injuries

# Other remedies

Conduct Orders – can require counselling, attending services, restrictions on communication

- Benefit of client enforcing
- Can help in situations where safety is a concern but a protection order may not be appropriate or likely

# Protection Orders v. Peace Bonds

## Protection Order

- Enforced criminally
- Client chooses to proceed
- Preventative

## Peace Bond

- Enforced criminally
- Crown chooses to proceed
- Post-event

# Attending Court

- Provincial vs. Supreme Court
- Application and procedure
- Drafting
- Service
- Protection Order Registry

# Supporting Survivors

- Often court process is traumatizing experience for individuals
- Sometimes hard to get information for survivors re breaches and following probation
- Judges hearing matter may not have a family or criminal law background to fully understand the family's context

# Practice Tips

- Screening Tools
- Concerns with any “without notice orders”
- Describe the behaviour that is of concern, don’t use labels
- Consider what terms you want in the order (even if registry is drafting)
- Consider if conduct and/or protection order is warranted
- Ensure clarity in terms of distances and types of communication
- Safety Planning



# PUBLIC LEGAL EDUCATION & INFORMATION RESOURCES



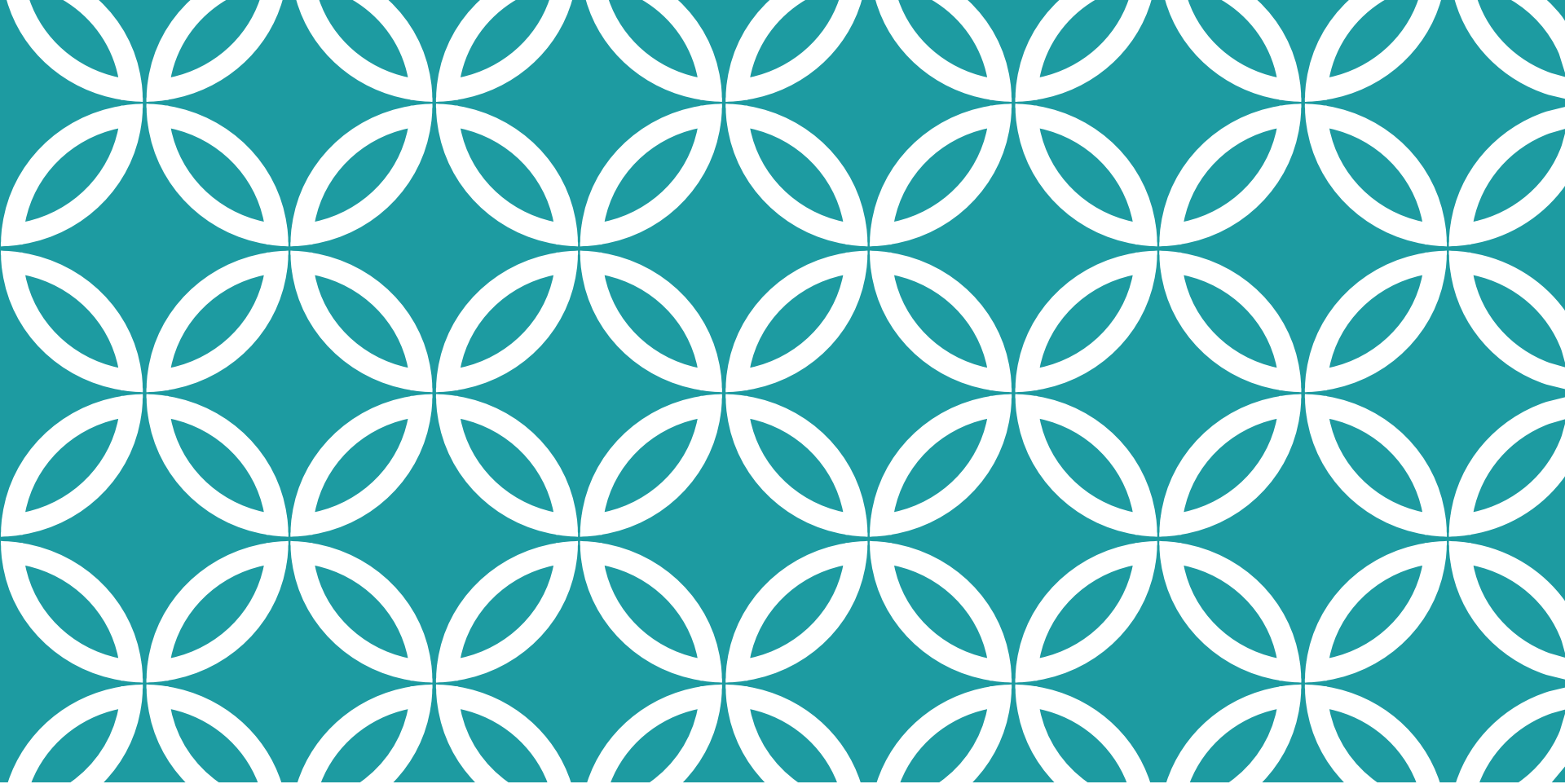
Victoria Regional Conference  
March 2018  
Patricia Lim, [Patricia.Lim@lss.bc.ca](mailto:Patricia.Lim@lss.bc.ca)



# WHAT'S HAPPENING

- Overview of publications
- New and revised publications
- Websites and social media
- MyLawBC





## **INFORMATION RESOURCES: PUBLICATIONS AND WEBSITES**

# AUDIENCE & ACCESSIBILITY

## LSS Publication Readability

### How much legal understanding is needed?

#### Level 1 — None needed.

No legal understanding required. Outline or “first step” information, written in clear language for those with no previous knowledge or experience with the law.

#### Level 2 — Some helpful.

Some understanding helpful but not essential. Offers all basic information on a topic, meant for those who are reasonably comfortable reading and who may have a general sense of some legal concepts.

#### Level 3 — Some needed.

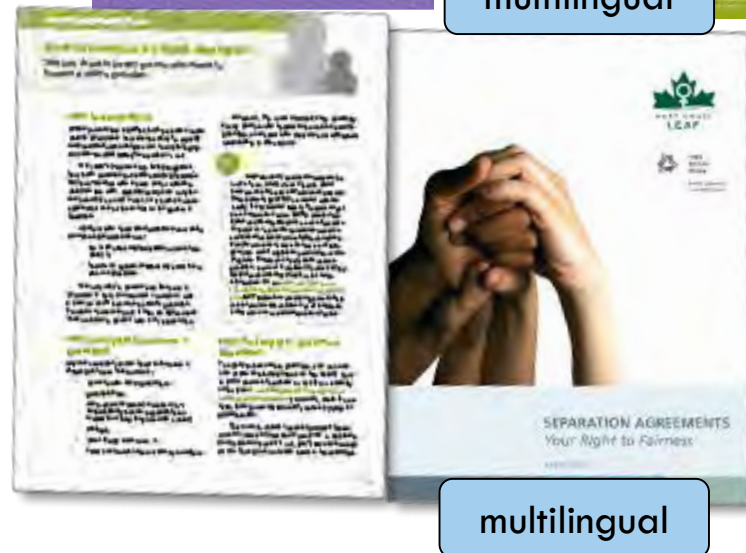
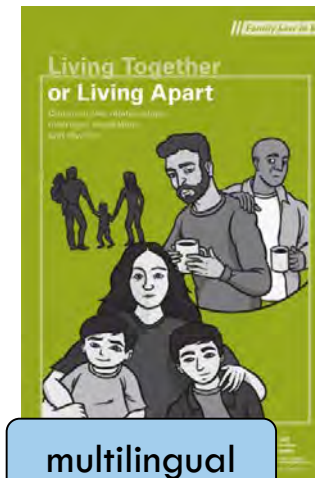
Basic familiarity assumed. Detailed material, written primarily as a reference for the advocate/intermediary audience, although accessible to members of the public with adequate literacy skills.

[Legalaid.bc.ca/publications](https://legalaid.bc.ca/publications)

# FAMILY LAW

## Level 2

### Level 1



# ABUSE & FAMILY VIOLENCE

## Level 1

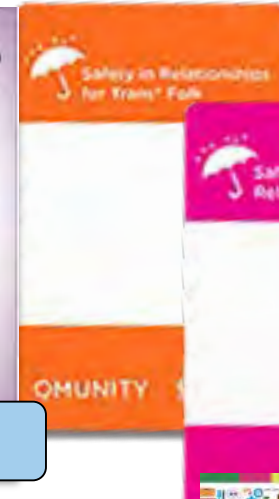


multilingual

## Level 2



multilingual



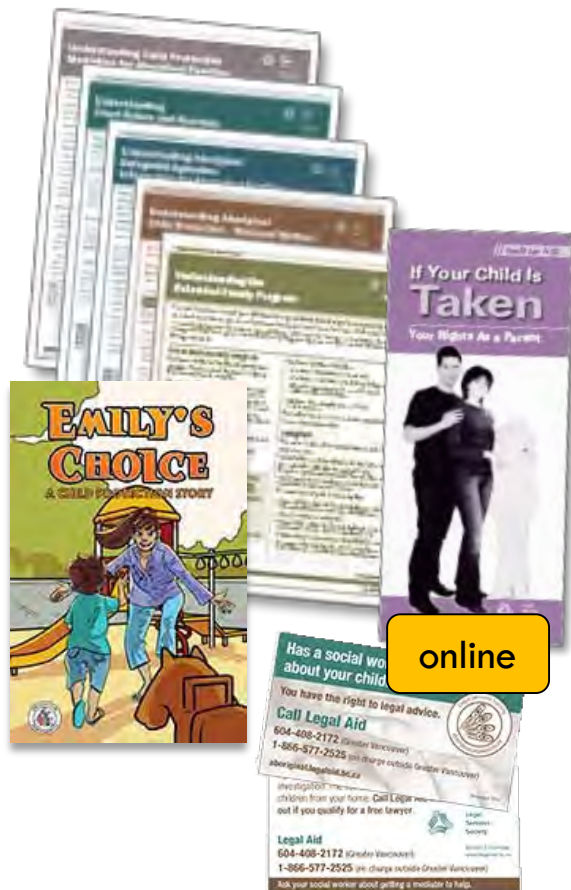
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multilingual  
to come

# CHILD PROTECTION

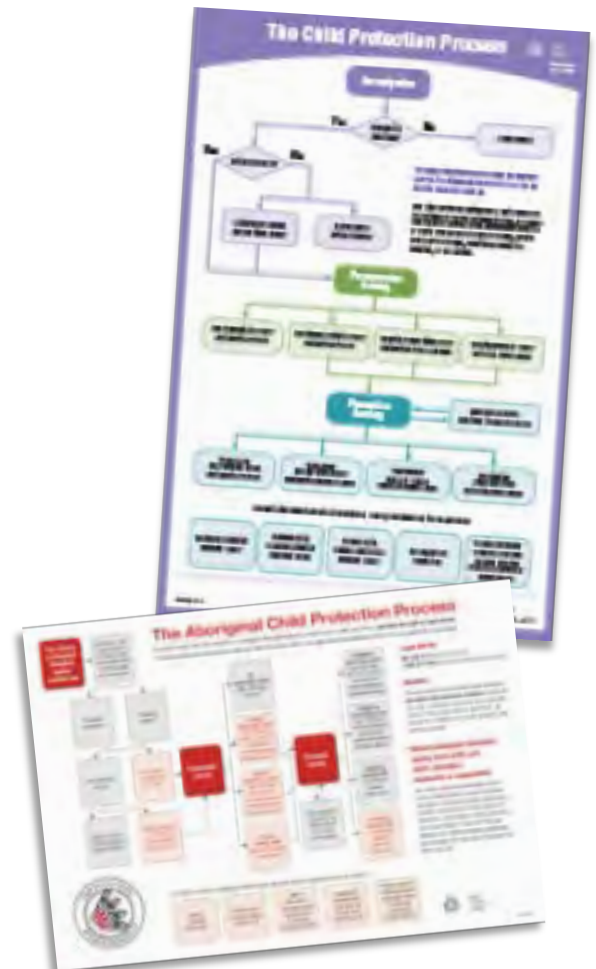
Level 1



Level 2

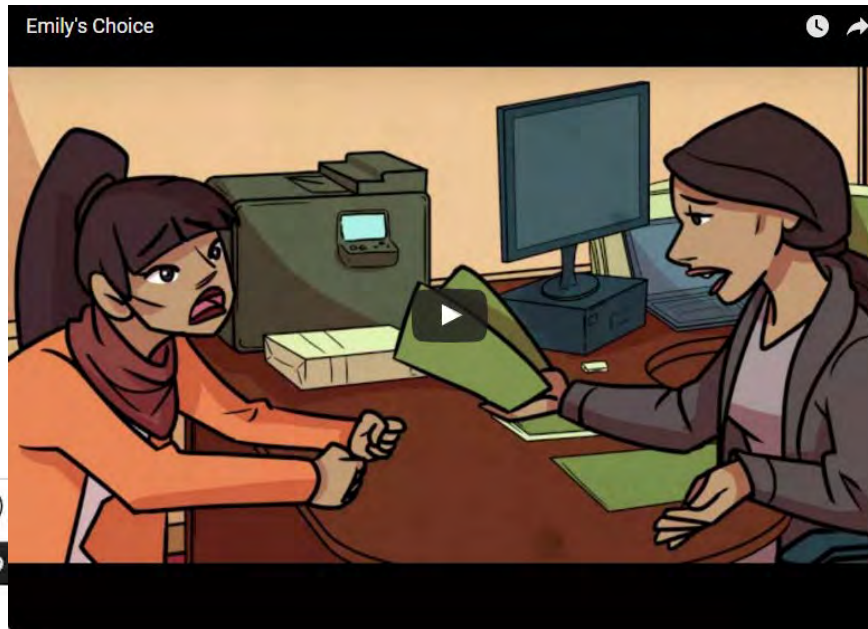
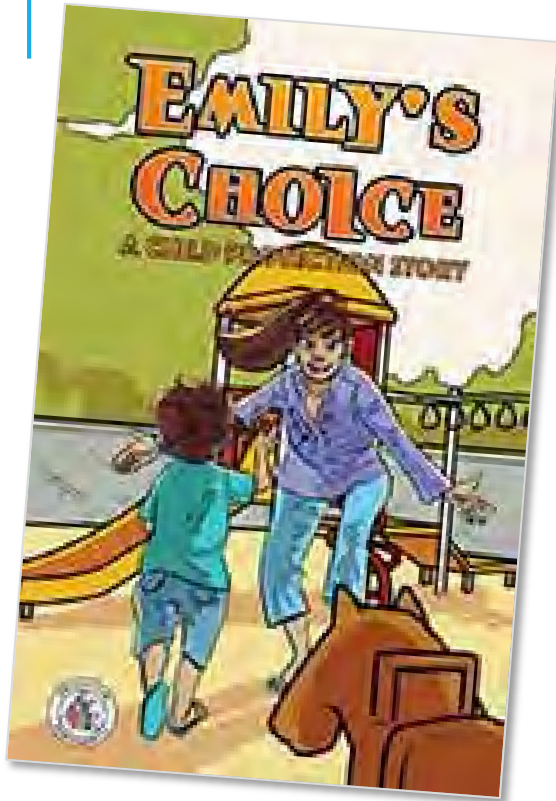


Level 3





# EMILY'S CHOICE GRAPHIC NOVEL/VIDEO



## Emily's Choice A child protection story

Emily is struggling with addiction and an unhealthy relationship. She loves her son, Greg, but can't always take care of him. When Greg goes into foster care, Emily is heartbroken. But by getting legal help and with the support of her family, she gets Greg back. *Emily's Choice* is Emily's story.



# CRIMINAL LAW

## Level 1



## Level 2



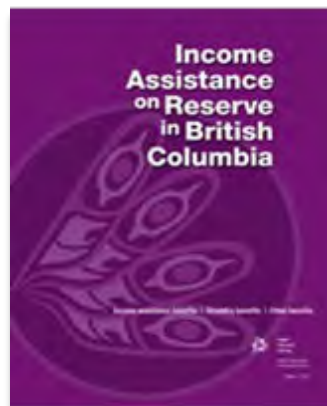
# WELFARE & INCOME ASSISTANCE

## Level 1



online

## Level 2



# IMMIGRANT & REFUGEES

## Level 1



multilingual

## Level 2



multilingual  
to come



# NEW AND UPCOMING PUBLICATIONS ABOUT GLADUE AND FIRST NATIONS COURT



# COMING IN APRIL



## New publications

Your Welfare Rights: Welfare Benefits (second in the series)

Family LawLine promotional items

## Revised according to new legislation/testing results

A Guide to Aboriginal Harvesting Rights

If You Can't Get Legal Aid for Your Child Protection Case

## More languages

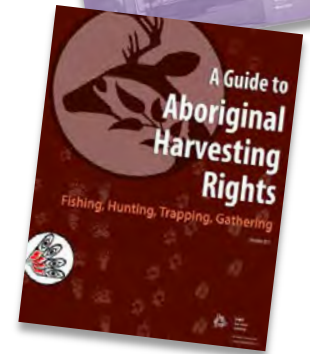
Mothers Leaving Abusive Partners booklet

Is that Legal booklet

Sponsorship Breakdown booklet

Need help with your refugee claim? Info card

Working with Your Legal Aid Lawyer





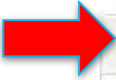
**HOW TO ORDER  
PUBLICATIONS**

**FOR FREE** |

# Ordering process




## Free publications



I want to find a publication by subject

▶ Aboriginal people	▶ Immigrants & refugees
▶ Abuse & family violence	▶ Legal help & lawyers
▶ Child protection/removal	▶ Legal system & courts
▶ Crimes & offences	▶ Promotional materials
▶ Debt	▶ Staying out of court
▶ Families & children	▶ Welfare & benefits
▶ Gays, lesbians, trans, & bisexuals	▶ Wills, estates, & life planning
▶ Housing & tenancy	▶ Women



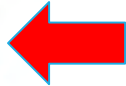
I want to find a publication by language

I want to find a publication by title

I want to get a publication

**To get a copy of a free LSS publication**

- Go to your [local legal aid location](#), or
- Place an [order with Crown Publications](#).



## Featured publications



### Gladue Submission Guide

Plain language guide for Aboriginal peoples, lawyers, and Native courtworkers about how to prepare an oral or written Gladue submission for a bail or...



### Is That Legal?

What the Law Says about Online Harassment and Abuse To help youth become safer online when they use social media. It describes four online situations...




### Live Safe, End Abuse

Live Safe, End Abuse is for people leaving an abusive partner. The fact sheets and folder contain information on what abuse is, how people can plan fo...



## Publications Lists

- [Availability list](#)
  - [Readability list](#)
- 



## Publications updates

- [The Factum Blog](#)
  - [Twitter](#)
- 





Still can't find what you're looking for?

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# Crown Publications

**CROWN PUBLICATIONS**  
Queen's Printer for British Columbia

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 Other Organizations Legal Services Society / Your Gladue Rights (English)



### Your Gladue Rights (English)

Plain language booklet about Aboriginal peoples' rights under the Criminal Code of Canada called Gladue rights. It explains:


- restorative justice,
- how Gladue is applied in court,
- the history of Gladue, and
- Gladue reports and oral Gladue submissions.

See also: [Gladue Rights at Bail and Sentencing](#) (infographic poster) and [What's First Nations Court?](#)

To view this publication online: [Click Here](#)

**Stock:** 3587  
**Price:** Free Each

**Publish Date:** March 1, 2017  
**ISBN:** 2560-6247  
**Product No.:** 7550005106  
**Format:** Booklet  
**Additional Information:** [Click Here](#)  
**This item is found in:** [Aboriginal](#), [Legal Services Society](#)

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[www.crownpub.bc.ca](http://www.crownpub.bc.ca)

# The LSS Game Show

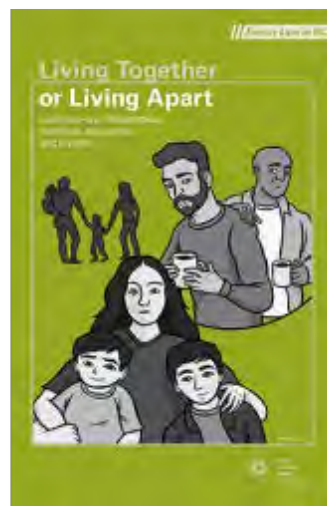
# Q1: WHICH PUBLICATION HAS HAD THE MOST ORDERS IN VICTORIA IN THE LAST YEAR?

A. How to become a Child's Guardian

B. Living Together or Living Apart

C. Your Welfare Rights: How to Apply for Welfare

D. Parents' Rights, Kids' Rights



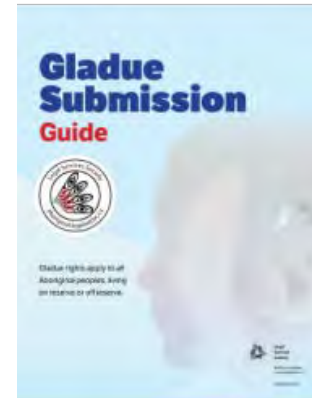
## Q2: WHICH PUBLICATION TALKS ABOUT ONLINE HARASSMENT AND ABUSE?

A. Clear Skies

B. Live Safe End Abuse

C. Is That Legal?

D. Gladue Submission Guide





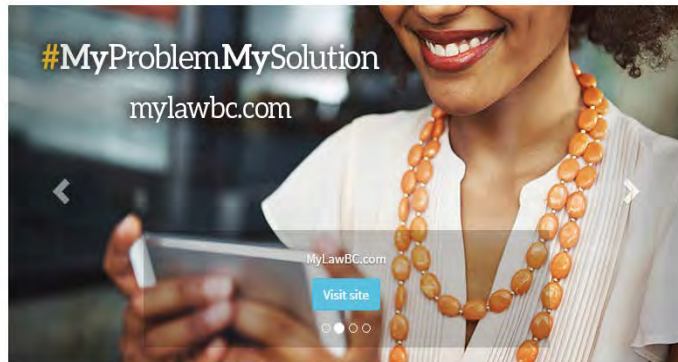
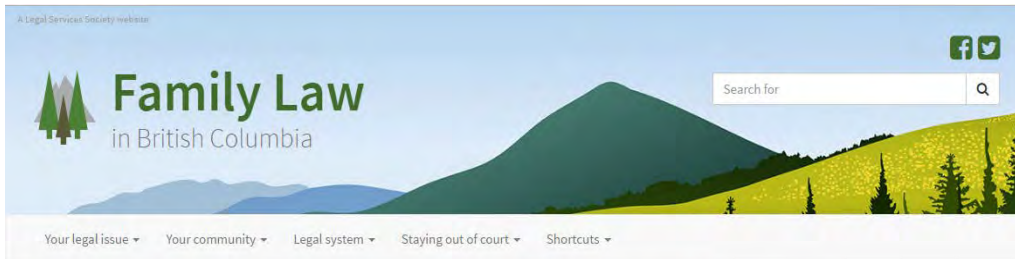


# **LEGAL INFORMATION WEBSITES**

- Family Law Website
  - Aboriginal Legal Aid in BC
  - MyLawBC
- 

# FAMILY LAW IN BC

## FAMILYLAW.LSS.BC.CA



British Columbia's Legal Services Society maintains this site. If you're having a family problem, you may qualify for a lawyer to advise you or take your case. Contact Legal Aid to find out.

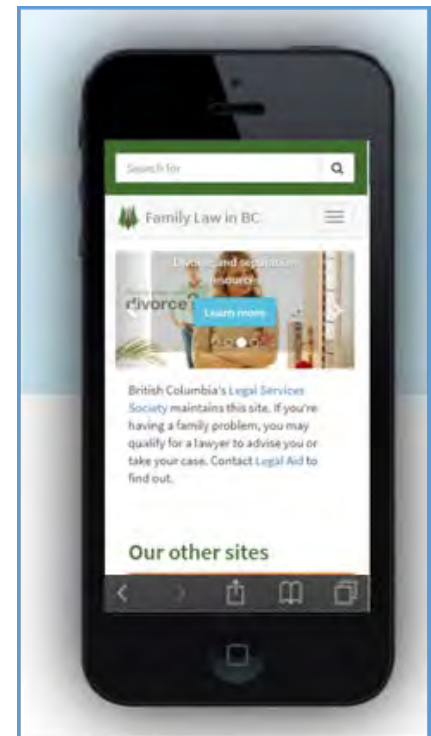
### What's new

Find out about the latest changes to family law

Find out what's new on this website

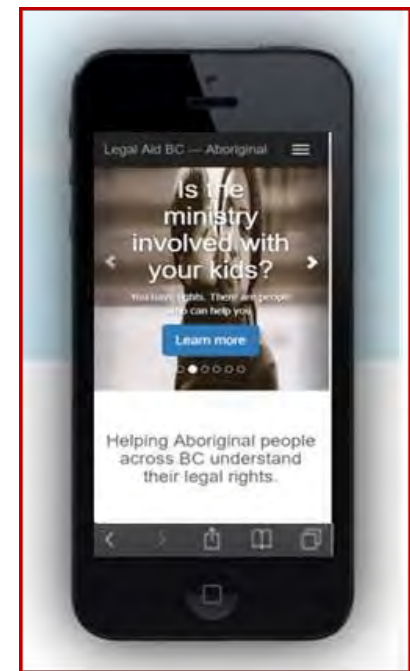
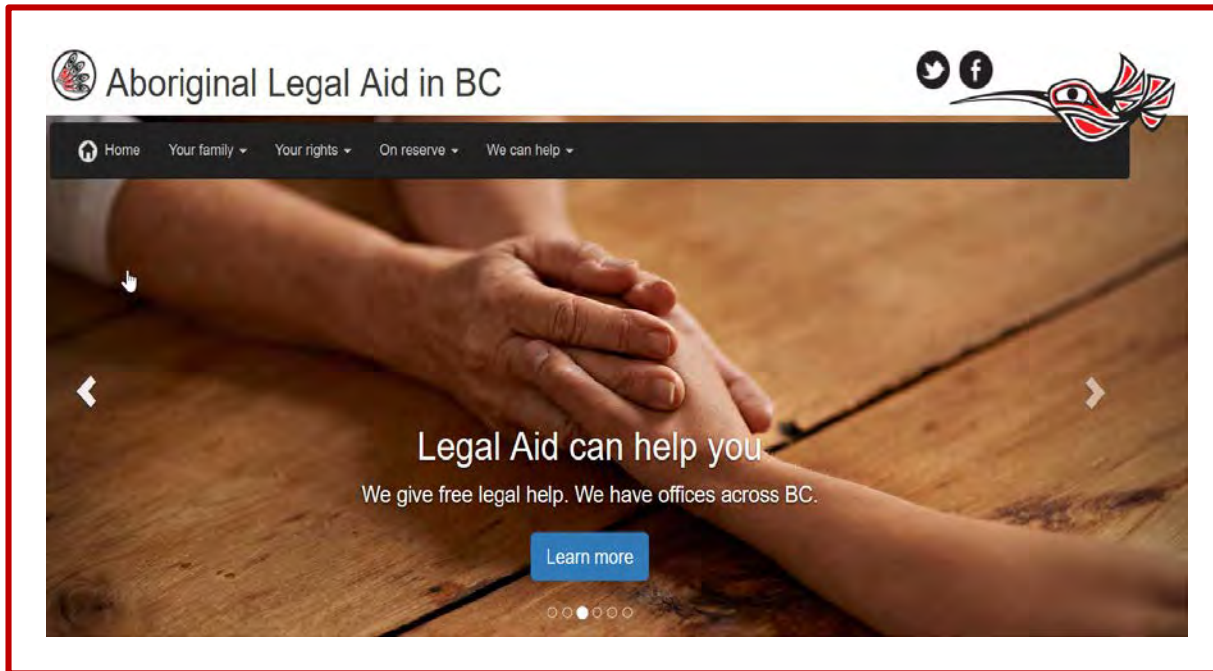
Feedback

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# ABORIGINAL LEGAL AID IN BC

## [ABORIGINAL.LEGALAID.BC.CA](http://ABORIGINAL.LEGALAID.BC.CA)



# MYLAWBC

## MYLAWBC.COM

**Click a pathway to get started.**

Pathways help you find solutions to your legal problem.

Separation, divorce & family matters

Abuse & family violence

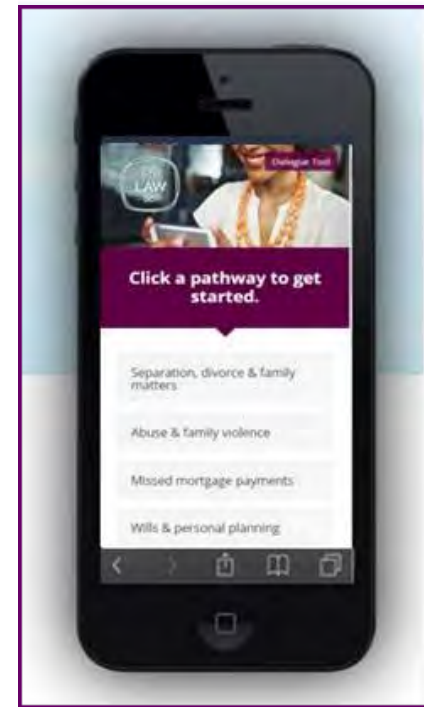
Missed mortgage payments

Wills & personal planning

Donate

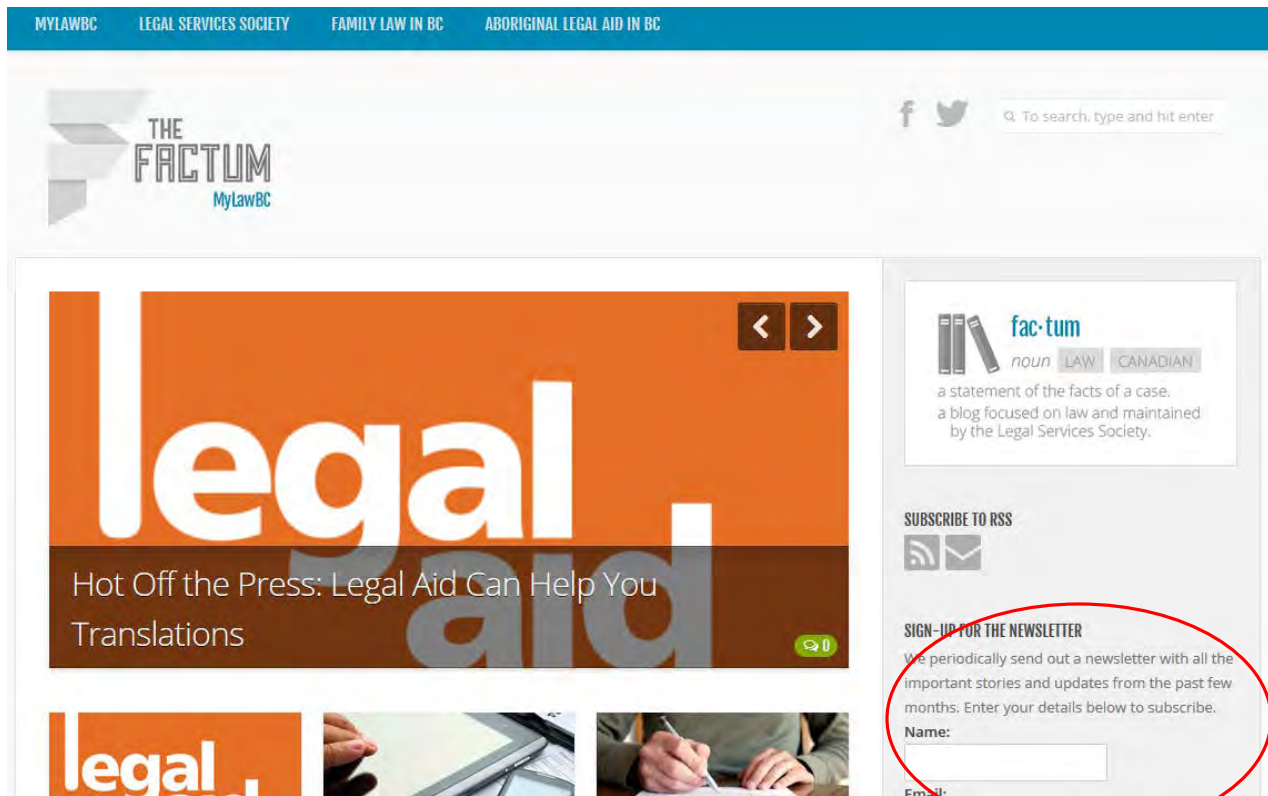
Our publications

Our other sites

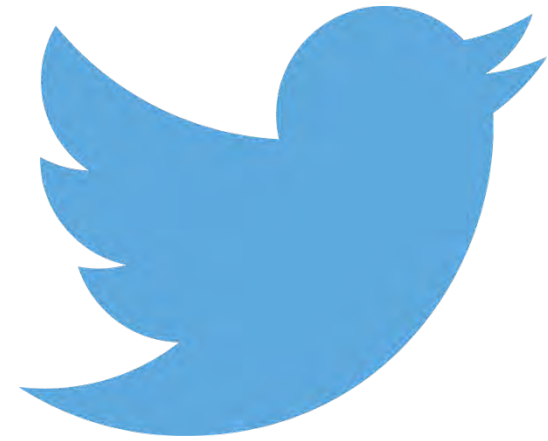


# LSS ON SOCIAL MEDIA

[factum.mylawbc.com](http://factum.mylawbc.com)



The screenshot shows the homepage of the factum.mylawbc.com website. At the top, a blue navigation bar contains the following links: MYLAWBC, LEGAL SERVICES SOCIETY, FAMILY LAW IN BC, and ABORIGINAL LEGAL AID IN BC. Below this, the website's logo "THE FACTUM MyLawBC" is displayed on the left. On the right, there are social media icons for Facebook and Twitter, and a search bar with the placeholder text "To search, type and hit enter". The main content area features a large orange banner with the word "legal" in white, and a headline "Hot Off the Press: Legal Aid Can Help You Translations". Below the banner, there are three small images: a person's hand writing on a document, a person's hand holding a pen, and a person's hand writing on a document. On the right side of the page, there is a sidebar with a "fac-tum" logo and a definition: "noun LAW CANADIAN a statement of the facts of a case. a blog focused on law and maintained by the Legal Services Society." Below this, there is a "SUBSCRIBE TO RSS" section with RSS and email icons. At the bottom of the sidebar, there is a "SIGN-UP FOR THE NEWSLETTER" section. This section includes a description: "We periodically send out a newsletter with all the important stories and updates from the past few months. Enter your details below to subscribe." and a form with fields for "Name:" and "Email:". The "SIGN-UP FOR THE NEWSLETTER" section is circled in red.



@legalaidBC



## OTHER USEFUL RESOURCES



[www.publiclegaled.bc.ca](http://www.publiclegaled.bc.ca)



[www.clicklaw.bc.ca](http://www.clicklaw.bc.ca)



[www.povnet.org](http://www.povnet.org)

# THANK YOU!



Legal  
Services  
Society

Any questions or feedback about our resources or services?

Patricia Lim

[patricia.lim@lss.bc.ca](mailto:patricia.lim@lss.bc.ca)

604-601-6054



# Tenancy 101

DOUG KING

TOGETHER AGAINST POVERTY SOCIETY

MARCH 14, 2018

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# Together Against Poverty Society

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- ❖ Free legal advocacy
- ❖ Programs:
  - Tenant Advocacy
  - Income Assistance
  - Employment Standards
  - Provincial Disability
  - Federal Disability
  - Taxes
- ❖ Appointments



#302-895 Fort Street  
Victoria, BC  
V8W 1H7

Phone: 250-361-3521  
Email: [info@tapsbc.ca](mailto:info@tapsbc.ca)

❖ Residential Tenancy Branch

- Laws
- Information
- Forms

❖ Dispute Resolution Hearings

- Telephone conference hearing
- Legal binding decisions
- Orders



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# Residential Tenancies in BC

# Troubleshooting

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WHAT DO YOU DO IF SOMETHING GOES WRONG?

# If you have a problem ...

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1. Document the problem
2. Write a letter to your landlord
  - What the problem is
  - What you would like done about it
  - When you would like it done by
3. Wait a reasonable amount of time
4. Apply for Dispute Resolution



# Intersections

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HOW TENANCY RELATES TO OTHER SOCIAL REALMS

# Tenancy and other social realms:

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- ❖ Ministry of Social Development and Poverty Reduction
- ❖ Employment standards
- ❖ Human Rights Code



# Systemic Problems:

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## ❖ Access to Justice

- Lack of in-person services
- Oversubscription to RTB phone line
- Reliance on online applications
- Wait times to have problems heard

## ❖ Need for legislative change

- Tie rent to unit rather than tenant
- Stronger rent control mechanisms
- Shift onus to landlord/RTB rather than on tenant

# Victoria Tenant Action Group

“A community action group in Greater Victoria led by and accountable to people that do not own their homes”

- Foster change
- Share knowledge and understanding
- Build community

Tenants.victoria@gmail.com





Questions?