

# Legal Help for British Columbians

A guide to help non-legal professionals make legal referrals for their clients

# Contents

Introduction to Legal Help for British Columbians	1
<b>Getting Started</b>	<b>3</b>
Know Any Good Lawyers?	3
<b>Part 1: Common Legal Problems</b>	<b>5</b>
<b>Complaints of Abuse by Authorities</b>	<b>6</b>
Complaints about Police and Other Authorities	6
I Was Harassed or Assaulted by the Police	6
A Provincial Government Worker Was Abusive to Me	13
A Federal Government Worker Was Abusive to Me	15
I Was Abused in a Residential School	16
<b>Consumer and Debt</b>	<b>18</b>
Consumer and Debt Problems	18
I Don't Have Enough Money to Pay My Debts	19
The Bank Is Threatening Foreclosure on My Home	20
A Debt Collector Is Harassing Me	21
I Bought a Product from a Door-to-Door Salesperson and No Longer Want It	23
My Car Broke Down and the Dealer Won't Fix It	24
I Want to Get out of My Cellphone Contract	25
<b>Criminal Law</b>	<b>27</b>
Criminal Law Problems	27
I've Been Charged with a Criminal (or Youth) Offence and Have to Go to Court	28
I Have Been Offered "Diversion", "Restorative Justice" or "Alternative Measures"	30
I Want to Change My Release Conditions so I Can Have Contact with My Spouse or Children	31
I Was Charged out-of-Town and Want to Move the Case Closer to Home	33
I Want to Have My Criminal Record Removed	35
I Want My Criminal Case to Be Dealt with in First Nations Court	37
<b>Employment Law</b>	<b>39</b>
Employment Law Problems	39
My Employer Isn't Paying My Wages	39

I Have Been Dismissed (Fired) without Just Cause	42
I've Been Turned Down for Employment Insurance Benefits	45
I've Been Cut off Workers' Compensation Benefits	47
<b>Family Law</b>	<b>50</b>
Family Law Problems	50
I Have a Family Problem and I Want to Resolve It out of Court	51
I Just Separated from the Other Parent of My Children	53
My Partner Is Abusing Me and My Kids	55
My Ex Is Not Paying Child Support	57
I Am Having Challenges with My Children and Don't Want the Ministry to Remove Them	59
The Ministry Has Taken My Kids	61
<b>Housing</b>	<b>63</b>
Housing Problems	63
My Landlord Wants to Enter My Unit without My Permission	63
My Landlord Wants to Evict Me	64
My Landlord Wants to Keep My Deposit	67
<b>Human Rights</b>	<b>69</b>
Human Rights Problems	69
I Am Being Discriminated against or Sexually Harassed	69
<b>Immigration Law</b>	<b>72</b>
Immigration Law Problems	72
I Want to Claim Refugee Status in Canada	72
I'm a Permanent Resident and Have Been Charged with a Criminal Offence	75
My Husband Sponsored Me and We Have Now Separated	76
<b>Mental Health</b>	<b>79</b>
Mental Health Law Problems	79
A Relative Has Been Held against Their Will in a Mental Health Facility	79
<b>Personal Planning</b>	<b>81</b>
Personal Planning Problems	81
I Want to Get My Affairs in Order in Case I Become Incapable	81
I Want to Help a Friend or Relative Manage Their Affairs	84

<b>Suing and Being Sued</b>	<b>86</b>
Suing and Being Sued	86
I Am Being Sued — What Should I Expect?	86
I Need to Take Someone to Court — What's the Process?	89
<b>Welfare and Disability</b>	<b>92</b>
Welfare and Disability Problems	92
I Have No Money for Food or Shelter	92
I Have Been Denied or Cut off Welfare	95
I Need to Apply for Disability Benefits	97
I'm Being Investigated by the Welfare Ministry	99
<b>Wills and Estates</b>	<b>101</b>
Wills and Estates Problems	101
I Want to Write a Will	101
I Am the Executor or Administrator of an Estate	103
<b>Part 2: Legal Resource List</b>	<b>105</b>
Resource List for Legal Help for British Columbians	105
Duty Counsel	127
Legal Aid Representation	129
Private Bar Lawyers	132
<b>Part 3: Preparing for Your Interview</b>	<b>133</b>
Preparing for Your Interview	133
<b>About</b>	<b>136</b>
Legal Help Guide Contributors	136

# Introduction to Legal Help for British Columbians

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*Legal Help for British Columbians* is a resource for people with common legal problems who want to know about:

- the first steps they should take toward addressing their legal problem, and
- the best resources available for further information assistance, advice or legal representation.

This guide may also be useful to non-legal professionals in British Columbia who have clients or patients with legal problems and little money to deal with them.

## Reason for this guide

Many people who face legal problems cannot afford to retain a lawyer. Sometimes their first contact about a legal issue is not with a lawyer or legally trained advocate, but a friend or helping professional such as a counselor, doctor, nurse, teacher, government worker, public librarian, or religious leader.

It is hoped that this guide will not only help people with legal problems, but will also assist friends or helping professionals share basic information and appropriate referrals with friends, clients or patients who find themselves with common legal problems.

## Organization of this guide

There are three parts to this guide:

- The first part describes **common legal problems** faced by low-income persons in British Columbia, organized by topics such as "Consumer and Debt," "Criminal Law," and "Family Law."
- The second part is a Resource List describing **legal resources** and how to obtain them. It includes sources of legal information, assistance, advice and representation, such as legal aid representation, workers' advisers, and the website Clicklaw<sup>[1]</sup>.
- This guide concludes with a form to help a client **prepare for their interview**. When completed, it will contain a lot of the information a lawyer or advocate will want to know at a first interview with a client.

## Who's involved

*Legal Help for British Columbians* is a collaborative effort. Cliff Thorstenson, the guide's founding author, is supported by a team of reviewers and contributors, all volunteers from the BC legal profession. As with other Clicklaw Wikibooks, Courthouse Libraries BC serves in the role of publisher, with support and funding from the Law Foundation of British Columbia<sup>[2]</sup> and the LawMatters program. Clicklaw Wikibooks are collaboratively developed, plain language legal publications that are published and kept up-to-date on a wiki, where they can also be printed and downloaded. The author and contributors update the guide online on Clicklaw Wikibooks at [wiki.clicklaw.bc.ca](http://wiki.clicklaw.bc.ca), which should be consulted for the most recent information on topics covered by this guide.

A special thanks to Allan Parker, QC, Andree Harley, Linda Locke, QC, and Glen Ferrier for their input and assistance with initial development of this guide.

## Please note

This guide explains the law and legal procedures in general. It is not intended to give legal advice on your particular legal problem, and should not be relied on for that purpose. Please note that fees and guidelines outlined in the guide are subject to change.

## Your comments

Your comments on the content and format of this Guide are most appreciated. Please forward them to:

Courthouse Libraries BC

Phone: 1-800-665-2570

Email: [editor@clicklaw.bc.ca](mailto:editor@clicklaw.bc.ca)



Photo credit: Dylan Thorstenson

## References

[1] <http://www.clicklaw.bc.ca/>

[2] <http://www.lawfoundationbc.org>

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# Getting Started

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## Know Any Good Lawyers?

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*This information applies to British Columbia, Canada. Last reviewed for legal accuracy by Cliff Thorstenson, April 2017.*

By a "good" lawyer, we mean one that knows what he or she is doing, has experience dealing with the relevant areas of law, communicates effectively, is efficient and affordable, and will work hard for his or her client. The Resource List describes several legal services that provide information and assistance and some limited advice and representation, but you really can't beat full representation by a lawyer or legally supervised advocate.

### First steps

If you do not know a lawyer who can help you:

1. See if you qualify for legal aid representation: people with low incomes who are facing serious criminal, family or immigration issues may qualify for legal aid. If you qualify for legal aid, the Legal Services Society will appoint a lawyer for you. For information on applying for legal aid representation, see legal aid representation in the Resource List.
2. Speak with friends or helping professionals who have worked with lawyers recently, and see if they can recommend someone.
3. Contact the Lawyer Referral Service and ask for the names of lawyers near you who practice the type of law you need (see Lawyer Referral Service in the Resource List).
4. Do an internet search for lawyers in your area or check the Yellow Pages of the local phone book under the heading "Lawyers." You might want to call one that (a) is near you, (b) practices in the area of law you want, and (c) offers a free initial consultation. If the contacted lawyer does not do that type of work, he or she may know another lawyer who does.



Most lawyers specialize, so it is useful to get a lawyer who practices in the area of law that covers your legal problem. Also, non-lawyer advocates (within their areas of experience, such as welfare or tenancy) may be as knowledgeable as many lawyers. See the tip sheet "What an Advocate Can Do For You <sup>[1]</sup>."

## What happens next

The lawyer will want to meet with you (either in person or by phone) to discuss your case. Before meeting with a lawyer or advocate, complete the Preparing for Your Interview form included in this Guide. Make sure you bring copies of all documents relating to your case. A meeting with a lawyer is more effective if you are well prepared.

At the end of the meeting, you can discuss whether the lawyer will do more work for you, and how much that work will cost.

## Where to get help

See the Resource List for a list of legal resources, including lawyers and legally supervised advocates who can provide advice and sometimes representation for little or no cost.

Complete the Preparing for Your Interview form included in this Guide before speaking with an advocate or lawyer.

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## References

[1] <http://www.clicklaw.bc.ca/resource/1645>



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# Part 1: Common Legal Problems

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# Complaints of Abuse by Authorities

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## Complaints about Police and Other Authorities

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Here are the first steps and some useful resources for people in B.C. facing problems with authorities, such as:

- I was harassed or assaulted by the police.
- A provincial government worker was abusive to me.
- A federal government worker was abusive to me.
- I was abused in a Residential School.

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## I Was Harassed or Assaulted by the Police

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This section provides an overview of your legal options if you have been harassed or assaulted by the police, or if you are the victim of other types of improper police behaviour.

### What is improper police behaviour?

Examples of improper police behaviour include:

- using excessive force in the course of an arrest or investigation,
- arresting or detaining someone without reasonable grounds,
- obtaining a search warrant using false information,
- harassing or targeting members of the public for an improper reason, and
- driving recklessly or dangerously.

### What are my options?

You have at least three options. You could choose one or more of these:

- a police complaint,
- a lawsuit, and
- a human rights complaint.

Each option is designed for a different purpose, and each leads to a different outcome. If possible, you should speak to a lawyer before deciding which option(s) to pursue. A lawyer can give you advice on which option(s) are most appropriate in your circumstances. In some cases, it might be appropriate to file a complaint or lawsuit in two or three of these forums. However, in cases where multiple proceedings have been commenced, the lawsuit will often be stalled pending the outcome of the police complaint or human rights complaint.

A *police complaint* refers to a complaint filed with the Office of the Police Complaint Commissioner (for cases involving a municipal police officer) or the Civilian Review and Complaints Commission for the RCMP. It may lead to an investigation of the officer's conduct. You will be asked to give a statement. It might result in a recommendation for discipline of the officer(s) involved. It will not result in the payment of money for any injuries or harm you have suffered.

A *lawsuit* is filed with either the Provincial (Small Claims) Court or the Supreme Court of BC. There are special rules and processes that must be followed in either court. A lawsuit might lead to a settlement or judgment involving the payment of money.

A *human rights complaint* is filed with the BC or Canadian Human Rights Tribunal. These Tribunals are specialized to look into cases involving human rights abuses. A human rights complaint might lead to a settlement or judgment involving the payment of money.

## When do I have to act?

This depends on which option(s) you choose to pursue. For example:

- police complaints must normally be filed within *12 months* of the incident,
- lawsuits must normally be filed within *2 years* of the incident, and
- human rights complaints must normally be filed within 12 months of the incident.

It is best to get your complaint or lawsuit filed as soon as possible. The time limits described above are called "limitation periods."

NOTE: in cases involving municipal police departments there is a requirement to notify the municipality of the time, place and details of the incident within 2 months (see section 286 of the *Local Government Act*, RSBC 2015, c 1, and section 294(2) of the *Vancouver Charter*, SBC 1953, c 55). If you do not provide the municipality with this information your lawsuit may be dismissed on this basis, however, there are exceptions where a failure to provide notice will not be fatal to your claim. If you have missed this two-month notice period, you should provide the notice as soon as possible.

The following is a list of municipal police forces in British Columbia:

- Abbotsford Police Department
- Central Saanich Police
- Delta Police Department
- Nelson Police Department
- New Westminster Police Service
- Oak Bay Police Department
- Port Moody Police Department
- Saanich Police Department
- Vancouver Police Department
- Victoria/Esquimalt Police Department
- West Vancouver Police Department

For example, the requirement to notify the City of Vancouver about an incident involving the Vancouver Police Department would be satisfied with the following letter:

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City of Vancouver  
453 West 12th Avenue

Vancouver, BC V5Y 1V4

Fax: (604) 873-7419

Attention: City Clerk

To Whom It May Concern:

Re: VPD Incident on [DATE]

I write pursuant to s. 294(2) of the Vancouver Charter, SBC 1953, c 55, to put the City of Vancouver on notice that I will be commencing a civil claim for damages against the City of Vancouver and members of the Vancouver Police Department. I was injured by members of the VPD on [DATE] at or near [PLACE].

## **How should I prove my case?**

### **Write down what happened**

Makes notes about the incident. These notes will help you recall details and may support your credibility down the road. You should include the following information:

- date and time of the incident,
- what were you doing prior to the incident,
- who was involved, and who witnessed the incident,
- the number and description of police officers involved,
- what happened during the incident, in as much detail as possible,
- who said what during the incident, and
- what happened after the incident.

### **Preserve the evidence**

There might be evidence that could be used to prove what happened. It is important to keep it in a safe place. You may need it later to prove your version of events. Evidence might include:

- video/audio recordings of the incident,
- photographs taken during the incident,
- photographs of injuries taken after the incident,
- badge numbers, business cards of officers involved,
- statements from witnesses, and
- any other items or documents related to the incident.

### **Go to the hospital or your doctor**

If you have been injured, get medical help. Tell a doctor what happened. Describe all of your injuries in detail. Ask the doctor to take detailed notes of your complaints.

Follow the doctor's advice. Fill any prescriptions right away. Return for a follow-up appointment as early as possible. Attend physiotherapy or specialist appointments if recommended. Get any recommended blood tests or imaging done right away.

Medical evidence is essential to prove your injuries following a police incident, if applicable.

## How to file a police complaint

BC has two agencies that accept complaints about the police. One is for complaints against the Royal Canadian Mounted Police (RCMP). The other is for complaints against all other police forces, including municipal police forces. You do not need a lawyer to file a complaint, but a lawyer could help you prepare your complaint and follow it through to a conclusion.

The RCMP have responsibility for policing most of rural BC, and some urban centers including Surrey, North Vancouver, Richmond, Burnaby, Chilliwack, Kelowna, Nanaimo, and Prince George. A full list of RCMP detachments in BC is available on the RCMP's website <sup>[1]</sup>.

If you have a complaint against one or more members of the RCMP you should file it with the Civilian Review and Complaints Commission for the RCMP ("CRCC"). Complaints can be filed online, or by telephone, fax, or regular mail. More information on how to file your complaint is found on the Commission's website <sup>[2]</sup>.

Many municipalities have their own police force, as listed above. If you have a complaint against one or more members of a municipal police force, you should file it with BC's Office of the Police Complaint Commissioner ("OPCC"). The OPCC also accepts complaints relating to the transit police and some tribal police forces, including the Kitsoo Xaixais Police Service and Stl'atl'imx Tribal Police. Complaints may focus on an officer's conduct or more general policing policies. Complaints can be filed online or by fax or regular mail.

If you are unsure whether the incident involved one or more members of the RCMP or a municipal police department you should file your complaint with both the CRCC and the OPCC. It is always better to file your complaint with one of these two agencies rather than the police department itself. Filing your complaint with the CRCC or OPCC will ensure your complaint follows the formal investigation process.



There is now an independent, civilian-led body that will conduct investigations into on- and off-duty police involved in incidents that result in death or serious harm. For more information see the website for the Independent Investigations Office of BC <sup>[3]</sup>.

## What happens next

Your complaint will be investigated by a police officer. In minor cases, the investigator will contact you and attempt to resolve the complaint informally, sometimes by arranging an apology or explaining what had happened. In more serious cases, or where you say that you would prefer not to do informal resolution, the investigator will investigate the incident in depth. You will be provided with a report of what happened.

You will not be awarded a sum of money as a result of your police complaint. At best, your complaint will be "substantiated", or found to be warranted, and appropriate remedial action will be recommended, such as discipline or an amendment to policing policy.

Most complaints in British Columbia are not substantiated, which means the complainant's version of events is not accepted, or the conduct complained about is determined to have been appropriate in the circumstances.

In complaints involving one or more members of the RCMP, if you are not satisfied with the informal resolution or the investigator's report, you can submit a Request for Complaint Review <sup>[4]</sup> to the Chair of the CRCC. The Chair may deny your request, order a further investigation or, in very serious cases, order a public hearing.

In complaints involving municipal forces, if you are not satisfied with the informal resolution or the investigator's report, you can send a letter to the Office of the Police Complaints Commissioner (BC) asking for a review. The Commissioner

will review the investigation and may order further investigation.

## **How to start a lawsuit**

If you believe you have been harmed by a police officer that was acting improperly you have the option of starting a lawsuit.

### **Choosing whether or not to sue**

There are no straightforward lawsuits against the police, and success is never guaranteed. Lawsuits may take months or even years to reach a conclusion. You can expect the police to be represented by lawyers who will vigorously defend the case. Some lawsuits settle before trial, but these are rare and exceptional cases.

Despite the challenges, a lawsuit is often the best option where you have suffered financial loss or injuries involving pain, disfigurement or disability as a result of police misconduct. It is often the only way to achieve compensation for those losses. You may achieve a sense of vindication or justice. A lawsuit will require the police to respond to the facts you present and the issues you raise. You will have the ability to compel production of the police file in relation to your case, and you will have the opportunity to examine the officers involved.

You should be aware that a lawsuit is a public process. The documents you file to commence the lawsuit will be available to anyone who searches the court registry. Other documents filed in the course of the lawsuit will normally be available to the public as well. The trial is open to the public, and the judge's decision or jury's verdict will be made public. Lawsuits against the police sometimes attract the attention of media.

### **How to commence your lawsuit**

You can sue in one of two courts: BC Provincial Court's "Small Claims Court" or BC Supreme Court. In either court, the only possible outcome is an award of money.

In brief, Small Claims Court is appropriate for claims up to \$35,000, while the Supreme Court has no limit on the value of claims. Small Claims Court is a simpler, quicker process, and you might resolve your claim in approximately 12 months. The Supreme Court process is more complicated, and a resolution might take 24 months or longer.

For more information on the choice of courts and the process for starting a lawsuit, see the chapter on I Need to Take Someone to Court.

## **Naming and serving the defendant**

### **RCMP**

The "defendant" means the person or agency you are suing. In cases involving the RCMP, the appropriate defendant is "Her Majesty the Queen in Right of the Province of British Columbia (Minister of Public Safety and Solicitor General)" (pursuant to BC Order in Council 762/201 dated December 11, 2015). While the RCMP provides policing services under contract for the Province of British Columbia, it is a federal policing agency. Typically, a lawyer from the Federal Government (Department of Justice) will be assigned to defend the claim. Court documents such as the Notice of Civil Claim should be delivered by registered mail to:

Her Majesty the Queen in Right of the Province of BC  
Minister of Public Safety and Solicitor General

PO Box 9010 Stn Prov Govt  
Victoria, BC V8W 9E2

## **Municipal police forces**

In a municipality with its own police force, the appropriate defendant is the municipality itself (see section 20 of the Police Act, RSBC 1996, c 367 <sup>[5]</sup>). For example, if you wish to sue for damages caused by members of the Vancouver Police Department, you should name the "City of Vancouver" as a defendant. It is not proper to name the Vancouver Police Department because it is a department of the City, not itself a legal entity capable of being sued.

For municipal police departments, court documents should be delivered to the municipality's general delivery address. For example, in cases involving the Vancouver Police Department you would deliver your filed Notice of Civil Claim to the following address:

City of Vancouver  
453 West 12th Ave.  
Vancouver, B.C. V5Y 1V4  
Attention: City Clerk

You should not name individual officers as defendants except in the most serious cases of misconduct. Officers are not personally liable for their conduct on the job except in the most extreme cases. That said, there may be advantages to naming individual officers as defendants at the beginning of the case to preserve your right to examine those officers prior to trial.

## **What happens next?**

There are more procedural steps that must be followed in a lawsuit. See the section called I Need to Take Someone to Court.

## **How to file a human rights complaint**

If you believe you have been discriminated against by a police officer you should consider filing a human rights complaint.

If the incident involved municipal police officers you must file your complaint with the BC Human Rights Tribunal <sup>[6]</sup> ("BCHRT"). The BCHRT is an independent body responsible for dealing with complaints of discrimination pursuant to the BC Human Rights Code <sup>[7]</sup>. The Human Rights Code prohibits a variety of discriminatory conduct including where a police officer treats a person differently or denies a service regularly available because of that person's race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age of that person.

If the incident involved RCMP officer you must file your complaint with the Canadian Human Rights Commission <sup>[8]</sup> ("CHRC"). The CHRC administers complaints under the *Canadian Human Rights Act* <sup>[9]</sup>. The Act prohibits discrimination on the basis of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

For more information on filing a human rights complaint with either the BCHRT or the CHRC, please review the resources below.

## Where to get additional help

See the Resource List for a list of helpful resources. Your best bets are:

- Civilian Review and Complaints Commission for the RCMP
- Office of the Police Complaints Commissioner (BC)
- BC Civil Liberties Association
- How to Sue the Police and Private Security in Small Claims Court <sup>[10]</sup>
- Community Legal Assistance Society
- BC Human Rights Clinic <sup>[11]</sup>
- Access Pro Bono
- Lawyer Referral Service
- Private bar lawyers
- The *Law Students' Legal Advice Program Manual* chapter on "Public Complaints Procedures" <sup>[12]</sup>.
- Clicklaw for more resources listed under the common question "I was assaulted by police" <sup>[13]</sup>.

*This information applies to British Columbia, Canada. Last reviewed for legal accuracy by Neil Chantler, May, 2020.*

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## References

- [1] <http://www.rcmp-grc.gc.ca/detach/en/find/BC>
- [2] <http://www.crcc-ccetp.gc.ca/en/make-complaint>
- [3] <http://iiobc.ca/>
- [4] <https://www.crcc-ccetp.gc.ca/en/request-review>
- [5] [http://www.bclaws.ca/civix/document/id/complete/statreg/96367\\_01#section20](http://www.bclaws.ca/civix/document/id/complete/statreg/96367_01#section20)
- [6] <http://www.bchrt.bc.ca/>
- [7] <http://canlii.ca/t/843q>
- [8] <http://www.chrc-ccdp.ca/eng>
- [9] <http://canlii.ca/t/7vh5>
- [10] <http://www.clicklaw.bc.ca/resource/2163>
- [11] <http://www.bchrc.net/>
- [12] <http://www.clicklaw.bc.ca/resource/1740>
- [13] <http://www.clicklaw.bc.ca/question/commonquestion/1094>



# A Provincial Government Worker Was Abusive to Me

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If you believe that a decision or action of a provincial public agency has been unfair, rude, unduly slow, negligent, arbitrary, oppressive or unlawful, you can make a complaint to the Office of the Ombudsperson. The Ombudsperson can deal with complaints about provincial government ministries, municipal and regional governments, Crown corporations and government boards. It can also deal with complaints about the following public agencies:

- British Columbia government ministries, including complaints regarding income assistance and the Family Maintenance Enforcement Program;
- Crown corporations such as ICBC and BC Hydro;
- government boards such as WCB and the BC Human Rights Tribunal;
- hospitals, health authorities, and health-related agencies such as Medical Services Plan and Pharmacare;
- schools and school districts;
- universities and colleges;
- local governments; and
- professional associations such as the Law Society and the College of Physicians and Surgeons.

The Office of the Ombudsperson does not have jurisdiction to investigate complaints involving federal government ministries or programs, private corporations, the courts or the police.

## First steps

1. Make notes of the names of the officials you deal with, their actions and the relevant dates.
2. Keep copies of all relevant documents.
3. If your complaint is about a decision, get reasons for the decision.
4. Ask if the agency has its own process for reviewing or appealing the decision. If so, use it.
5. If you are not satisfied with the agency's complaint resolution, complete and send in a complaint form <sup>[1]</sup> within one year of the action you are complaining about. (See Ombudsperson in the Resource List for contact and website information on the BC Ombudsperson complaint process.) You can also file a complaint by telephone between the hours of 8:30 am and 4:30 pm, Monday to Friday: 1-800-567-3247.

## What happens next

The Office of the Ombudsperson will first assess your complaint to determine whether or not it falls within the jurisdiction of the Ombudsperson. You will then be contacted by a worker from the Office of the Ombudsperson to discuss your complaint. If the complaint proceeds, the public agency will be notified and asked to respond. If this does not resolve the complaint, the Office of the Ombudsperson will conduct a further investigation and may make recommendations to the agency and, if necessary, to the legislature. For the most serious issues, the Ombudsperson may issue a public report.

The Office of the Ombudsperson does not have the authority to order a public agency to take certain action. However, because the Ombudsperson reports directly to the BC Legislature, agencies usually do not ignore the Ombudsperson's recommendations.

In any given case, the Ombudsperson may:

- provide you with information about what steps to take to resolve a complaint;

- resolve your complaint through consultation;
- investigate your complaint about administrative unfairness;
- make recommendations to a public authority; or
- issue a report to the Legislative Assembly.

If you are not happy with the outcome of the Ombudsperson's investigation, you can contact the Manager of Investigations at the Ombudsperson's office.

### TIPS & NOTES

The Ombudsperson may refuse to investigate if you have not used an internal review process. For example, many decisions denying welfare benefits can be reviewed and repealed under the *Employment and Income Assistance Act*. Use that review/appeal process first before going to the Ombudsperson.

## Where to get help

See the Resource List for a list of helpful resources. Your best bets are:

- Ombudsperson, including the Ombudsperson website, which has "useful contacts" to make complaints about nongovernmental service providers such as lawyers, doctors and banks.
- The *Law Students' Legal Advice Program Manual* chapter on "Public Complaints Procedures <sup>[2]</sup>."
- Access Pro Bono, Lawyer Referral Service, and private bar lawyers.

Your local MLA (Member of the BC Legislative Assembly) may also be willing to help with your complaint against a BC public agency. Call Enquiry BC at 1-800-663-7867 for contact information for your MLA.

Before meeting with a lawyer or advocate, complete the form *Preparing for Your Interview* included in this Guide. Make sure you bring copies of all documents relating to your case.

*This information applies to British Columbia, Canada. Last reviewed for legal accuracy by Neil Chantler, April 2017.*

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## References

[1] <https://bcombudsperson.ca/complaints/make-online-complaint>

[2] <http://www.clicklaw.bc.ca/resource/1740>

# A Federal Government Worker Was Abusive to Me

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Unlike the provincial government, the federal government (Government of Canada) does not have an Ombudsperson overseeing all federal departments. Some federal government ministries, departments or agencies such as Canada Post, do have an Ombudsperson, but others only have an informal process for handling complaints.

## First steps

If you have a complaint against a federal government worker, you should follow these steps:

1. Make notes of the names of the officials you dealt with, their actions and the relevant dates.
2. Keep copies of all relevant documents.
3. If your complaint is about a decision, get reasons for the decision.
4. Contact Service Canada at 1-800-622-6232. Have a pen and paper ready, because they only give information by phone.
5. Tell the Service Canada agent that you want to make a complaint, and give them the name of the ministry, department or agency. The Service Canada agent will give you a phone number, website address and other information about how to make a complaint about that particular office.

## What happens next

Depending on the office you are complaining about, you should receive some form of response from them within a reasonable period of time. If you don't, you may wish to refer the complaint to your Member of Parliament. Service Canada can give you the name and contact information for your Member of Parliament.

## Where to get help

See the Resource List for a list of helpful resources. Your best bets are:

- Service Canada, where staff can provide contact information to make a complaint about a worker in a federal government ministry or agency.
- Your local MP (Member of Parliament) may also be willing to help you with your complaint against a federal public agency. Call Service Canada at 1-800-622-6232 for contact information for your MP.
- Access Pro Bono, Lawyer Referral Service, and private bar lawyers.

Before meeting with a lawyer or advocate, complete the form *Preparing for Your Interview* included in this Guide. Make sure you bring copies of all documents relating to your case.

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# I Was Abused in a Residential School

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From the latter part of the 19th century until late into the 20th century, the Government of Canada and various churches operated *Residential Schools* for Aboriginal children throughout Canada. For a large portion of that time, Aboriginal parents were compelled to send their children to these schools, thereby removing the children from their communities and their culture. In addition, many students were subjected to physical, sexual and psychological abuse while attending a Residential School.

For years, a person had to sue in court to get compensation for abuse suffered in a Residential School. Then, between 2007 and 2012 the federal government and various church entities agreed to provide compensation through the Indian Residential Schools Settlement Agreement. The Settlement Agreement provided for a **Common Experience Payment** based on the number of years a survivor attended the school, and compensation for certain types of sexual or serious physical or psychological abuse through an **Independent Assessment Process**. The deadlines for applying for Common Experience Payments and compensation through the Independent Assessment Process have now passed, so:

- If you applied for compensation through the Independent Assessment Process, you have to follow through with that process. You cannot sue in court.
- If you did not apply for compensation through the Independent Assessment Process, you may still be able to sue in court for compensation for the abuse you suffered, even if you did apply for or receive a Common Experience Payment.

## First steps

Speak with a lawyer that practices “personal injury” law. Many of them are listed on the internet or in the yellow pages of the phone book. Some of them do not charge for the first interview, but you need to ask about that when you make your appointment.

## What happens next

In order to advise you properly, the lawyer will have to ask you personal questions about the abuse, especially the type of abuse, when and where it took place and when you first started thinking about it as an adult. The lawyer needs to ask these questions to make sure that you are not too late to sue because of *Limitation Act* in the Province or Territory where the abuse occurred.

Some lawyers take personal injury cases on a **contingency fee** basis, meaning that they will only collect fees if your case is successful. Ask about that possibility at your interview.

Because bringing up the past may be difficult, make sure you have emotional and psychological support. You may wish to contact the Indian Residential School Survivors Society at 1-800-721-0066. The Society provides counselling services and referrals to other services near you. You may also wish to contact Health Canada's Indian Residential Schools Resolution Health Support Program at 1-877-477-0775, or the National Indian Residential School Crisis Line at 1-866-925-4419.

## Where to get help

See the Resource List for a list of helpful resources. Your best bets are:

- Indian Residential Schools of Aboriginal Affairs and Northern Development Canada.
- Indian Residential School Survivors Society.
- Call Lawyer Referral Service and ask to be referred to a personal injury lawyer. They may also be able to connect you with a lawyer who is listed as dealing with sexual assault.
- Access Pro Bono and private bar lawyers.

Before meeting with a lawyer or advocate, complete the form *Preparing for Your Interview* included in this Guide. Make sure you bring copies of all documents relating to your case.

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# Consumer and Debt

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## Consumer and Debt Problems

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Here are the first steps and some useful resources for people in BC facing consumer or debt-related problems such as:

- I don't have enough money to pay my debts.
- The bank is threatening foreclosure on my home.
- A debt collector is harassing me.
- I bought a product from a door-to-door salesperson and no longer want it.
- My car broke down and the dealer won't fix it.
- I want to get out of my cellphone contract.



Bankruptcy costs money. The simplest will cost you about \$1,800. This may seem ironic if you can't pay the debts you already have! However, many trustees in bankruptcy offer a free initial consultation and will negotiate a payment plan you can afford. There are some debts, such as support payments, court fines and some student loans, that won't go away after a bankruptcy.

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# I Don't Have Enough Money to Pay My Debts

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Debt is one of the most common sources of legal problems. The problem is made worse when you try to ignore the debt and your creditors (the people trying to collect from you).

## First steps

If you cannot pay your debts:

1. Contact your creditors. If necessary, see if you can negotiate a different repayment plan with each of them. For example, they may give you more time.
2. If the creditors won't agree, see if you can get a *consolidation loan* from your bank or credit union to put all the debts together at a lower interest rate than you are now paying. Seek the assistance of a not-for-profit credit counselling agency that can assist you in planning and applying for such a loan. See Credit Counselling Society of BC in the Resource List.
3. If you cannot negotiate a repayment plan or arrange a consolidation loan, you should speak with a credit counsellor about some of the options under the *Bankruptcy and Insolvency Act*, including *proposals* and *bankruptcy*.

## What happens next

If you pursue a formal proposal or bankruptcy itself, you must have a trustee in bankruptcy to assist you. To locate a trustee, the website of the Superintendent of Bankruptcy has a lookup registry of all trustees in Canada <sup>[1]</sup>. You can also try the Yellow Pages of your phone book under "bankruptcy". Most of your creditors will have to agree to a formal proposal. In a bankruptcy, your assets (except for necessities like clothing, medical aids, work tools, \$4,000 worth of furniture and appliances, an inexpensive vehicle, and sometimes your residence) are turned over to your trustee, who will use them to pay off some of your debts.

Once you are "discharged" from bankruptcy (usually after nine months) the bankruptcy debts will be cancelled. There are some debts, such as support payments, court fines and some student loans, that won't go away after a bankruptcy. It will take some time after the bankruptcy for you to re-establish your credit.

## Where to get help

See the Resource List for a list of helpful resources. Your best bets are:

- Credit Counselling Society of BC.
- Access Pro Bono, Lawyer Referral Service, and private bar lawyers.
- The *Law Students' Legal Advice Program Manual* chapter "Creditors' Remedies and Debtors' Assistance" <sup>[2]</sup>, which has useful information on getting out of debt.
- The Clicklaw common question "I'm thinking about declaring bankruptcy" <sup>[3]</sup> for a few more resources on bankruptcy.

Before meeting with a lawyer or advocate, complete the form Preparing for Your Interview included in this Guide. Make sure you bring copies of all documents relating to your case.

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## References

- [1] <http://www.ic.gc.ca/app/osb/tds/search.html?lang=eng>
- [2] <http://www.clicklaw.bc.ca/resource/1727>
- [3] <http://www.clicklaw.bc.ca/question/commonquestion/1014>

# The Bank Is Threatening Foreclosure on My Home

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When a bank or other institution lends you money to buy a home, they take a *mortgage* to secure payment. A mortgage is registered against the title of your home, and if you don't make the required payments, the bank may be able to *foreclose*. This will usually mean you have to pay them the entire amount owing on the mortgage, though sometimes you can arrange to catch up your payments. If you cannot make some kind of arrangement, you risk your house being sold to pay the mortgage. The usual first step in a foreclosure is a *demand letter* from the lender or its lawyer, saying that you are *in arrears* (behind) in your payments and demanding that you bring them up to date.

## First steps

1. Do *not* ignore the demand letter. If at all possible, you should get legal advice right away. Then, try to negotiate with the lender to see if you can arrange manageable repayment terms.
2. If you can't work things out with the lender, the lender will probably start a court action to foreclose on your mortgage. This usually happens after you've missed three months of payments. But it can happen sooner. They will *serve* on you (give you in person) a BC Supreme Court *petition*. The petition will ask the court to confirm the amount you owe and set a time period — usually six months, but sometimes shorter — during which you can *redeem*, or pay off the mortgage. At some point in the foreclosure process, the lender may also ask for an order that your home be sold, and for an order that the lender will have *conduct* (control) of the sale.
3. If you are served with a foreclosure petition, it is important to get legal help. If you are self-representing, you must file a *response* document within 21 days after the date the petition was served on you, *and* deliver it to all parties along with any *affidavits* (sworn written statements) telling your side of the story.

Supreme Court forms can be accessed through the "Laws, Cases & Rules <sup>[1]</sup>" page on Clicklaw; click on "BC Supreme Court Civil Forms." For information on what should go into an affidavit, see the publication "Can't Pay Your Mortgage? What You Can Do If You're Facing Foreclosure <sup>[2]</sup>."

## What happens next

The court will set a date for a hearing of the petition. The judge will read the affidavits and other materials and listen to the lender's lawyer and to you. Generally, if you are in default, the best you can hope for is enough time to arrange for other financing to pay out the lender or at least to come up with enough to catch up your payments. You can also use that time to try to sell the house, up to the time the lender gets an order for them to have conduct of sale.

## Where to get help

See the Resource List for a list of helpful resources. Your best bets are:

- Credit Counselling Society of BC.
- Access Pro Bono, Lawyer Referral Service, and private bar lawyers.



- The Legal Services Society publication "Can't Pay Your Mortgage? What You Can Do If You're Facing Foreclosure [2] "
- The Clicklaw common question "I've missed a few mortgage payments and am facing foreclosure [3]" for a few more resources on foreclosure.

Before meeting with a lawyer or advocate, complete the form Preparing for Your Interview included in this Guide. Make sure you bring copies of all documents relating to your case.

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## References

- [1] <http://www.clicklaw.bc.ca/content/lawscases>  
[2] <http://www.clicklaw.bc.ca/resource/1037>  
[3] <http://www.clicklaw.bc.ca/question/commonquestion/1015>

## A Debt Collector Is Harassing Me

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Your creditors (people you owe money to) are allowed to take reasonable steps to collect the debt, including hiring a collection agent. However, a collection agent can't threaten or harass you, nor a member of your household, a neighbour or friend, or your employer. Collectors are specifically prohibited from:

- calling too often or at inappropriate times, or
- using threatening, profane, intimidating or coercive language, or
- publishing or threatening to publish your name and failure to pay.

The debt collector must make reasonable efforts to first contact you in writing about the debt. There are strict rules about calling you at work, and there are rules about when you can be called at home.

You can insist that the debt collector deal with you only in writing or through your lawyer, if you have one.



For information about unreasonable debt collection practices concerning *student loans*, call:

- 1-888-815-4514 about federal student loans, or
- 1-800-561-1818 about provincial student loans.

## First steps

1. It is important to put an immediate stop to the calls, and take control of negotiating a solution. If you are not able to do this by yourself, seek immediate legal help or contact Consumer Protection BC. In the meantime, record the dates, times and content of all communications they have with you and others about the debt. Insist on getting something in writing, and use caller identification or tracing if the collector refuses to properly identify themselves.
2. Try to negotiate payments with the debt collector. He or she will want to know your financial circumstances (income, expenses, assets and liabilities). You should not agree to a payment that deprives you or your family of basic needs. You should not give out personal information other than financial information.
3. If you are unable to negotiate a repayment plan with the debt collector, see the section of this Guide entitled, "I don't have enough money to pay my debts."
4. If a debt collector is using unreasonable debt collection methods, including insisting on a payment when they know you are living in poverty, contact Consumer Protection BC by:
  - filing a complaint form <sup>[1]</sup>, or
  - calling 1-888-564-9963 (ask to speak with the Complaints Manager about the collection agency you are dealing with).

## What happens next

If you contact Consumer Protection BC, the Complaints Manager will contact the collector if he or she feels the practice is unreasonable and ask the collector to stop the practice. Consumer Protection BC can also require the collector to follow a *compliance order* to stop future unreasonable practices.

If you suffer loss or damages because of the unreasonable practices of a collector, you can sue them in Provincial (Small Claims) Court. See "I need to take someone to court" in this Guide.

## Where to get help

See the Resource List included in this Guide for a list of helpful resources. Your best bets are:

- Consumer Protection BC.
- Access Pro Bono, Lawyer Referral Service, and private bar lawyers.
- The Clicklaw common question "I am being harassed by debt collectors. Are they allowed to do that?" <sup>[2]</sup>

Before meeting with a lawyer or advocate, complete the form Preparing for Your Interview included in this Guide. Make sure you bring copies of all documents relating to your case.

### TIPS & NOTES

Debt collectors sometimes threaten to take your house, car or other property. They can only do so with a court order or if the property was used to "secure" the debt. If you are threatened in this way, get a copy of the loan agreement and the name of the collection agent, and contact Consumer Protection BC (see the Resource List for contact information).

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## References

[1] <https://www.consumerprotectionbc.ca/consumers-debt-collection/how-to-make-a-complaint/debt-collection>

[2] <http://www.clicklaw.bc.ca/question/commonquestion/1013>

# I Bought a Product from a Door-to-Door Salesperson and No Longer Want It

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When a person comes to your home and sells you goods or services, this is called a *direct sale*. You generally have *10 days* to cancel a direct sale if you decide you don't want the product, regardless of what it says in the paperwork the seller gives you. If you weren't given a copy of the contract of sale or the product itself right away, this period may be longer.

## First steps

1. As soon as you decide you don't want the product you bought from a door-to-door salesperson, cancel the sale by delivering, mailing, emailing or faxing the supplier (the person that the salesperson was working for), informing them of your intention to cancel the contract. Ensure that the supplier receives the notice in time (usually within 10 days after you receive a copy of the contract), and keep a copy of what you send them and a record of the date and method you sent it.
2. Call the supplier to ensure that they will return your money and take back the product. You may be responsible for shipping costs to return the product to the supplier.

## What happens next

The supplier has *15 days* to return your money once you have notified him or her of your wish to cancel the sale. If you do not receive the funds within that period of time, complain to Consumer Protection BC; see the Resource List for contact and website information.

## Where to get help

See the Resource List in this Guide for a list of helpful resources. Your best bets are:

- Consumer Protection BC.
- Access Pro Bono, Lawyer Referral Service, and private bar lawyers.
- The publication *Consumer Law and Credit/Debt Law* <sup>[1]</sup>.
- The *Law Students' Legal Advice Program Manual* chapter "Consumer Protection" <sup>[2]</sup>, for useful information on "Direct Sales."

Before meeting with a lawyer or advocate, complete the form Preparing for Your Interview included in this Guide. Make sure you bring copies of all documents relating to your case.

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## References

[1] <http://www.clicklaw.bc.ca/resource/1040>

[2] <http://www.clicklaw.bc.ca/resource/1725>

# My Car Broke Down and the Dealer Won't Fix It

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If you buy a car privately, the general law is “buyer beware,” meaning that you are stuck with the car and its problems unless the seller misrepresented the car (told you something about it that isn't true). If this happens, you may have to sue the seller in court.

The law gives you more protection if you buy a car from a *dealer*, which is a person or business that sells cars to try to earn income. Whether you're buying new car or a used one, there are legal standards for durability and quality under the provincial *Sale of Goods Act* <sup>[1]</sup>. These are called your *statutory rights*. These rights mean that when you buy a car from a dealer, the car must meet certain conditions. It has to be fit for the purpose you bought it for, of “merchantable” quality (usable), and durable for a reasonable period of time. As well, dealers aren't allowed to use *unfair practices* to convince you to buy a car, such as misleading or pressuring you into buying it.

## First steps

1. Start by contacting the seller and explaining the problem. The seller may offer to fix or replace your car.
2. If you bought the car from a dealer, file a complaint <sup>[2]</sup> with the Vehicle Sales Authority of BC. They license and regulate car dealers in BC.
3. Report the circumstances to a consumer agency such as the Better Business Bureau or Consumer Protection BC.
4. If the seller claims that any of your statutory rights don't apply, speak with a lawyer.

## What happens next

If the above steps don't work, you may have to sue the seller in Small Claims Court for claims up to \$25,000, or Supreme Court for larger claims. See the section of this Guide under the heading “I need to take someone to court” for information on how to sue.

## Where to get help

See the Resource List in this Guide for a list of helpful resources. Your best bets are:

- Vehicle Sales Authority of BC.
- Access Pro Bono, Lawyer Referral Service, and private bar lawyers.
- The publication *Consumer Law and Credit/Debt Law* <sup>[3]</sup>.
- The *Law Students' Legal Advice Program Manual* chapter “Consumer Protection” <sup>[4]</sup>, for useful information on “Contracts for the Sale of Goods.”

Before meeting with a lawyer or advocate, complete the form Preparing for Your Interview included in this Guide. Make sure you bring copies of all documents relating to your case.

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## References

- [1] <http://canlii.ca/t/84c2>
- [2] [http://mvsabc.com/v1/wp-content/uploads/2015/02/2015-04-20\\_Consumer-Complaint-Form\\_Version-6\\_Fillable\\_FINAL\\_with-consent.pdf](http://mvsabc.com/v1/wp-content/uploads/2015/02/2015-04-20_Consumer-Complaint-Form_Version-6_Fillable_FINAL_with-consent.pdf)
- [3] <http://www.clicklaw.bc.ca/resource/1040>
- [4] <http://www.clicklaw.bc.ca/resource/1725>

# I Want to Get out of My Cellphone Contract

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You might be unhappy with your cellphone service, unable to afford it, or planning to relocate. Whatever the reason, sometimes you may want to cancel your cellphone contract before the contract period is up.

Within 15 days of signing a phone contract, you have a legal right to cancel the contract, without penalty, if you are not happy with your service. This is called the *trial period*. After the trial period, you can cancel your phone contract at any time but you will have to pay an *early cancellation fee*. The early cancellation fee can be no more than \$50. The exception is if you got a free or discounted phone as part of signing your phone contract. In that case, you'll have to pay for the phone if you cancel early.

As well, there are some circumstances that enable you to get out of your phone contract without paying an early cancellation fee. For example, if your provider changes a key term or condition of your phone contract without your consent.

## First steps

1. Calculate your cancellation costs. Your cancellation costs will depend on when you signed your contract and whether you received a free or discounted phone. The Wireless Code <sup>[1]</sup> sets out a formula to calculate the cancellation costs.
2. Cancel the contract. To cancel your contract, typically you would phone, email or send regular mail to notify your service provider of the cancellation. Check your contract to see if there is a specific way they want you to cancel.

## What happens next

Your service provider must cancel your services right away (unless you specify a later cancellation date) – you don't need to provide 30 days notice. If your phone is locked to your provider's network, you will have to get your phone unlocked in order to use your phone with another provider. You have a legal right to have your phone unlocked, at no charge, upon request.

## Where to get help

See the Resource List for a list of helpful resources. As well:

- The Commission for Complaints for Telecom-television Services (CCTS) administers the Wireless Code <sup>[1]</sup> and deals with consumer complaints about cellphone service. They can be reached toll-free at 1-888-221-1687 or at [www.ccts-cprst.ca](http://www.ccts-cprst.ca) <sup>[2]</sup>.
- The People's Law School website, in the "Consumer" section, includes indepth information on making <sup>[3]</sup> and cancelling cellphone contracts <sup>[4]</sup>.

Before meeting with a lawyer or advocate, complete the form Preparing for Your Interview included in this Guide. Make sure you bring copies of all documents relating to your case.

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## References

- [1] <http://crtc.gc.ca/eng/phone/mobile/codesimpl.htm>
- [2] <http://www.ccts-cprst.ca>
- [3] <https://www.peopleslawschool.ca/everyday-legal-problems/consumer/cellphones/your-options-cellphone-service>
- [4] <http://www.peopleslawschool.ca/everyday-legal-problems/consumer/cellphones/cancelling-phone-contract>

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# Criminal Law

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## Criminal Law Problems

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Here are the first steps and some useful resources for people in BC facing problems with the criminal justice system such as:

- I've been charged with a criminal offence and have to go to court.
- I've been accused of a criminal offence and have been offered "diversion", "restorative justice" or "alternative measures".
- I want to change my release conditions so I can have contact with my spouse or children.
- I want to move my criminal case closer to home.
- I have a criminal record and want to get a pardon (or record suspension).

### TIPS & NOTES

A number of "specialized courts"<sup>[1]</sup> have emerged over the past few years that deal with people who are prepared to plead guilty or take responsibility for criminal offences. Two of them — the Drug Treatment Court of Vancouver and the Downtown Community Court — only take cases from the Vancouver area. Several First Nations Courts will take aboriginal offender cases waived from elsewhere in the province. Sentencing at the First Nations Court consists of a roundtable discussion among the judge, lawyers, helping professionals, offender, victim and supportive family and community members about an appropriate sentence or "healing plan." Related family legal matters and youth court matters can be dealt with at the same time. Contact Native Courtworkers (see the Resource List), Crown Counsel or a lawyer for information about accessing First Nations Court in Duncan, Kamloops, New Westminster or North Vancouver.

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## References

[1] <http://www.provincialcourt.bc.ca/about-the-court/specialized-courts>

# I've Been Charged with a Criminal (or Youth) Offence and Have to Go to Court

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If you are charged with a criminal or youth offence, it means that, unless you are sent for *diversion*, *restorative justice* or *alternative measures* (see the section in this Guide titled "I've been offered 'diversion'"), you will have to resolve the charge in court. You can do this either by pleading guilty and being sentenced by a judge, or by pleading not guilty and going to trial. If you are found guilty at trial, you will be sentenced by a judge.

## First steps

1. If the police want to speak with you, you have the right to contact a lawyer for advice first. Most criminal lawyers will do this at no charge (and you can find a lawyer through the list provided at the jail, a phone book, or an internet search). If you are under arrest, the police must help you make a telephone call to a lawyer, even if you don't have a lawyer picked out. If you are under arrest, you can also call a lawyer through the *Brydges Line* at 1-866-458-5500. This service is provided free of charge by the Legal Services Society and is available across the province, 24 hours a day, seven days a week. It is almost always advisable that you refuse to answer questions or discuss the case with the police and certainly not before speaking with a lawyer. If you are arrested, the police must provide reasonable access to a counsel of your choice or to legal aid.
2. If you cannot afford a lawyer on your own, see if you qualify for legal aid representation. (See legal aid representation in the Resource List for information about applying for legal aid.) If you qualify, the Legal Services Society will appoint a lawyer to advise you and represent you in court. Note that you may not be able to apply for legal aid representation until you have attended your *first appearance* in court (see Step 4 below) and found out the Crown Counsel's *initial sentencing position*.
3. Go to court on the date shown on your *promise to appear* or other police release document.
4. At this first appearance in court, Crown Counsel will give you a copy of the police file, also known as your *disclosure*. This package will contain the details of the charges against you. It includes the *circumstances* (police report) from the Crown Counsel (prosecutor) and the *information* (charges) from the court clerk. Ask for an *adjournment* (delay) for two weeks or more so you can consult with a lawyer. If there is a *duty counsel* — a lawyer who helps people who don't have their own lawyer — at the courthouse, he or she can help you with this step.

## What happens next

Once you have decided how you will plead (guilty or not guilty), you or your lawyer will have to tell the judge. If you plead guilty, you may be sentenced right away or the Court may put your sentencing to a different date in a different courtroom. If you plead not guilty, the court will hold an *arraignment hearing* and ask both the prosecutor and you or your lawyer how long the trial will take. Then you will have to set a date for the trial. (The process is more complicated for *indictable charges* such as aggravated assault or breaking and entering a dwelling; indictable offences are considered more serious than *summary* offences.)

At trial, the Crown will call witnesses that you or your lawyer will be able to cross-examine. You can then call witnesses (possibly including yourself) if you wish. After all of the witnesses have testified, you can summarize your position and the facts and law which support it. At the end of the trial, the judge will either find you guilty or not guilty. If you are found guilty, the judge will sentence you. The sentencing usually happens right away, but may be delayed to another date in more serious or complicated cases.



If you are found not guilty, the matter will be over and you will be free to leave the court. Any bail conditions that were imposed on you expire. You will not have a criminal record in that case.

### TIPS & NOTES

If you can't make it to court for one of your court appearances, you may be allowed to get criminal duty counsel to go to court for you. Call your local legal aid office or the Legal Services Society Call Centre at 1-866-577-2525 to find out duty counsel schedules.

## Where to get help

See the Resource List in this Guide for a list of helpful resources. Your best bets are:

- Legal aid representation, to see if you qualify for legal aid.
- Criminal duty counsel, for assistance on the day you have to appear in court.
- Native Courtworkers and First Nations Court Duty Counsel for aboriginal clients.
- Access Pro Bono, Lawyer Referral Service, and private bar lawyers.
- The Clicklaw common questions "I've been charged with a crime. How do I defend myself?"<sup>[1]</sup> and "What does the judge consider in sentencing an Aboriginal person?"<sup>[2]</sup>.
- The fact sheet series "Defending Yourself"<sup>[3]</sup> from Legal Services Society.

Before meeting with a lawyer or advocate, complete the form Preparing for Your Interview included in this Guide. Make sure you bring copies of all documents relating to your case.

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## References

- [1] <https://www.clicklaw.bc.ca/question/commonquestion/1031>  
[2] <https://www.clicklaw.bc.ca/question/commonquestion/1053>  
[3] <https://www.clicklaw.bc.ca/global/search?k=%22defending%20yourself%22>

# I Have Been Offered "Diversion", "Restorative Justice" or "Alternative Measures"

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Police forces and Crown prosecutors sometimes choose to deal with minor criminal charges and first-time offenders outside of the court system through alternative measures. These alternative measures are often called *diversion* or *restorative justice*. Diversion is a program of community supervision by a probation office. In restorative justice, offenders are encouraged to take responsibility for their actions, to repair the harm they've done, and victims take an active role in the process. The range of options in a diversion program or through restorative justice might include making an apology to the victim, doing community service, and taking part in counselling programs.

Alternative measures are usually used for property crimes and offences that do not include violence. Some examples of where diversion may be appropriate include mischief, theft under \$5,000, or other offences involving property.

If you are charged with a criminal offence, you may contact the office of Crown Counsel (the government prosecutor) and ask to be considered for diversion or alternative measures. In some cases, Crown Counsel may offer you these sorts of programs to you even if you don't apply. If you have a minor, dated criminal record from a past offence, you may still be eligible.

You must be willing to take responsibility for your part in the criminal offence. If you cannot take responsibility – for example, if you weren't the one who caused the damage or weren't there when it happened – you will probably have to go to trial to tell a Judge your side of the case.

Crown Counsel will refer you to a local or regional service — often a probation or community corrections office — which will supervise the alternative measures, whether restorative justice or diversion.

## First steps

1. Decide if you are prepared to accept responsibility for what happened. This does not mean you are agreeing that you are guilty of a crime, just that you did something wrong and are prepared to accept the consequences. If this decision is difficult for you, you should get some advice from a criminal lawyer. See below under "Where to get help."
2. Tell the person offering diversion, restorative justice or alternative measures whether or not you accept the offer.

## What happens next

If you agree to the offer, you may be expected to attend a meeting with the victim of your act and a facilitator. At the end of the meeting, you may be asked to agree to apologize to the victim and/or pay restitution (a sum of money paid to the victim for loss or damage) and do some community service work, such as stacking books at the library, mowing lawns or picking up garbage around public buildings. If you fulfill your obligations within the timeframe you are given, you will not get a criminal conviction. If you don't, your case could go to court. If you do not agree to diversion, restorative justice or alternative measures, you may choose to face the charges in court. See the section "I've been charged with a criminal offence and have to go to court."

## Where to get help

See the Resource List in this Guide for a list of helpful resources. Your best bets are:

- Criminal duty counsel, for assistance on the day you have to appear in court.
- Access Pro Bono, Lawyer Referral Service, and private bar lawyers.
- The Clicklaw common question "How does diversion work and how can I get it?"<sup>[1]</sup>

Before meeting with a lawyer or advocate, complete the form Preparing for Your Interview included in this Guide. Make sure you bring copies of all documents relating to your case.

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## References

[1] <http://www.clicklaw.bc.ca/question/commonquestion/1035>

# I Want to Change My Release Conditions so I Can Have Contact with My Spouse or Children

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If you are arrested for a criminal or youth offence against another person or their property, a police officer, a justice of the peace or a judge may release you on conditions that you have limited or no contact with that person. This is often called a *no contact order*.

A judge may also impose a no contact order as a term of probation if you plead (or are found guilty) of an offence.

If a no contact order causes a problem for you, you can apply to a court to have those conditions changed.

(For general information on being charged with a criminal or youth offence, see "I've Been Charged with a Criminal (or Youth) Offence and Have to Go to Court" in this Guide.)

## If the conditions you want to change were put there by the police or a justice of the peace

### First steps

1. Get and fill out an Application to a Judge<sup>[1]</sup> form. You can get the form from a court registry. You can find the address and contact information for a court registry through Service BC by calling 1-800-663-7867. You may want to have a lawyer or advocate assist you with filling out the application.
2. On the Application to a Judge form, tick off the box marked "To replace Form 11.1 Undertaking Given to a Peace Officer/Officer in Charge [Sec.499(3), 503(2.2)]." Under the heading "The reasons on which the application is based are as follows," put your reasons for wanting to have contact.
  - If you believe contact is not only in your best interests but also in the best interests of your family or the person you are alleged to have offended against (the *complainant*), say why. Say why contact would be helpful to both you and the complainant — for example, to arrange access to your children, to assist with parenting and household duties, to allow for family counselling, to provide needed transportation, etc.

- Find out a date when the court is sitting in your area and can hear your application. You may have been given a court date already, but if that is too far in the future, you can request an earlier date.
3. Attend at the Court Registry with your Application to a Judge. They will set a date for your application based on your schedule. They will then give you a copy of the Application. Take the application to the Crown Counsel office in the Courthouse and give it to the Crown or Assistant.

### **What happens next**

Crown Counsel will consider your request to change the no contact order. Almost all the time, they will ask the complainant his or her views.

On the court date set for your application, the judge will ask you for more information about your request. The judge will also ask for Crown Counsel's views. If the complainant is in court, the judge may ask for his or her views as well.

After hearing all about the application, the judge may decide to change the no contact order or leave it the same.

If you do not like the decision of the judge about your application, you can appeal it to a higher court. Consult a lawyer if you want to appeal.

### **If the no contact order was put there by a judge**

#### **First steps**

If it was a judge that put the no contact order in place at a bail hearing, then the order can only be changed later by a judge of that court if the Crown Counsel agrees that the judge can listen to your application. It can also be appealed to a higher court if Crown Counsel does not agree, but you will need a lawyer's help to do this. You can find a lawyer to help through your local Legal Services Society (Legal Aid) office.

#### **What happens next**

If the Crown Counsel does not agree that the judge can listen to your application, then you must appeal the judge's order to a higher court. Consult a lawyer if you want to appeal.

The Crown Counsel may agree that the judge can listen to your application, but may not agree with the change you are asking for. If this is the case, the judge will listen to your application, and may decide to change the conditions or leave them the same.

### **Where to get help**

See the Resource List in this Guide for a list of helpful resources. Your best bets are:

- Service BC at 1-800-663-7867 for the location and number of court registries and Crown Counsel offices in British Columbia. If the offence took place in a different province or territory of Canada, Service BC may be able to provide you with the general enquiry number for that province or territory.
- Criminal duty counsel, for assistance on the day you have to appear in court.
- Native Courtworkers and First Nations Court Duty Counsel for aboriginal clients.
- Lawyer Referral Service and private bar lawyers.
- The Clicklaw common question "I've been charged with a crime. How do I defend myself?" <sup>[2]</sup>.
- The fact sheet series "Defending Yourself" <sup>[3]</sup> from Legal Services Society.

Before meeting with a lawyer or advocate, complete the form *Preparing for Your Interview* included in this Guide. Make sure you bring copies of all documents relating to your case.

### TIPS & NOTES

In almost all cases, a no contact order prohibits *direct or indirect communication*. Direct communication includes contact with the complainant in person, by phone, Skype, email, texting, etc. Indirect communication means sending messages to that person through a third party such as a friend or children. Remember that you are at risk. If you are found communicating with the complainant (even if they start or want the contact) you — not the complainant — may be charged with the criminal offence of breach of bail or breach of probation. If you absolutely need to communicate something to the complainant, speak with a lawyer first.

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## References

- [1] <http://www2.gov.bc.ca/assets/gov/law-crime-and-justice/courthouse-services/court-files-records/court-forms/criminal/pcr315.pdf>
- [2] <http://www.clicklaw.bc.ca/question/commonquestion/1031>
- [3] <http://www.clicklaw.bc.ca/global/search?k=%22defending%20yourself%22>

# I Was Charged out-of-Town and Want to Move the Case Closer to Home

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Criminal cases almost always are dealt with in the courthouse closest to where the alleged offence takes place. If you are pleading not guilty, you must do so at the Courthouse nearest to where the offence happens, and the trial will be in that location. However, if you decide to plead guilty to the offence, you may be able to waive it to another location for the purpose of a guilty plea and sentencing. A *waiver* is a document that states that you are pleading guilty and that the Crown Counsel agrees to have the Crown Counsel at your chosen courthouse deal with the matter. You start this process by filling out and printing a Request for Waiver <sup>[1]</sup> Form. Once you have filled out this form, take it to the Crown Counsel office at the courthouse where you have been charged. They will tell you at your next court appearance whether the waiver has been approved.

(For general information on being charged with a criminal or youth offence, see "I've been charged with a criminal (or youth) offence and have to go to court" in this Guide.)

### TIPS & NOTES

You can often have a charge waived from another province or territory of Canada to be dealt with by guilty plea in British Columbia. The process is similar but other provinces have different forms and procedures. Contact Service BC for the number of the government information service for the other province or territory, which can give you contact information for the Crown Counsel office where the charges originated.

## First steps

1. Before you decide to plead guilty, get and read the *disclosure, information* or *indictment*, and the Crown Counsel's *initial sentencing position* for your case in the "I've Been Charged with a Criminal Offence" section of this Guide.
2. If you then decide to plead guilty and you want to do so in a different courthouse, you need to fill in a *waiver form*. You can get a Request for Waiver form <sup>[2]</sup> online or from a court registry. You can find the address and contact information for a court registry through Service BC. You do not need to fill in the date of your court attendance at the new location. Crown Counsel will do that. Mail, fax or deliver the waiver form to the Crown Counsel office in charge of the area where the offence took place (the *originating* office).
3. Make sure you attend any scheduled court appearances, either at the originating location or at the location where you are waiving the charges to. Note that you can have an *agent* attend for you if you have been charged with a summary offence or you have a lawyer who has filed the necessary form, called a Counsel Designation Notice <sup>[3]</sup> but you must attend the sentencing hearing in person. A designated counsel cannot do this for you.

### TIPS & NOTES

When filling out the waiver form, put the address of the originating Crown Counsel office in the "from" box at the top right of the form. Put the address of the Crown Counsel office responsible for the courthouse you want to waive the charge(s) to in the "to" box.

## What happens next

The originating Crown Counsel will consider whether or not to approve the waiver. In some cases they will consult the Crown Counsel in charge of the area where you want to waive the charges to. (In fact, Crown Counsel in either location can generally approve a waiver.)

If Crown Counsel approves the waiver, a court date will be set for you in the new location. Crown Counsel may advise you of this new date but it is your responsibility to make sure you know when and where your next court date is. If you don't know your next court date and haven't heard from the originating Crown Counsel for more than a week, you should contact their office.

### TIPS & NOTES

Although the above procedure applies to *indictable offences* as well as *summary offences* (indictable offences are considered more serious than summary offences), waiving charges that have already been moved to the BC Supreme Court may be difficult. Consult a lawyer if this is your situation.

## Where to get help

See the Resource List in this Guide for a list of helpful resources. Your best bets are:

- Service BC at 1-800-663-7867 for the location and number of court registries and Crown Counsel offices in British Columbia. If the offence took place in a different province or territory of Canada, Service BC may be able to provide you with the general enquiry number for that province or territory.
- Criminal duty counsel, for assistance on the day you have to appear in court.
- Native Courtworkers and First Nations Court Duty Counsel for aboriginal clients.
- Access Pro Bono, Lawyer Referral Service, and private bar lawyers.
- The Clicklaw common question "I've been charged with a crime. How do I defend myself?" <sup>[4]</sup>.
- The fact sheet series "Defending Yourself" <sup>[5]</sup> from Legal Services Society.

Before meeting with a lawyer or advocate, complete the form, Preparing for Your Interview included in this Guide. Make sure you bring copies of all documents relating to your case.

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## References

- [1] <http://www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/court-forms/criminal-court-forms>
- [2] <http://www.ag.gov.bc.ca/courts/forms/pcr/pcr301.pdf>
- [3] <http://www.ag.gov.bc.ca/courts/forms/pcr800/pcr860.pdf>
- [4] <http://www.clicklaw.bc.ca/question/commonquestion/1031>
- [5] <http://www.clicklaw.bc.ca/global/search?k=%22defending%20yourself%22>

# I Want to Have My Criminal Record Removed

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Record suspensions used to be called *pardons* before March 2012.

A criminal record can have an impact on future employment, education or international travel. If you have a criminal record and you have completed your sentence, you may be able to get a *record suspension* from the Parole Board of Canada.

A record suspension means that your criminal record will be removed from the Canadian Police Information Centre (CPIC) database so that it can't be seen by people such as a school or potential employer.

## First steps

1. Decide if you want or need a record suspension. Some things to consider:
  - Record suspensions cost over \$600.
  - Record suspensions apply only to convictions under federal laws such as the *Criminal Code* or the *Controlled Drugs and Substances Act* or similar international offences. They do not apply to convictions under provincial laws like the *Motor Vehicle Act*.
  - Record suspensions are generally not available for sexual offences against children or for people with more than 3 convictions for serious offences where they received jail sentences of 2 or more years for each.
  - You must have completed all aspects of your sentence for at least 5 years to receive a record suspension for a summary offence and at least 10 years to receive a record suspension for an indictable offence.
  - You do not need to apply for a record suspension for youth offences or, generally, for adult offences where you received an absolute or conditional discharge.
2. If you decide to apply for a record suspension, get your fingerprints taken on a Fingerprint Form at a police station. There will be a fee. Ensure that the Fingerprint Form shows that you are applying for a record suspension.
3. Mail the Fingerprint Form with your fingerprints on it to:

RCMP Civil Fingerprint Screening Service

PO Box 8885, Ottawa, Ontario, K1G 3M8

You will have to include a certified cheque, money order or bank draft of \$25 made out to the Receiver General of Canada.

1. Obtain a Record Suspension Guide (which includes the application forms) from the Parole Board of Canada. You can download the guide from the Record Suspensions website <sup>[1]</sup>, or request it by email to [suspension@pbc-clcc.gc.ca](mailto:suspension@pbc-clcc.gc.ca) or by phone to 1-800-874-2652 (toll free).
2. Follow the step-by-step Record Suspension Guide to complete your application for a record suspension. It is quite detailed, so you may want to watch the Canada Parole Board video guides <sup>[2]</sup>. The Canada Parole Board charges a fee (\$631 as of May 2017) for processing the application.

## What happens next

You will receive written notification about the decision of the Canada Parole Board on your application. The Board tries to make their decisions within 6 months for summary offences and 12 months for indictable offences.

If your application is incomplete, it will be returned to you and you will have a chance to provide the additional information.

A record suspension doesn't make your record "go away". The suspension can be revoked if you are convicted of another serious offence or are found to have given false information on your application.



Record suspensions do not guarantee your ability to travel internationally. Check with the nearest embassy, consulate or mission of the country you wish to visit to learn about the requirements for visiting their country.

## Where to get help

See the Resource List in this Guide for a list of helpful resources. Your best bets are:

- Parole Board of Canada.
- Access Pro Bono, Lawyer Referral Service, and private bar lawyers.
- Criminal Records and Applying for a Record Suspension <sup>[3]</sup>, a Dial-a-Law script from the Canadian Bar Association. This provides an overview of how to apply for a record suspension.
- The Record Suspension Fact Sheet and Application Guide <sup>[4]</sup>, from the Parole Board of Canada. This includes a fact sheet on record suspensions and also has the application guide and form available for download.
- Canada Parole Board Video on Record Suspensions <sup>[5]</sup>

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## References

- [1] <http://www.recordsuspension.gc.ca>
- [2] <https://www.canada.ca/en/parole-board/corporate/publications-and-forms/videos/how-to-apply-for-a-record-suspension-video-tutorial.html>
- [3] <https://www.clicklaw.bc.ca/resource/1309>
- [4] <https://www.clicklaw.bc.ca/resource/1989>
- [5] <http://www.clicklaw.bc.ca/resource/4377>

# I Want My Criminal Case to Be Dealt with in First Nations Court

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If you:

- Identify yourself as an Aboriginal person (either status or non-status Indian, First Nation, Métis or Inuit), and
  - have been charged with a criminal offence that you wish to take responsibility for by pleading guilty to the charge,
- you may be able to choose to be sentenced in one of BC's First Nations Courts.

## What is a First Nations Court

A First Nations Court (sometimes called an Aboriginal Justice Court) is a court where Aboriginal Elders and knowledge-keepers sit with a Provincial Court Judge in court to help develop a fitting sentence and healing plan for an Aboriginal offender who has pled guilty to a criminal charge.

The goal of First Nations Courts is to provide an Aboriginal perspective based on a restorative and holistic approach to sentencing as outlined in the Gladue case of the Supreme Court of Canada.

First Nations Courts are often held in a circle with the Judge, Elders, offender, prosecutor, defence lawyer, support people and (sometimes) the victim all participating.

So far, there are four First Nations Court in BC: New Westminster, Kamloops, Duncan and North Vancouver. Others may be opened over the next few years.

Things to consider before you choose First Nations Court:

- Do not assume that you will get a *lighter* sentence in First Nations Court. The Elders and the Judge want to help you in a healing journey but will hold you accountable for what you did.
- The Elders will speak directly to you and expect you to answer their questions.

## First steps

1. Before you decide to plead guilty, make sure to review the charges against you (the *information*) and the report prepared by the police (*circumstances* or *disclosure*). You can usually get these at your first court appearance. If possible, review these documents with a lawyer before entering your plea. You can ask the court for an adjournment (delay) for a number of days to give you time to do so.
2. If you decide to plead guilty and want to have your sentencing in First Nations Court, tell that to the judge at your next court appearance. A lawyer or Native Courtworker can help you make the request and may even help you make arrangements to attend First Nations Court.

If the offence occurred in part of the Province where there is no First Nations Court, you may be able to have your sentencing *waived* to one of the First Nations Court locations. You will have to complete a *Request for Waiver* form.

You can get one of these forms from the court or a court registry. For more information on waiving your case from one location to another, see the article in this wikibook, I've been charged with a criminal (or youth) offence out-of-town and want to move the case closer to home. Please note that Crown Counsel (the prosecutor) can decide to approve or refuse the waiver request.

### What happens next

A date will be set for your sentencing to be dealt with in First Nations Court.

If you have a lawyer, you should meet with him or her before that date to prepare. If you don't have a lawyer, there will be a duty counsel lawyer at the First Nations Court to help you with the sentencing.

You can invite support people to come to court with you. They will probably be given the opportunity to give input to the Judge and Elders themselves.

### Where to get help

See the Resource List in this Guide for a list of helpful resources. Your best bets are:

- First Nations Court Duty Counsel gives free legal advice about having your matter transferred to First Nations Court and the charges against you.
- Native Courtworkers provides culturally appropriate services to Aboriginal people involved in the criminal justice system.

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# Employment Law

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## Employment Law Problems

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Here are the first steps and some useful resources for people in BC facing employment-related problems such as:

- My employer isn't paying my wages.
- I have been dismissed (fired) without just cause.
- I've been turned down for Employment Insurance benefits.
- I've been cut off workers' compensation benefits.

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## My Employer Isn't Paying My Wages

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This section is intended for non-unionized employees. For unionized employees, see the box below entitled "Tips & Notes".

As an employee, you are entitled to be paid for all of the hours that you worked, within a short period of time after completing the work. If you have worked overtime, you may be entitled to additional pay for the excess hours. You may also be entitled to pay for statutory holidays.

If you can't resolve a problem relating to unpaid wages directly with your employer, you generally have two options for taking action:

- sue directly in Small Claims Court or the Supreme Court, or
- make a claim through either the provincial or federal labour ministries.

It is important to get legal advice about both of these options. This is important because once you have begun one of these processes, you may be legally prevented from switching to or using the other process. It is also important to understand which forum is best suited for your particular problem. Generally, the provincial ministry (i.e., Employment Standards Branch) will assist you in enforcing your rights under the the provincial Employment Standards Act. The federal ministry (i.e., Employment and Social Development Canada) will assist you in enforcing your rights under the Canada Labour Code. Courts generally do not allow you to start a court action if your problem can be addressed through the provincial or federal labour ministry. Rather, courts generally only deal with problems that fall outside of Employment Standards Act and Canada Labour Code.

This section will focus on how to make a claim through the provincial and federal labour ministries. Which ministry to make your claim through will depend on whether your employer is *provincially regulated* or *federally regulated*. Most employers are provincially regulated, but the following are federally regulated:

- federal government and federal Crown corporations,
- banks,
- Indian bands and tribal councils, and

- inter-provincial or international railways, airlines and transportation companies.

### TIPS & NOTES

If you belong to a union, your rights generally depend on the collective agreement, and they are normally enforced by asking the union to pursue a grievance on your behalf. Talk to your shop steward or other union representative about any unpaid wages as soon as possible.

## If your employer is provincially regulated

### First steps

1. Contact your employer and see if you can resolve the problem directly.
2. Obtain a "Complaint Process Self-Help Kit"<sup>[1]</sup> from the Employment Standards Branch of BC as soon as possible. The self-help kit is designed to help employees and employers solve workplace disputes quickly and fairly. It includes a Request for Payment form and a letter from the Employment Standards Branch for you to give to your employer.
3. Your employer has fifteen (15) days to respond to your Request for Payment. If he or she does not, or the matter is not resolved, you can file a complaint form<sup>[2]</sup> with the Employment Standards Branch. Note that you have *six (6) months* to file a complaint from the time the wages were not paid or your employment ended. If you are within thirty (30) days of the end of the six-month period, you should file your complaint with the Employment Standards Branch and *then* use the self-help kit to try and resolve the problem.

### What happens next

On receiving your complaint, the Employment Standards Branch staff will investigate and offer to resolve your claim through *mediation*. If mediation does not work, it will be sent to a hearing before an *adjudicator*, who will hear from both sides and then make a decision called a *determination*.

If you are not satisfied with the determination of the adjudicator, you can appeal to the Employment Standards Tribunal or ask the tribunal for a *reconsideration*.

## If your employer is federally regulated

### First steps

1. Contact your employer and see if you can resolve the problem directly.
2. If your employer has not responded, or if the problem has not been resolved, obtain a "Complaint Form"<sup>[3]</sup> from Service Canada. You must file the complaint within *six (6) months* of when your employer was required to pay you the amount.

### TIPS & NOTES

To find out if your employer is federally regulated, call the Labour Program of Human Resources and Skills Development Canada (HRSDC) at 1-800-641-4049.

## What happens next

Your complaint will be reviewed by a Labour Program inspector, who will determine whether a violation has occurred. If you or your employer disagree with the findings, there will be an opportunity to provide more information before a final determination is made.

If you or your employer are not satisfied with the final determination, you can request a review to the Minister of Labour within fifteen (15) days after the notice was served. If, after the review, you or your employer remain unsatisfied, you can appeal to a referee.


## Where to get help

See the Resource List for a list of helpful resources. Your best bets are:

- Employment Standards Branch of BC if your employer is provincially regulated, and Employment Standards (Canada) if your employer is federally regulated.
- PovNet.
- Access Pro Bono, Lawyer Referral Service, and private bar lawyers.
- The Clicklaw common question "My employer isn't paying my wages"<sup>[4]</sup> for further resources.

Before meeting with a lawyer or advocate, complete the form Preparing for Your Interview included in this Guide. Make sure you bring copies of all documents relating to your case.

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## References

- [1] <http://www.labour.gov.bc.ca/esb/self-help/welcome.htm>
- [2] <http://www.labour.gov.bc.ca/esb/facshs/complaint.htm>
- [3] <http://www.servicecanada.gc.ca/cgi-bin/search/eforms/index.cgi?app=prfl&frm=lab1166&ln=eng>
- [4] <http://www.clicklaw.bc.ca/question/commonquestion/1073>

# I Have Been Dismissed (Fired) without Just Cause

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The general rule is that you can be dismissed (fired or laid off) even if you've done nothing wrong, and the law can't require that you get your job back. There are exceptions, however:

- **Union members:** If you belong to a union, your union representatives can file a grievance on your behalf. The arbitrator can order that you be reinstated, along with back pay.
- **Human rights violations:** If you believe that you've been fired because of your race, political belief, religion, marital or family status, physical or mental disability, sex, sexual orientation, age or a criminal conviction, you can file a human rights complaint, and the BC or federal human rights tribunal could order that you be reinstated, along with lost pay. See "I am being discriminated against or sexually harassed" in this Guide.
- **Health or safety complaints:** If you believe that you've been fired because you complained about a health or safety matter (relating to yourself or anyone else), you can file a *discrimination complaint* with workers' compensation (WorkSafeBC). WorkSafeBC can order that you be reinstated and receive back pay unless the employer can prove that your health and safety actions had nothing to do with your dismissal.
- **Federally regulated employees:** If you have been fired after being employed in a federally regulated industry for twelve (12) months or more, you can ask an adjudicator for an order for lost pay and, if you wish, that you be reinstated.

If you don't fall within one of these groups, you won't be able to get your job back, but you are entitled to receive *notice* before your employment ends, or *pay in lieu of notice*. The minimum notice requirements depend on whether your employer is federally or provincially regulated (for a brief explanation, see "My employer isn't paying my wages" in this Guide).

If your employer is *provincially regulated*, you are entitled to at least:

- One (1) week's notice (or equivalent pay) after three (3) consecutive months of employment.
- Two (2) weeks' notice (or equivalent pay) after twelve (12) consecutive months of employment.
- Three (3) weeks' notice (or equivalent pay) after three (3) consecutive years of employment, plus an additional week's notice (or equivalent pay) for each additional consecutive year of employment to a maximum of eight (8) weeks' notice (or equivalent pay).

If your employer is *federally regulated*, you are entitled to at least two (2) weeks' notice or two (2) weeks of severance pay in lieu of notice once you have completed three (3) consecutive months of employment.

In addition to your entitlement to minimum notice (or pay in lieu of notice), you may also be entitled to common law reasonable notice (or pay in lieu of notice). This additional entitlement may be significantly more than the minimum amounts. The additional common law reasonable notice may also require you to take steps to "mitigate" your loss of income and benefits. This means that, after your employment ends, you may have a legal obligation to take reasonable steps to find new employment. A failure to mitigate may affect your entitlement to the amount of common law reasonable notice.

If you have not been explicitly dismissed (fired), but your employer has taken action to demonstrate that it no longer wishes to continue your employment, this may be a constructive dismissal. Since you have not been formally dismissed, the employer's action is referred to as a "constructive" dismissal. If you can prove that you have been constructively dismissed, you may be entitled to the minimum notice entitlement and common law reasonable notice.

## First steps

If you did not receive the notice or equivalent pay that you are entitled to:

1. Follow the steps outlined in "My employer isn't paying my wages" to file an employment standards complaint. The steps will vary depending on whether your employer is federally or provincially regulated. If your employer is federally regulated, you must file your complaint within *ninety (90) days* of the dismissal. If your employer is provincially regulated, you must file your complaint within *six (6) months* of the dismissal. In either case, you need to act quickly.
2. If you have been dismissed without just cause, you may also sue your employer in court for *wrongful dismissal*. See "I need to take someone to court" in this Guide. A judge may order your employer to pay you more money than the provincially or federally regulated minimums described above. If you intend to commence legal proceedings in court for wrongful dismissal, you must file your claim within *two (2) years* of the dismissal.

If you have been dismissed for "just cause", you may still have a chance to make a claim. Speak to a lawyer or advocate immediately, as the timelines noted above will apply.



If you belong to a union and have been dismissed from your job, you should immediately ask your shop steward or other union representative to file a grievance on your behalf.

## What happens next

If you have filed an employment standards complaint, see "My employer isn't paying my wages" in this Guide for what happens next. If your employer is federally regulated and you have worked twelve (12) or more months, you can apply for an order for all the pay you would have earned had you not been dismissed and, if you wish, that you be given your job back. Note that you may be awarded less than your full loss of earnings depending on the facts.

If you have chosen to sue your former employer, see "I need to take someone to court" in this Guide for what happens next.

## Employment Insurance benefits

You may be entitled to employment insurance (EI) benefits if you lose your job through no fault of your own (for example, you were dismissed without cause) and you are available and able to work, but aren't able to find work. EI benefits provide regular financial benefits to assist you through the transition of job loss. You must apply for EI benefits as soon as you stop working. A delay in filing for EI benefits may affect your eligibility.

You may be entitled to EI benefits if you:

- were employed in insurable employment;
- lost your job through no fault of your own;
- have been without work and without pay for at least seven consecutive days in the last 52 weeks;
- have worked for the required number of insurable employment hours in the last 52 weeks or since the start of your last EI claim, whichever is shorter;
- are ready, willing and capable of working each day; and
- are actively looking for work (you must keep a written record of employers you contact, including when you contacted them).

You may not be entitled to benefits if you:

- voluntarily left your job without just cause;
- were dismissed for misconduct;
- are unemployed because you are directly participating in a labour dispute (for example, a strike, lockout or other type of conflict); or
- during a period of leave that compensates for a period in which you worked under an agreement with your employer, more hours than are normally worked in full-time employment.

## Where to get help

See the Resource List in this Guide for a list of helpful resources. Your best bets are:

- Employment Standards Branch of BC if your employer is provincially regulated, and Employment Standards (Canada) if your employer is federally regulated.
- Access Pro Bono, Lawyer Referral Service, and private bar lawyers.
- The Clicklaw common question "I've been dismissed (fired) without just cause <sup>[1]</sup>."
- Service Canada, and particularly their resources on Employment Insurance: the EI Homepage <sup>[2]</sup>.

Before meeting with a lawyer or advocate, complete the form Preparing for Your Interview included in this Guide. Make sure you bring copies of all documents relating to your case.

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## References

[1] <http://www.clicklaw.bc.ca/question/commonquestion/1074>

[2] <http://www.servicecanada.gc.ca/eng/sc/ei/index.shtml>



# I've Been Turned Down for Employment Insurance Benefits

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Employment Insurance (EI) may give one of these reasons for turning you down:

- **You do not have enough hours of work to qualify.** To get EI benefits, you must have worked a certain number of hours. You must have worked those hours in your qualifying period, which is usually the year before you apply.
- You were **fired for just cause**. (a good legal reason)
- You quit **without just cause**.
- You are **not available for work** (includes not actively looking for a job). You may not be able to get EI benefits until you are available for work.
- You made **false statements to EI**. You may have to repay some benefits and you may have to pay a penalty.

**You can ask for a reconsideration and appeal any of these decisions** If you disagree with a decision made by Service Canada regarding your EI benefits, you have the right to request a reconsideration of that decision.

You can appeal (ask for a reconsideration of your claim) if EI:

- has refused you benefits
- says you have to repay benefits
- has given you a warning letter and/or a penalty

## First steps

To request a reconsideration, complete the reconsideration form <sup>[1]</sup> and mail it to the address provided on the form within *thirty (30) days* of receiving the decision.

If you do not agree with the reconsideration decision, you can file an appeal <sup>[2]</sup> with the Social Security Tribunal. Your appeal must be filed within *thirty (30) days* of receiving your reconsideration decision.

If you disagree with the decision made by the Social Security Tribunal, you can appeal <sup>[3]</sup> to the Social Security Tribunal's Appeal Division. The appeal must be filed within *thirty (30) days* of receiving the appeal decision. You will have to request permission to file the appeal

## What happens next

### Reconsideration

After you have filed your reconsideration, Service Canada will review your file and notify you of the decision. Each case is decided on its own merits. There are no oral hearings for this process.

### Appeal to the General Division

Once you file your appeal, the Social Security Tribunal will send you a copy of your EI file. This file contains all the information EI used to make its decision.

A Social Security Tribunal (SST) member will review the EI file as well as your appeal form or letter and any other information you have provided.

The Social Security Tribunal member will decide one of two things:

- your appeal goes forward, or

- your appeal is dismissed.

The Social Security Tribunal member will send you the decision in writing.

If your appeal is dismissed, you can appeal that decision. See the section, **Appeal to the Appeal Division**

### **If your appeal goes forward**

If your appeal goes forward, the Social Security Tribunal member will do one of two things: make a **decision on the record**, or hold a **hearing**.

- A **decision on the record** means the Tribunal member will decide based on the EI file and the materials you sent.
- If a **hearing** will take place, the Tribunal will contact you to schedule the hearing. You can present your own case, or you can arrange for someone such as a lawyer or an advocate or a friend to help you. See **Where to get help** to find someone who can help you.

After the hearing, the Tribunal member will make the decision, put it in writing and send you a copy.

### **Appeal to the Appeal Division**

If you disagree with the decision, you can go to the second level of appeal at the Social Security Tribunal. This is called the Appeal Division.

You will need *leave to appeal* (permission to appeal) to this second level, unless you are appealing the General Division's decision to dismiss your appeal.

You must file your appeal **within thirty (30) days** of the day you got the decision from the General Division.

The Government of Canada's website provides a summary of the appeal process <sup>[4]</sup>. Look under **Employment Insurance Appeals – EI Appeal Division**.

## **Where to get help**

See the Resource List in this guide for a list of helpful resources. Your best bets are:

- Service Canada, and particularly their resources on Employment Insurance: the EI Homepage <sup>[5]</sup>, a section for Employment Insurance Appellants <sup>[6]</sup>, and a collection of EI appeal decisions favouring workers <sup>[7]</sup>.
- PovNet.
- Access Pro Bono, Lawyer Referral Service, and private bar lawyers.
- Community Legal Assistance Society.
- The *Law Students' Legal Advice Program Manual* chapter on "Employment Insurance" <sup>[8]</sup>.

Before you meet with a lawyer or advocate, complete the form Preparing for Your Interview included in this guide. When you go to the meeting, make sure you take copies of all the documents about your case.

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## References

- [1] <http://www.servicecanada.gc.ca/cgi-bin/search/eforms/index.cgi?app=prfl&frm=ins5210&ln=eng>
- [2] <http://www1.canada.ca/en/sst/ap/eigd.html>
- [3] <http://www1.canada.ca/en/sst/ap/eiad.html>
- [4] <http://www.canada.ca/en/sst/hta/index.html>
- [5] <http://www.servicecanada.gc.ca/eng/sc/ei/index.shtml>
- [6] <http://www.ei-ae.gc.ca/en/home.shtml>
- [7] [http://www.ei-ae.gc.ca/en/board/favourable\\_jurisprudence/favourable\\_decisions\\_introduction.shtml](http://www.ei-ae.gc.ca/en/board/favourable_jurisprudence/favourable_decisions_introduction.shtml)
- [8] <http://www.clicklaw.bc.ca/resource/1724>

## I've Been Cut off Workers' Compensation Benefits

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The Workers' Compensation Board (the WCB, also known as WorkSafeBC) pays benefits to people who have an injury or disease caused by their work. The WCB also pays benefits to dependents of a worker who has been killed on the job or died due to an occupational disease.

Workers' compensation is a no fault insurance scheme. If you have been injured at work, you will not be allowed to sue your employer or any other worker or employer who may have caused the injury. Your only recourse is to make a workers' compensation claim. That makes it very important that you report your injury to your employer and the WCB as soon as possible after it occurs, and that you and your doctor give the WCB the information it needs about your condition and prospects for recovery.

Initially, the WCB pays benefits equal to 90% of the net (take home) wages you were earning at the time of injury. After ten weeks the benefits will be based on your long term average earnings. If your benefits drop significantly at this point, you should consider an appeal.

When the WCB decides that you have recovered, your benefits will cease. If you and/or your doctor do not agree that you are ready to go back to work, you should appeal. The WCB will also terminate your benefits if they feel that your condition has stabilized and become permanent. If you or your doctor disagree, you should appeal.

Workers who have a permanent disability are entitled to a total or partial pension, payable until age 65. Permanently disabled workers (and sometimes others) may also be entitled to vocational rehabilitation assistance. As well, WCB plays all medical and related costs of an injury or disease.

If a decision of the WCB limits your benefits or cuts you off benefits, the first stage of the appeal process is to request a *review of the decision* by the WCB Review Division.

### First steps

1. To request a review of a decision by the WCB's Review Division, get the Request for Review <sup>[1]</sup> form online or by phone at 1-888-855-2477.
2. Complete the Request for Review form and submit it to the Review Division *within ninety (90) days* of the date that the WCB decision or order was made. The address is on the form.

### TIPS & NOTES

If you are off work for a significant period of time, you will receive many letters from WorkSafeBC. Read these carefully, because each one could be a decision denying or limiting benefits. If in doubt, get legal advice, and if there is something in the letter that you don't agree with, challenge it. If you fail to request a review of a decision within the ninety (90) day time limit, you may lose any chance of changing it, no matter how unfair it is.

## What happens next

### WCB Review Division

You will receive a complete copy of your WCB file, including all documents the Board has about your claim. Review it carefully to better understand why the Board made the decision you are appealing, so that you can explain to the Review Division why it is wrong.

If your review involves a medical issue, such as whether you are able to return to work, ask your doctor to write to the Board. Most successful reviews are based on new medical evidence.

Your review may also involve a policy issue. The WCB's policy manual, which is nearly 800 pages long, has the force of law, and there are detailed policies about almost every aspect of the claims process. You can read or download the *Rehabilitation Services and Claims Manual* <sup>[2]</sup> from the WCB's website.

The Review Officer will give you a deadline for sending in any new information or arguments. If you need more time, ask for it. Make sure that you tell the Review Officer about any wrong information in the file, whether it's from a WCB doctor, your employer, or anyone else, and that you explain why the Board's decision was wrong.

The Review Division usually decides the review within six months.

#### TIPS & NOTES

There are several options for seeking legal help on a WCB claim review. The Workers' Advisers Office provides free, expert advice and occasionally representation to any worker who requests it. Contact them immediately, as you may have to wait for an appointment. Most unions also provide free, expert help to their injured members. If you belong to a union, tell them about the injury immediately. There are also community organizations that do WCB cases, and there are private lawyers and non-lawyer advocates who are experts in WCB matters.

### Workers' Compensation Appeal Tribunal (WCAT)

If you disagree with the Review Division's decision, you can appeal it to the Workers' Compensation Appeal Tribunal (WCAT). You must appeal *within thirty (30) days* after the date of the Review Division decision.

The WCAT conducts appeals by rehearing them, which means that it considers all the evidence in the file and any new evidence presented by the parties, and then makes its own findings of fact and law. You should ask for an oral hearing, so that you can explain your case to the WCAT vice-chair in person.

The WCAT is the final level of appeal, and its decisions can only be challenged in a judicial review proceeding in the Supreme Court of BC. The WCAT can, however, reconsider its own decisions on the basis of new evidence that couldn't have been presented at the first appeal, or because the first decision was based on a serious legal error.

## Where to get help

See the Resource List in this Guide for a list of helpful resources. Your best bets are:

- Workers' Advisers.
- PovNet.
- Access Pro Bono, Lawyer Referral Service, and private bar lawyers.
- Community Legal Assistance Society.
- The *Law Students' Legal Advice Program Manual* chapter on "Workers' Compensation" <sup>[3]</sup>.
- The WCB's website at [www.worksafebc.com](http://www.worksafebc.com) <sup>[4]</sup> has a lot of information about workers' compensation, including its policy manuals, practice directives, past decisions of the Review Division, and all the forms needed to pursue a claim.
- The WCAT website at [www.wcat.bc.ca](http://www.wcat.bc.ca) <sup>[5]</sup> also has a great deal of useful information, including its procedure manual and a searchable collection of its past decisions.
- The Clicklaw common question "I've been cut off workers' compensation benefits" <sup>[6]</sup>.

Before meeting with a lawyer or advocate, complete the form *Preparing for Your Interview* included in this Guide. Make sure you bring copies of all documents relating to your case.

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## References

- [1] <http://www.worksafebc.com/forms/assets/PDF/63m1.pdf>
- [2] [http://www.worksafebc.com/publications/policy\\_manuals/Rehabilitation\\_Services\\_and\\_Claims\\_Manual/default.asp](http://www.worksafebc.com/publications/policy_manuals/Rehabilitation_Services_and_Claims_Manual/default.asp)
- [3] <http://www.clicklaw.bc.ca/resource/1723>
- [4] <http://www.worksafebc.com>
- [5] <http://www.wcat.bc.ca>
- [6] <http://www.clicklaw.bc.ca/question/commonquestion/1077>

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# Family Law

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## Family Law Problems

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For comprehensive coverage of family law problems, see *JP Boyd on Family Law* on Clicklaw Wikibooks.

Family issues are among the most common source of legal problems. Here are the first steps and some useful resources for people in BC facing the following types of family law issues:

- I have a family problem and I want to resolve it out of court.
- I just separated from the other parent of my children.
- My partner is abusing me and my kids.
- My ex is not paying child support.
- I am having challenges with my children and don't want the Ministry to remove them.
- The Ministry has taken my kids.



### TIPS & NOTES

Most family issues — guardianship, parenting time, contact with a child, child and spousal support — can be dealt with in a special branch of Provincial Court called "Family Court." However, cases about divorce or family property must be dealt with in BC Supreme Court. Family Court procedures are simpler, quicker and less expensive than those in Supreme Court. Speak to a lawyer about the choice between Supreme Court and Family Court.

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# I Have a Family Problem and I Want to Resolve It out of Court

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There are many alternatives to going to court if you have a family law problem. Most family law problems are resolved out of court. However, legal advice or assistance is usually important to making fair agreements.

Families come to an agreement on their own, often through mediation or with the help of services available to help people resolve issues outside the courtroom. Mediation is an approach to solving problems in which a third party (a mediator) helps people with family law problems reach a resolution without going to court. A mediator is a person who is specially trained to help people resolve conflict.

Among the services available to help people resolve family issues without having to go to court are:

- **Family justice counsellors:** At Family Justice Centres, family justice counsellors are available to provide information, conduct mediations, and assist with writing separation agreements. Family justice counsellors can assist with family issues such as guardianship, parenting arrangements, contact and support. They cannot assist with getting a divorce order or division of property.
- **Family advice lawyers:** At some Family Justice Centres, the counsellors can refer you to family advice lawyers provided by the Legal Services Society for parents with low incomes. There is also initial legal advice provided by lawyers through Access Pro Bono and other organizations.
- **Family LawLINE:** If you are a person with a low income and a family law problem, you may be eligible for brief over-the-phone "next step" advice through the Family LawLINE about family law issues such as parenting, child and spousal support, property division, family agreements, and adoption.
- **Family mediators:** Most family mediators are professionals in private practice who assist couples in trying to resolve their family issues by agreement. Some family mediators are also family law lawyers. They almost always charge for their services.
- **Collaborative family law:** This approach involves the spouses and their lawyers signing an agreement that they will work together and make their best efforts to resolve their matter, and to create the best situation for their children, but that if one of them takes the matter to court, both lawyers must resign and the spouses must get new lawyers.



For help with challenges in caring for children, see "I am having challenges with my children and don't want the Ministry to remove them" in this Guide.

## First steps

1. Decide if the situation you are facing is one that can be safely and fairly resolved without involving lawyers and the courts. If the other party has dominated, harassed or abused you or your children, or has denied you the parenting time that you are entitled to, it may be difficult to resolve your problems fairly without going to court. It is best to speak with a lawyer, advocate or family counsellor for advice on whether your problem is one that can probably be resolved out of court.
2. To meet with a family justice counsellor, contact a Family Justice Centre and make an appointment to speak with a counsellor. Some Family Justice Centres have specialists in child support called child support officers. You can ask your family justice counsellor if a child support officer can be involved in your case.

3. Call the Family LawLINE to see if you qualify for "next step" advice from a LawLINE lawyer (contact details are in the Resource List).
4. To find a mediator in your area, look in the Yellow Pages or on the Mediate BC website (click on the "Directory of Family Mediators" link).

## What happens next

If you meet with a family justice counsellor or a family mediator, they will discuss your options. They can contact your ex to see if he or she agrees to resolve your issues out of court. If so, the counsellor or mediator will communicate with both of you separately or together to help you reach an agreement. If it appears that you cannot resolve your matter outside of court, a family justice counsellor may assist you in preparing court documents or refer you to a lawyer on any legal matters. Family mediators may assist in drafting agreements, but are unlikely to assist you with other court documents.

The Family LawLINE can give you advice about how you can proceed with your case and may refer you to other services, but will not represent you in a mediation or in court. Family LawLINE services are provided through brief phone calls.

### TIPS & NOTES

If you and your ex have resolved all the other issues between you, and you are only seeking a straightforward divorce, there are a number of publications to help you do this. (See below under "Where to get help".) However, if you and your ex are still discussing how to divide your property (house, money, vehicles, furniture, etc.), you should definitely speak with a lawyer. Division of family property is a complicated area of the law.

## Where to get help

See the Resource List in this Guide for a list of helpful resources. Your best bets are:

- Mediate BC.
- Family Justice Centres to make an appointment with a family justice counsellor to discuss guardianship, parenting time, contact with a child, or support, or to arrange a mediation.
- The Family Law in BC website, for forms, self-help materials and other legal information about family legal issues.
- The Clicklaw Wikibook *JP Boyd on Family Law* and in particular the chapter "Resolving Family Law Problems out of Court."
- The Clicklaw common questions "Our marriage is over; do we have to go to court?"<sup>[1]</sup> and "How can mediation help me with a divorce agreement?"<sup>[2]</sup>.

Before talking with a family justice counsellor, mediator, or lawyer, complete the form Preparing for Your Interview included in this Guide. Make sure you have the dates of birth of your spouse and children, your date of marriage or cohabitation (if applicable), your date of separation, information about your income and property and those of your ex, and some notes on the issues that concern you.

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## References

- [1] <http://www.clicklaw.bc.ca/question/commonquestion/1006>
- [2] <http://www.clicklaw.bc.ca/question/commonquestion/1105>

# I Just Separated from the Other Parent of My Children

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If you and the other parent of your children have separated, you need to make decisions about who will have *parental responsibility* for the children, which includes things like:

- making day-to-day decisions affecting the children,
- having day-to-day care of the children,
- making decisions about where the children will live, and
- making decisions about the children's education and extra-curricular activities.

You will also need to decide if the other parent will have *parenting time* or *contact* with the children, and how you will handle *support* (regular financial support for the children and, if necessary, you or the other parent).

## First steps

1. Get some initial help with:
  - finding out what your legal rights and those of your children are. A lawyer is the professional most likely to assist you; and
  - deciding whether mediation, collaborative family law or other kinds of alternate dispute resolution (ADR) are safe and likely to work fairly for you. If there have been problems of violence, threats, intimidation, or financial abuse, or if there has been a history of controlling behaviour, ADR may not be right for you at this time, due to a power imbalance in your relationship. Family Justice Counsellors, mediators and lawyers are the professionals most often assisting with this.
2. If there has been family violence, see the article *My partner is abusing me and my kids*.
3. You may want to take or retain copies of tax, banking and financial documents, passports, marriage certificates and other financial documents with you.
4. If you need a lawyer but cannot afford one on your own, see if you qualify for legal aid representation. If you don't qualify for legal aid representation, or if you think you can resolve your issues through mediation, you may wish to contact a Family Justice Centre. Counsellors at Family Justice Centres can provide information, mediation and assistance with applications involving guardianship, parenting time, and support in Family Court. However, they have no jurisdiction to help with divorce or division of family property and debts.
5. If you want to apply for a court order dealing with who the children will live with, parenting time, or financial support, you can apply to Family Court. Family Court forms and self-help information are available online at the Family Law in BC website. Click on the shortcut "Self-help guides," scroll down to "Family orders" and click on the appropriate link. If you feel the situation is urgent, you may ask the judge to make the order "without notice," meaning that the court *can* make its order *if justified*, without your ex-partner being notified in advance that you are seeking an order, or having a chance to be heard. "Without notice" orders are *almost always* interim (short-term), and provide a date for your case to come back to court, etc.

## What happens next

If you qualify for legal aid representation, a lawyer will be appointed to represent you in your case and lead you through the court process.

If you apply for a court order, you will have to arrange to serve your ex with a copy of the application and notice of the court date, unless it is dangerous or impractical to do so. A court date will be set by the court once your ex files a reply.

## Where to get help

See the Resource List in this Guide for a list of helpful resources. Your best bets are:

- Legal aid representation to see if you qualify for legal aid.
- Family Law in BC website, for forms, self-help materials and other legal information about family legal issues.
- The Clicklaw Wikibook *JP Boyd on Family Law* and in particular the chapter "Separation & Divorce."
- Family duty counsel (Provincial or Supreme), for some assistance on the day you have to appear in court.
- Family Justice Centres, to make an appointment with a family justice counsellor to discuss guardianship, parenting time, and support.
- Family LawLINE.
- Access Pro Bono, Lawyer Referral Service, and private bar lawyers.

Before meeting with a lawyer or advocate, complete the form Preparing for Your Interview included in this Guide. Make sure you bring copies of all documents relating to your case.

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# My Partner Is Abusing Me and My Kids

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Both the criminal law process and family law process can be used to deal with relationship violence and abuse. There are also a number of services in most BC communities, such as transition houses, victim assistance programs and counselling services, to help victims of violence.

## First steps

1. Ensure that you and your children are safe. This may mean leaving the family home for awhile and staying with friends or staying in a transition house. To find a local transition house, try a Google search for "transition house" plus your community — e.g., "transition house victoria bc." Alternatively, look in the Yellow Pages under "Crisis Centres," or contact VictimLINK. The local police station can also give you information about transition houses and other victim services.
2. Consider whether you need a *safety plan*. A safety plan outlines steps you can take to protect yourself and your children. Having a safety plan means you know how to get help if your partner is abusing you. It is a good idea to ask a friend, advocate, or victim service worker to help you make a safety plan. For information on making a safety plan, see "Live Safe — End Abuse: Safety Planning <sup>[1]</sup>."
3. If the abuse involves physical or sexual violence, consider reporting it to the police. Staff at local transition houses and victim services groups can support you in doing this. If you want the abuser to stay away from you, you can ask the police to ask a judge for a *no contact order* to prevent or limit the abuser from having contact with you or your children. Ask the police to give you contact information for a victim services worker.
4. If you need a lawyer but cannot afford one on your own, see if you qualify for legal aid representation. If you qualify, the Legal Services Society will appoint a lawyer to advise you and represent you in Family Court. Victims are not usually entitled to representation by lawyers in criminal court.
5. You or your lawyer can make an application to the Family Court or BC Supreme Court for an order preventing or limiting the abuser from having contact with you and/or your children. You can take this step instead of or in addition to reporting the abuse to the police. Follow the process described under "I just separated from the other parent of my children" in this Guide.

## What happens next

### Criminal Court

If a criminal charge has been laid, the abuser will be given a date to appear in Provincial Criminal Court. At this *first appearance*, the abuser (called "the accused" in court) can ask for a copy of both the charge and the report from the police to the *Crown Counsel*. (The Crown Counsel is the lawyer who prosecutes the case against the abuser on behalf of the government.) You do not need to have your own lawyer in Criminal Court. You are considered a witness and you should speak with the Crown Counsel before court so they know whether or not you want the judge to order that the accused can have contact with you or your children until the case is completed. For more information on what happens after criminal charges have been laid, see "I've been charged with a criminal offence and have to go to court" in this Guide.

## Family Court

If you have completed an Application to Obtain an Order and a Notice of Motion in Provincial Court, and asked the judge for a "without notice" order (a court appearance without the abuser being there), you will be given a time and date to be in court. At court, the judge will ask you why you want no contact from the abuser. If the judge agrees with you, he or she will make a (called a Protection Order) valid for up to a year (but not longer). After the without notice Protection Order is made, the Family Court will send a copy to the abuser. Service of the judge's Protection Order will be handled for you, without cost to you.

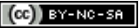
## Where to get help

See the Resource List in this Guide for a list of helpful resources. Your best bets are:

- BC Society of Transition Houses and VictimLINK.
- Legal aid representation, to see if you qualify for legal aid.
- Family Law in BC website, for forms, self-help materials and other legal information about spousal abuse.
- Family LawLINE.
- Access Pro Bono, Lawyer Referral Service, and private bar lawyers.
- The Clicklaw common question "A woman is being abused by her partner. What legal help can she get? <sup>[2]</sup>".

Before meeting with a lawyer or advocate, complete the form Preparing for Your Interview included in this Guide. Make sure you bring copies of all documents relating to your case.

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## References

[1] <http://www.clicklaw.bc.ca/resource/2411>

[2] <http://www.clicklaw.bc.ca/question/commonquestion/1023>

# My Ex Is Not Paying Child Support

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Any parent — married or unmarried — of a dependant child has a responsibility to provide *child support* (financial support) for that child. The usual amount that he or she should pay is set out in the Child Support Guidelines. The amount depends on how many children there are and what the payor parent earns. Stepparents may also be required to pay child support.

## If you have a court order

### First steps

1. You can enroll with the Family Maintenance Enforcement Program, also called FMEP. FMEP will take steps, including further court action, to enforce the order for you. FMEP is a free program, and probably the simplest way to collect on a child support order from a reluctant payor. You can speed up the registration process by getting a court-certified copy of your support order from the Court Registry, and providing this to FMEP.

### What happens next

Once you have registered with the Family Maintenance Enforcement Program, one of its workers will contact the other parent to see if he or she will agree to make voluntary payments. If that doesn't work, FMEP can take a number of steps against the other parent, such as garnishing pay cheques or bank accounts, intercepting Employment Insurance payments and income tax refunds, and arranging for withholding driver's licenses or passports.

## If you do not have a court order

### First steps

1. You may wish to contact a Family Justice Centre. Counsellors at Family Justice Centres can provide information, mediation and assistance with applications involving child or spousal support in Family Court.
2. Self-help information is available online at the Family Law in BC website. Click on "Self-help guides" under the "Shortcuts" option, then scroll down to "Family orders". There is a guide for situations where the parents agree on what an order should say, and those where they have not agreed.
3. To apply for child support in Family Court, complete an Application to Obtain an Order (PCFR Form 1) <sup>[1]</sup>. You can get an Application to Obtain an Order online or from any Provincial Court registry. If possible, include what the person earns in the space provided in your Application to Obtain and Order. If the situation is unusually urgent, you may ask that the order be "without notice," meaning that the court will make its order without your ex-partner having a chance to be heard or being notified in advance. *Without notice orders* are very unusual and always *interim*, meaning short-term. The other person will eventually get to speak to the judge before a final order is made.

## What happens next

Once you have filed an Application to Obtain an Order asking for child support and had it served on the other parent (who is now called the *respondent*), the respondent will be required to file a Reply and a Financial Statement (or a *statement of finances* for FMEP matters). A date will be set for a hearing by the Family Court registry. Check with the Registry, as some of them will have additional steps called *Rule 5* you must take before they set a hearing date.

If the respondent doesn't file a Reply or Financial Statement, the judge may order him or her to do so or accept your evidence of what he or she is earning, without your ex's participation. You may have to ask the Registry for a hearing date if no Reply is filed.

## Where to get help

See the Resource List in this Guide for a list of helpful resources. Your best bets are:

- Family Maintenance Enforcement Program, to enrol with the program for free.
- Family Law in BC website, for forms, self-help materials and other legal information about child and spousal support.
- Family duty counsel (Provincial or Supreme), for some assistance on the day you have to appear in court.
- Family Justice Centres, to make an appointment with a family justice counsellor to discuss support.
- Family LawLINE.
- Access Pro Bono, Lawyer Referral Service, and private bar lawyers.
- The Clicklaw common question "My ex stopped paying child support when he moved out of province <sup>[2]</sup>."

Before meeting with a lawyer or advocate, complete the form Preparing for Your Interview included in this Guide. Make sure you bring copies of all documents relating to your case.

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## References

[1] <http://www2.gov.bc.ca/assets/gov/law-crime-and-justice/courthouse-services/court-files-records/court-forms/family/pfa003.pdf>

[2] <http://www.clicklaw.bc.ca/question/commonquestion/1009>

# I Am Having Challenges with My Children and Don't Want the Ministry to Remove Them

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If you are having challenges raising your kids or other children under your care, you can sometimes get help without the Ministry of Children and Family Development removing the children from your home.

## First steps

1. See if there are any marriage, family, child or individual counsellors in or near your community. You could look in the Yellow Pages or ask a lawyer or advocate, or someone at the Ministry of Children and Family Development.
2. Before involving the Ministry of Children and Family Development, you should probably speak with a lawyer or advocate. (See "Where to get help" below to find a lawyer or advocate to speak with.)

### TIPS & NOTES

In dealing with the Ministry of Children and Family Development, keep in mind that the Ministry has the authority to remove children from your home if they believe they are "in need of protection." On the other hand, the Ministry has access to many resources (often at little or no cost to you) that may help you overcome the challenge with your children.

## What happens next

If you decide to work with the Ministry of Children and Family Development, you (and probably your children) will be asked to meet with the Ministry resource person who will assist you. Be prepared to provide as much information about your children as you can, such as dates of birth, school level and grades, medication and medical history. If you have chosen to work with the Ministry, they may suggest a variety of approaches, depending on the nature and seriousness of your problem. They may:

- Refer you to a *community resource*. The Ministry may open a file and want to track your progress with the resource.
- Provide you with *family support services*. In some cases, the Ministry will ask you to sign a *family support service agreement* which enables them to arrange counselling, parenting support, up to six days a month of *respite care*, and other support in your home. A family support worker will probably be assigned to your case. A family support service agreement can be for a period of six months, and then renewed after that.
- Attempt to arrange for your children to stay with a friend or family member, while you and/or the other parent sort out the problems which are creating child protection concerns. This is called "Alternative Measures", and the Ministry is required to explore any such possibilities, and try to arrange them if possible, to reduce any disruption to children.
- If you are facing a crisis that means you are temporarily unable to care for the children in your home (even with the supports mentioned above), the Ministry may ask you to sign a *voluntary care agreement* and place your children in foster care for a period of up to 3 months for children under 5 years of age and up to 6 months for older children. If the crisis continues, the Ministry may apply to Court for temporary custody orders. If you think this may happen to you, you should speak with a lawyer or advocate or apply for legal aid.
- If your child has a permanent or long-term disability, the Ministry may put you in touch with their Community Living BC and have you sign a *special needs agreement*, through which they can provide respite care and in-home supports. The first special needs agreement can be for a period of six months, and renewed after that. You will be asked to pay something for the care provided, based on your income.



If you or the children in your care are Aboriginal, the responsibility for the safety and welfare of the children may have been delegated to a Delegated Aboriginal Agency in your area. To find out if this is the case, contact the nearest office of the Ministry of Children and Family Development (see the Blue Pages of your phone book for the local number or call Service BC at 1-800-663-7867).

## Where to get help

See the Resource List in this Guide for a list of helpful resources. Your best bets are:

- Legal aid representation, to apply for legal aid.
- Family Law in BC website, for forms, self-help materials and other legal information about child protection and removal.
- PovNet, for the "Find An Advocate" feature on their website.
- Family duty counsel, for some assistance on the day you have to appear in court.
- Family LawLINE.
- Access Pro Bono, Lawyer Referral Service, and private bar lawyers.
- The Clicklaw common question "What about child protection for Aboriginal people?"<sup>[1]</sup>
- The Legal Services Society publication "Parents' Rights, Kids' Rights: A Parent's Guide to Child Protection Law in BC"<sup>[2]</sup>.

Before meeting with a lawyer or advocate, complete the form Preparing for Your Interview included in this Guide. Make sure you bring copies of all documents relating to your case.

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## References

[1] <http://www.clicklaw.bc.ca/question/commonquestion/1051>

[2] <http://www.clicklaw.bc.ca/resource/1060>



# The Ministry Has Taken My Kids

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The Ministry of Children and Family Development or a delegated agency has the authority to remove children from their home if they are "in need of protection" because they believe that a child has been abused or neglected, or is likely to be abused or neglected. If the Ministry removes the child or children, the matter is taken to Family Court until it is resolved.



If the Ministry has begun an investigation, you can ask for legal advice *before* the child is removed from the home (see the steps below).

## First steps

1. If you need a lawyer but cannot afford one on your own, apply for legal aid representation. If you qualify, the Legal Services Society will appoint a lawyer to advise you and represent you in court.
2. If you don't have a lawyer, consider getting some legal advice. Child protection is a very emotional issue and difficult to face without legal advice and support. See if there is an advocate in your community who can help. PovNet has a "Find an Advocate" feature on their website. As well, duty counsel can provide advice services.
3. Contact the Ministry worker who removed your child, and see if you can negotiate for either the return of your child or contact with your child while in Ministry care. Take a friend or advocate with you when you speak to the worker. Make sure you have a lawyer review any agreement before you sign it.
4. Within seven days of removing the child, the Ministry must go to Family Court and explain to a judge why the child was removed and what their plans are for the child until the matter is resolved. Attend this hearing. Even if you can't convince the judge to return the child right away, you can ask the judge for contact with the child. There is usually a duty counsel lawyer in Family Court who can assist you on the day of court. If your matter is called before you've had the chance to speak to duty counsel, tell the judge that you'd like to do so before proceeding.

## What happens next

At the first court appearance, the judge will set a date for a *presentation hearing*. At this hearing, you will have a chance to convince the judge why the child should be returned to you. The judge may decide to make a *supervision order* (returning the child to you under supervision of the Ministry) or a *custody order* (leaving the child in the care of the Ministry) until a *protection hearing* is held.

A protection hearing must begin within 45 days from the end of the presentation hearing. Before or after the start of the protection hearing, you will probably be asked to attend a *case conference* (a meeting with a judge and the Ministry to see if you can reach an agreement about the child's care). If there is no agreement, the judge will hold a protection hearing. At the end of it, the judge may order that the child be returned to a parent or other person, or remain in the custody of the Ministry for a period of time, or (in rare and serious cases) remain in the custody of the Ministry on a continuing basis.

## TIPS & NOTES

The Ministry of Children and Family Development now offers a number of structured meetings — such as integrated case management meetings, partnership planning conferences, family group conferences and mediation — aimed at resolving child welfare cases outside of court. Even though legal aid does not usually cover the cost of your lawyer to attend these meetings, it is a good idea to have an advocate or other support person attend with you. If a meeting does result in an agreement, try to have a lawyer review it before you sign it.

## Where to get help

See the Resource List in this Guide for a list of helpful resources. Your best bets are:

- Legal aid representation, to apply for legal aid.
- Family Law in BC website, for forms, self-help materials and other legal information about child protection and removal.
- PovNet, for the "Find An Advocate" feature on their website.
- Family duty counsel (Provincial or Supreme), for some assistance on the day you have to appear in court.
- Family LawLINE.
- Access Pro Bono, Lawyer Referral Service, and private bar lawyers.
- The Clicklaw common question "What about child protection for Aboriginal people <sup>[1]</sup>?"
- The Legal Services Society publication "Parents' Rights, Kids' Rights: A Parent's Guide to Child Protection Law in BC <sup>[2]</sup>."
- The Legal Services Society publication "If You Can't Get Legal Aid for Your Child Protection Case <sup>[3]</sup>."

Before meeting with a lawyer or advocate, complete the form Preparing for Your Interview included in this Guide. Make sure you bring copies of all documents relating to your case.

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## References

[1] <http://www.clicklaw.bc.ca/question/commonquestion/1051>

[2] <http://www.clicklaw.bc.ca/resource/1060>

[3] <http://www.clicklaw.bc.ca/resource/2745>

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# Housing

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## Housing Problems

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Here are the first steps and some useful resources for people in BC facing housing problems such as:

- My landlord wants to enter my unit without my permission.
- My landlord wants to evict me.
- My landlord wants to keep my deposit.

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## My Landlord Wants to Enter My Unit without My Permission

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The principle of “quiet enjoyment” gives tenants the right to:

- reasonable privacy,
- freedom from unreasonable disturbance,
- exclusive possession of their rental unit, and
- use of common areas for reasonable and lawful purposes.

If your landlord wants to enter your home, you can require that they first follow the proper legal procedure.

### First steps

In order to legally enter a rental unit, landlords must provide tenants with written notice no less than 24 hours, and no more than 30 days, before entering. This notice must state:

- the date,
- the time (between 8am and 9pm), and
- a reasonable reason for entry, such as making repairs or carrying out a monthly inspection.

### What happens next

If a landlord has followed the law by giving proper written notice, they are allowed to enter – even if you are not home at the time listed on the notice. If your landlord enters illegally, you can request in writing that they follow the legal requirements. See TRAC’s template letter, *Landlord’s Right to Enter a Rental Unit Restricted* <sup>[1]</sup>. If your landlord continues to enter your unit illegally, and you have enough evidence to show that they have been breaking the law, you can apply for dispute resolution to ask for permission to change the locks. You can also ask for monetary compensation for past illegal entries, and an order telling your landlord to follow the law in the future.

## Where to get help

See the Resource List in this Guide for a list of helpful resources. Your best bets are:

- Tenant Resource & Advisory Centre (TRAC), including their *Tenant Survival Guide* which includes a section on Privacy in your home.
- TRAC's online course, Renting It Right <sup>[2]</sup>
- Residential Tenancy Branch.
- PovNet, for contact and website information for tenancy advocates near you.
- Access Pro Bono, Lawyer Referral Service, and private bar lawyers.

Before meeting with a lawyer or advocate, complete the form Preparing for Your Interview included in this Guide. Make sure you bring copies of all documents relating to your case.

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## References

[1] <http://tenants.bc.ca/template-letters/>

[2] <http://www.clicklaw.bc.ca/resource/4103>

# My Landlord Wants to Evict Me

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If your landlord wants to evict you, they must issue you an approved notice that states a valid reason for your eviction, such as paying rent late or threatening the safety of neighbours. There are four main types of evictions that tenants in BC can receive.

- A 10 Day Eviction Notice for Non-Payment of Rent <sup>[1]</sup> can be issued if you have not paid your full rent by the day it is due. You may receive this type of eviction notice if you are only a few dollars short, or just one day late.
- A One Month Eviction Notice for Cause <sup>[2]</sup> can be issued if you have given your landlord “cause” to evict you, such as:
  - repeatedly paying rent late;
  - assigning or subletting your unit without written consent;
  - damaging property and not helping repair it;
  - jeopardizing the health or safety of people or property;
  - unreasonably disturbing neighbours;
  - having an unreasonable number of occupants living in your unit; or
  - breaking a “material term” (something essential to your tenancy) and ignoring a written warning from your landlord.
- A Two Month Eviction Notice for Landlord’s Use of Property <sup>[3]</sup> can be issued if your landlord is:
  - planning on moving in, or planning on having “close family” move in.
- A Four Month Eviction Notice for Landlord’s Use of Property <sup>[3]</sup> can be issued if your landlord is:
  - planning major renovations that will require vacant possession for an extended period of time;

- planning on demolishing your rental unit; or
- planning on converting your rental unit for use by a caretaker, manager or superintendent.

For more detailed information on evictions, see Part 4 of the Residential Tenancy Act <sup>[4]</sup>.

## First steps

If you receive an eviction notice, you have the right to challenge it by using the Residential Tenancy Branch's dispute resolution <sup>[5]</sup> service. Try to apply as soon as possible, as there are strict deadlines for disputing evictions:

- for a 10 Day Eviction Notice, the deadline is 5 days;
- for a One Month Eviction Notice, the deadline is 10 days;
- for a Two Month Eviction Notice, the deadline is 15 days; and
- for a Four Month Eviction Notice, the deadline is 30 days.

If you are given a 10 Day Eviction Notice, you have 5 days to pay up in order to cancel the eviction. However, if you do this too often, you may receive a One Month Eviction Notice for repeated late payment of rent.

If you are given a Two or Four Month Eviction Notice, you have the right to be compensated for one month's rent. For example, you can continue to live in the rental unit for the remaining two or four months and receive the last month free. Alternatively, if you find new housing before the end of the two or four months, you can give 10 days' written notice to move early and still be compensated for one month's rent.

If you would like to challenge an eviction notice, follow the Residential Tenancy Branch's instructions <sup>[6]</sup> for dispute resolution. You can apply online, or submit a paper application to any Residential Tenancy Branch or Service BC <sup>[7]</sup> office. Applying for dispute resolution costs \$100, although you can also apply to have the fee waived <sup>[8]</sup>. You may need to provide an income assistance statement, employment insurance benefits statement, recent paystub from an employer, and/or bank statements from the most recent two months. If you end up having to pay the \$100 fee, you can still request on your application form that your landlord repay you the fee if they lose the hearing.

## What happens next

If your application for dispute resolution is approved, you will be provided with a hearing package that says when your hearing will be held and what you can expect. Dispute resolution is a legal proceeding, but less formal than court. Hearings are occasionally held in person or in writing, but they are most commonly conducted over the phone.

The person in charge of the dispute resolution hearing, an "arbitrator", has the task of conducting the hearing, weighing the evidence, applying the law, and reaching a decision. For applications involving evictions, the primary responsibility is on the landlord to show evidence in support of the eviction, but the tenant can also defend themselves by submitting their own evidence.

While dispute resolution can be a challenging process, most tenants do not require the assistance of a lawyer in order to participate. If you feel that you need assistance with dispute resolution, try searching for a legal advocate in your community <sup>[9]</sup>.

## Where to get help

See the Resource List in this Guide for a list of helpful resources. Your best bets are:

- Tenant Resource & Advisory Centre (TRAC), including their *Tenant Survival Guide* which includes a section on Evictions.
- TRAC's online course, Renting It Right <sup>[10]</sup>
- Residential Tenancy Branch.
- PovNet, for contact and website information for tenancy advocates near you.
- Access Pro Bono, Lawyer Referral Service, and private bar lawyers.
- The Clicklaw common question "My landlord is threatening to evict me" <sup>[11]</sup>.

Before meeting with a lawyer or advocate, complete the form Preparing for Your Interview included in this Guide. Make sure you bring copies of all documents relating to your case.



The above information does not apply if you are evicted from your home on an Indian reserve. If this happens to you, you should speak with a lawyer.

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## References

- [1] <http://canlii.ca/t/84lm#section46>
- [2] <http://canlii.ca/t/84lm#section47>
- [3] <http://canlii.ca/t/84lm#section49>
- [4] <http://canlii.ca/t/84lm#part4>
- [5] <http://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/solving-problems/dispute-resolution>
- [6] <http://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/solving-problems/dispute-resolution/applying-for-dispute-resolution>
- [7] <http://www2.gov.bc.ca/gov/content/governments/organizational-structure/ministries-organizations/ministries/technology-innovation-and-citizens-services/servicebc>
- [8] <http://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/solving-problems/dispute-resolution/applying-for-dispute-resolution/fees-and-fee-waivers#Waiver>
- [9] <http://www.clicklaw.bc.ca/helpmap/service/1028>
- [10] <http://www.clicklaw.bc.ca/resource/4103>
- [11] <http://www.clicklaw.bc.ca/question/commonquestion/1082>

# My Landlord Wants to Keep My Deposit

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BC landlords are allowed to charge half of one month's rent as a security deposit and, if pets are allowed, an additional half of one month's rent as a pet damage deposit. A landlord can only ask for one pet damage deposit, regardless of the number of pets allowed in the rental unit.

## First Steps

In order to get your deposit returned, you must first provide your landlord with a forwarding address in writing within one year of the end of your tenancy. See TRAC's template letter, Request for the Return of a Security / Pet Damage Deposit <sup>[1]</sup>. Once you have provided your forwarding address and your tenancy has officially ended, your landlord has 15 days to do one of three things:

- return your deposit,
- get your written consent to keep some or all of your deposit, or
- apply for dispute resolution to keep some or all of your deposit.

Your landlord can return your deposit by delivering it in person, mailing it, leaving it in your mailbox or mail slot, or sending it electronically. If your landlord returns your deposit by electronic means, they are not allowed to charge you a fee.

## What happens next?

Your landlord cannot decide on their own to keep your deposit. If they believe they are entitled to it, they must obtain written permission from either you or the Residential Tenancy Branch. If the 15-day deadline passes without your landlord returning the deposit, obtaining your written consent, or applying for dispute resolution, you are allowed to file your own application against your landlord for double the amount of the deposit.

## Where to get help

See the Resource List in this Guide for a list of helpful resources. Your best bets are:

- Tenant Resource & Advisory Centre (TRAC), including their *Tenant Survival Guide* which includes a section on Security Deposits.
- TRAC's online course, Renting It Right <sup>[2]</sup>
- Residential Tenancy Branch.
- PovNet, for contact and website information for tenancy advocates near you.
- Access Pro Bono, Lawyer Referral Service, and private bar lawyers.

Before meeting with a lawyer or advocate, complete the form Preparing for Your Interview included in this Guide. Make sure you bring copies of all documents relating to your case.

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## References

- [1] <http://tenants.bc.ca/template-letters/>
- [2] <http://www.clicklaw.bc.ca/resource/4103>



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# Human Rights

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## Human Rights Problems

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Here are the first steps and some useful resources for people in BC facing human rights problems such as:

- I am being discriminated against or sexually harassed.

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## I Am Being Discriminated against or Sexually Harassed

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The law prohibits discrimination in housing, the workplace and the provision of services, where the discrimination is based on grounds such as race, national or ethnic origin, colour, political belief, religion, age, sex, sexual orientation, gender identity or expression, marital or family status, disability or criminal record. Some types of discrimination are excused if the discrimination is reasonable and necessary.



Sexual harassment is a form of discrimination. For more information, see the factsheet *Human Rights in BC: Sex Discrimination and Sexual Harassment*<sup>[1]</sup>, provided by the provincial government.

### First steps

1. If the discrimination happened in the workplace, get a copy of your employer's personnel policies. Most employers have a policy and procedure for dealing with harassment and employee grievances. It is usually best to follow the procedure in these internal policies first.
2. If you can't resolve your complaint quickly using your employer's policies, you can make a human rights complaint to either the BC Human Rights Tribunal (if you have a provincially regulated employer) or to the Canadian Human Rights Commission (if you have a federally regulated employer). Most employers are provincially regulated, but some — like the federal government, chartered banks, Indian bands and tribal councils, and national airlines and railways — are federally regulated. To find out if you are dealing with a federally regulated body, contact the Canadian Human Rights Commission<sup>[2]</sup>.
3. To make a complaint against a provincially regulated body, call the BC Human Rights Tribunal at 1-888-440-8844 or fill out the online complaint form at their website page "File a Complaint"<sup>[3]</sup>. Complaint forms are also available at most Service BC (Government Agent) offices. Complaints must be filed within six months of the discriminatory act.
4. To make a complaint against a federally regulated body, call the Canadian Human Rights Commission<sup>[2]</sup> at 1-888-214-1090. You can also contact<sup>[4]</sup> the Commission by fax or email. Complaints must be filed within one year

of the discriminatory act.

## What happens next

Once you make a complaint, a representative of the Tribunal or Commission will contact you. They will work with you and the discriminating party (respondent) to see if the problem can be resolved through mediation. If not, the matter may go to a hearing before a human rights tribunal.

If your complaint goes to a human rights tribunal, you (or your lawyer) will give your evidence of discrimination and call any witnesses to it. The employer (or its lawyer) can cross-examine you and your witnesses and then call witnesses of its own. You or your lawyer will be able to cross-examine these witnesses. The tribunal member will decide whether you have proved the discrimination, and can order the employer to stop the discriminating behaviour, or to pay you compensation for the harm done to you, or both.



Although the above information talks about discrimination or sexual harassment in employment, the same process applies to discrimination in housing and the provision of services as well.

## Where to get help

See the Resource List in this Guide for a list of helpful resources. Your best bets are:

- BC Human Rights Clinic: The BC Human Rights Clinic runs programs to help people file their complaints, and also represents human rights complainants in the early stages of the process. You must apply for representation within 30 days of your complaint being accepted by the BC Human Rights Tribunal. The clinic is run by Community Legal Assistance Society, whose lawyers represent human rights complainants in hearings before the BC Human Rights Tribunal.
- SHARP Workplaces<sup>[5]</sup>: The legal clinic provides up to five hours of free, confidential legal advice from a lawyer to anyone in BC who is experiencing or has experienced sexual harassment at work. Lawyers provide advice on how to address sexual harassment, your legal options, assistance with reviewing or drafting documents, advice as you go through a legal process and referrals to support services, such as counselling and employment services.
- PovNet, for contact and website information for human rights advocates near you.
- Access Pro Bono, Lawyer Referral Service, and private bar lawyers.
- The Clicklaw common question "I've been discriminated against<sup>[6]</sup>."

Before meeting with a lawyer or advocate, complete the form Preparing for Your Interview included in this Guide. Make sure you bring copies of all documents relating to your case.

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## References

- [1] <https://www.clicklaw.bc.ca/resource/1185>
- [2] <http://www.chrc-ccdp.ca/>
- [3] <http://www.bchrt.bc.ca/complaint-process/complain/file.htm>
- [4] <http://www.chrc-ccdp.ca/eng/content/contact-us>
- [5] <https://www.clicklaw.bc.ca/helpmap/service/1307>
- [6] <http://www.clicklaw.bc.ca/question/commonquestion/1093>

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# Immigration Law

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## Immigration Law Problems

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Here are the first steps and some useful resources for people in BC facing immigration-related problems such as:

- I Want to Claim Refugee Status in Canada.
- I'm a Permanent Resident and Have Been Charged with a Criminal Offence.
- My Husband Sponsored Me and We Have Now Separated.

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## I Want to Claim Refugee Status in Canada

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The Immigration and Refugee Board of Canada decides refugee claims.

You can make a claim for refugee status at a Canadian border or airport, or from within Canada. To be found to be a refugee, you must meet the definition of either a "Convention refugee" or a "person in need of protection." See definitions at the end of the article.

For information about refugee status, see Clicklaw for resources listed under the common question We want to start a refugee claim in Canada <sup>[1]</sup>.

### TIPS & NOTES

If you are detained, ask to speak to immigration duty counsel <sup>[2]</sup> or call the Legal aid immigration line at 604-601-6076 or 1-888-601-6076. Duty counsel are lawyers paid by Legal Services Society (legal aid) to assist people in detention at the Canada Border Services Agency's enforcement centre in Vancouver. Duty counsel provide detainees with advice regarding procedures and their legal rights, and may appear on their behalf at detention hearings.

## First steps

1. Before you start a refugee claim, try to get help from a lawyer or settlement agency:
  - If you cannot afford a lawyer on your own, apply for legal aid. See legal aid representation in the Resource List for information about how to apply for legal aid or call the Legal aid immigration line at 604-601-6076 or 1-888-601-6076. To get legal aid you must be financially eligible and your refugee claim must have merit.
  - If you do not qualify for legal aid, contact an immigrant settlement agency.
  - Contact the Law Students' Legal Advice Program if you live in the Lower Mainland.
  - Pay for a lawyer or immigration consultant.
2. If you are at an airport or at a Canadian border crossing, start your refugee claim by telling a Canadian Border Services Agency officer that you want to make a refugee claim. Staff at the Canada Border Services Agency will interview you. They will ask you to complete immigration forms and provide identity documents. If you come from

the United States of America you might be returned to the USA because of the safe third party agreement between Canada and the USA.

3. If you are already in Canada, you must submit the required forms to a Citizenship and Immigration Canada office to start your refugee claim. To find a list of offices, see Immigration, Refugees and Citizenship Canada in the Resource List of this guide. You must provide identity documents. For information on preparing refugee claim forms see the online tool Refugee Claim Process<sup>[3]</sup>. It is advisable to complete the forms with the help of a lawyer.
4. Once your immigration forms are complete, an immigration officer will interview you. The interview could take place when you first make your claim, or you might get an appointment to return for an interview. At your interview, the officer will decide whether you are eligible to make a refugee claim. If you are eligible, your case will go to the Immigration and Refugee Board of Canada and you will get a date for your hearing.

### TIPS & NOTES

Complete the immigration forms and answer questions at your interview with the immigration officer carefully and truthfully. The information you provide will be used at your refugee hearing. Keep a copy of the forms for your records.

## What happens next

The next step is to prepare for your refugee hearing before the Refugee Protection Division of the Immigration and Refugee Board. Your refugee hearing will be held within 30 to 60 days after you are found eligible to make a claim. The time of the hearing will depend on the country you are from and whether you made your claim at a port of entry (border or airport) or at a local CIC office.

- For information about how to prepare for the hearing, see Refugee Hearing Preparation: A Guide for Refugee Claimants<sup>[4]</sup>.

If you do not agree with what the Board decides, you may be able to apply to the Refugee Appeal Division or the Federal Court of Canada to have the decision reviewed. Talk to a lawyer or settlement worker about this.

### TIPS & NOTES

Not all people are eligible to make a refugee claim in Canada. For example, people who are not eligible include those who:

- have made a refugee claim in Canada in the past,
- came to Canada from or through a designated safe third country where they could have claimed refugee protection,
- are not admissible to Canada on security grounds, or
- are not admissible to Canada because of criminal activity or human rights violations.

## Where to get help

See the Resource List of this Guide for a list of helpful resources. Your best bets are:

- Legal aid representation, to see if you qualify for legal aid.
- Immigration, Refugees and Citizenship Canada. It has information for Refugee Claims in Canada<sup>[5]</sup> that explains who can apply for refugee status from inside Canada, how to apply, and what happens next.
- Government of Canada's Settlement Services Directory to find agencies that provide services to immigrants and refugees.
- The Law Students' Legal Advice Program immigration clinics, if you live in the Lower Mainland.
- Refugee Hearing Preparation: A Guide for Refugee Claimants<sup>[4]</sup>. It explains how to prepare for a refugee hearing.

- Refugee Claim Process <sup>[3]</sup>. This is a guide to what happens in the refugee claim process.
- Clicklaw resources for the common question We want to start a refugee claim in Canada <sup>[1]</sup>.

Before you meet with a lawyer or advocate, complete the form *Preparing for Your Interview* included in this guide. Make sure you take copies of all documents about your case.

## Definitions

**Convention refugees** are people outside their country of nationality or residence who are unable or unwilling to return to that country because of a "well-founded fear of persecution."

If you are a convention refugee, this means you have a good reason to believe you are in danger, and that the authorities in your country will not or cannot protect you. You may fear that you will be harmed because of your race, religion, political opinion, nationality, gender or sexual orientation.

**Persons in need of protection** are people who, if returned to their home country or country where they normally live, would face:

- a danger of torture,
- a risk to their life, or
- a risk of cruel and unusual treatment or punishment.

To prove that you are a person at risk if returned to your country, you must show that all of the following apply:

- you are not able to get state protection from your country,
- the risk is specific towards you or your family,
- you face the risk in every part of your country,
- the risk is not the result of punishment for a crime you committed, unless the punishment violates international standards, and
- the risk is not because of lack of adequate medical care.

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## References

- [1] <http://www.clicklaw.bc.ca/question/commonquestion/1060>
- [2] [http://wiki.clicklaw.bc.ca/index.php/Duty\\_Counsel](http://wiki.clicklaw.bc.ca/index.php/Duty_Counsel)
- [3] [http://www.vrsa.ca/?page\\_id=279](http://www.vrsa.ca/?page_id=279)
- [4] <http://www.clicklaw.bc.ca/resource/2490>
- [5] <http://www.clicklaw.bc.ca/resource/2096>

# I'm a Permanent Resident and Have Been Charged with a Criminal Offence

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When someone who is not a Canadian citizen is charged with a criminal offence, immigration officials will be notified.

You could lose your permanent resident status and you could be deported to your country of origin if you are convicted of a serious crime.

A crime is serious if:

- the maximum sentence you could get is 10 or more years in prison (even if you get a shorter sentence), or
- the sentence that you do get is more than six months in prison.

## TIPS & NOTES

If you are a permanent resident, it is a good idea to apply for Canadian citizenship as soon as you meet the requirements. Once you become a citizen you cannot be removed from Canada other than in extremely rare circumstances or if you misrepresented facts on your application.

If you are not a citizen and you are charged with a crime, get legal advice as soon as you can. See **Where to get help**.

## First steps

1. It is very important to see a lawyer who has experience in criminal law and immigration law. If you cannot afford to hire a lawyer, apply for legal aid. See legal aid representation in the Resource List for information about how to apply for legal aid. To get legal aid you must be financially eligible and there must be a risk of jail or deportation if you are convicted of the charge.
2. If you are detained because of the criminal charge, contact criminal duty counsel. If you are detained because of immigration proceedings, contact immigration duty counsel. See duty counsel in the Resource List for more information.

## What happens next

1. You will have to deal with the criminal charge in court. See "I've been charged with a criminal (or youth) offence and have to go to court" for information.
2. If you plead guilty or are convicted at trial, the Immigration and Refugee Board may hold an *admissibility hearing* to decide if you can remain in Canada. See Admissibility Hearings <sup>[1]</sup> for information about what can happen.
3. If the admissibility hearing results in a *removal order*, you may be able to appeal the order to the Immigration Appeal Division. But if your sentence is for more than six months, you lose your right to appeal.

For information about the appeal process see:

Immigration and Refugee Board of Canada: Immigration and Refugee Appeals <sup>[2]</sup>

Information Guide: General Procedures of all appeals to the Immigration Appeal Division <sup>[3]</sup>

## Where to get help

See the Resource List of this guide for a list of helpful resources. Your best bets are:

- Legal aid representation, to see if you can get legal aid.
- Government of Canada's Settlement Services Directory to find agencies that provide services to immigrants and refugee claimants.
- The *Law Students' Legal Advice Program Manual* chapter on Immigration Law <sup>[4]</sup>.

Before you meet with a lawyer or advocate, complete the form *Preparing for Your Interview* included in this guide. Be sure to take copies of all the documents about your case.

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## References

- [1] <http://www.clicklaw.bc.ca/resource/2121>  
[2] <http://www.clicklaw.bc.ca/resource/2119>  
[3] <http://www.clicklaw.bc.ca/resource/2120>  
[4] <http://www.clicklaw.bc.ca/resource/1738>

# My Husband Sponsored Me and We Have Now Separated

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If your spouse sponsored you and you have separated, you have the right to remain in Canada as long as you are a permanent resident or a citizen.

Before April 28, 2017 some permanent resident status was conditional. A conditional permanent resident was required to live with their sponsor for 2 years. As of April 28, 2017 the Government of Canada has eliminated this condition. This change applies to anyone who was subject to this condition as well as persons sponsored in the future.

If you are a permanent resident immigration officials cannot ask you to leave Canada if you separate from your spouse unless they believe the marriage was not genuine.

### What if I'm not a permanent resident?

If you are not a permanent resident and you want to remain in Canada, you may do one of two things:

- Apply for *refugee status*. For information, see *I want to claim refugee status in Canada* <sup>[1]</sup>.
- OR
- Apply for permanent resident status based on *humanitarian and compassionate grounds*. For information, see *A Guide to Humanitarian and Compassionate Applications (H&C Applications)* <sup>[2]</sup>.



## First steps

1. Get help from a lawyer or a settlement or community agency:
  - If you cannot afford a lawyer, apply for legal aid. See legal aid representation <sup>[3]</sup> in the Resource List. To get legal aid you must be financially eligible and your case must have a reasonable chance of success.
  - If you do not qualify for legal aid, contact an immigration settlement agency. See Sponsorship Breakdown <sup>[4]</sup> for a list of community workers and settlement agencies, or use the WelcomeBC Settlement Services Map <sup>[5]</sup>.
  - Contact the YWCA Single Mothers Without Legal Status In Canada Project <sup>[6]</sup>.
  - Contact the Law Students' Legal Advice Program <sup>[7]</sup> if you live in the Lower Mainland.
  - Pay for a lawyer or immigration consultant.
2. If you have a child, get legal advice. See I just separated from the other parent of my children <sup>[8]</sup>.
3. If you fear returning to your country, get legal advice about how to apply for refugee status. See the section I want to claim refugee status in Canada <sup>[1]</sup>.
4. If you were sponsored by your husband and the sponsorship application was not completed when you separated, get legal advice. You may be able to apply to stay in Canada on humanitarian or compassionate grounds. For information, see A Guide to Humanitarian and Compassionate Applications (H&C Applications) <sup>[2]</sup>.
5. If your spouse is no longer supporting you see the resource titled Sponsorship Breakdown <sup>[4]</sup>.



Unless you already have a work permit, you are not entitled to work in Canada while an H&C application is under consideration until you have been "approved in principle."

## Where to get help

See the Resource List in this guide for a list of helpful resources. Your best bets are:

- Legal aid representation, to see if you qualify for legal aid.
- Government of Canada's Settlement Services Directory to find agencies that provide services to immigrants and refugee claimants.
- The Clicklaw common question A friend was sponsored to come to Canada but the sponsor left her. What can she do? <sup>[9]</sup>

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## References

- [1] [http://wiki.clicklaw.bc.ca/index.php/I\\_want\\_to\\_claim\\_refugee\\_status\\_in\\_Canada](http://wiki.clicklaw.bc.ca/index.php/I_want_to_claim_refugee_status_in_Canada)
- [2] <http://www.clicklaw.bc.ca/resource/1864>
- [3] [http://wiki.clicklaw.bc.ca/index.php/Legal\\_Aid\\_Representation](http://wiki.clicklaw.bc.ca/index.php/Legal_Aid_Representation)
- [4] <http://www.clicklaw.bc.ca/resource/1073>
- [5] [http://wiki.clicklaw.bc.ca/index.php/WelcomeBC\\_Settlement\\_Services\\_Map](http://wiki.clicklaw.bc.ca/index.php/WelcomeBC_Settlement_Services_Map)
- [6] [http://www.ywcavan.org/content/Mothers\\_Without\\_Legal\\_Status\\_Project/702](http://www.ywcavan.org/content/Mothers_Without_Legal_Status_Project/702)
- [7] [http://wiki.clicklaw.bc.ca/index.php/Law\\_Students%27\\_Legal\\_Advice\\_Program](http://wiki.clicklaw.bc.ca/index.php/Law_Students%27_Legal_Advice_Program)
- [8] [http://wiki.clicklaw.bc.ca/index.php/I\\_just\\_separated\\_from\\_the\\_other\\_parent\\_of\\_my\\_children](http://wiki.clicklaw.bc.ca/index.php/I_just_separated_from_the_other_parent_of_my_children)
- [9] <http://www.clicklaw.bc.ca/question/commonquestion/1062>

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# Mental Health

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## Mental Health Law Problems

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Here are the first steps and some useful resources for people in BC facing mental health problems such as:

- A relative has been held against their will in a mental health facility.

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## A Relative Has Been Held against Their Will in a Mental Health Facility

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A person may be detained against their will in a mental health facility for up to 48 hours if a physician examines the person and signs a certificate. The certificate must say that the person is suffering from a mental disorder and needs treatment, care, supervision and control by a mental health facility to prevent that person's substantial mental or physical deterioration or for the protection of that person or others.

If a second physician signs a similar certificate, the person may be detained against their will for up to one month.

### First steps

1. If you have a relative who has been involuntarily detained in a mental health facility, you should immediately call the facility — usually a hospital in your area. If you don't know which facility it is, contact your local Health Authority (see the BC Health Authorities listing <sup>[1]</sup> on the Ministry of Health website, or the Blue Pages of the phone book). Let the facility know what support you are able to provide to your relative, and ask if and when they are planning to release them.
2. As soon as is practicable, your relative should be notified of their rights under the *Mental Health Act*. They should be given a Form 13, Notification to Involuntary Patient of Rights under the Mental Health Act <sup>[2]</sup>. Your relative has the right to know the reasons for their detention. They have the right to have a copy of their medical certificate(s) unless the facility believes this information will cause serious harm to your relative or cause harm to others. Completion of the second medical certificate gives the facility the right to give treatment to your relative — including medication — even if your relative does not wish this.
3. If your relative continues to be detained against their will for more than 48 hours, they — or you on their behalf — may request a hearing by a mental health Review Panel. The Review Panel is free of charge. This is an independent panel of three people, who will decide if the criteria for certification still exist. You, or your relative, may apply for the Review Panel by completing a Form 7, Application for Review Panel Hearing <sup>[3]</sup>.
4. Your relative is entitled to be represented by a lawyer or mental health advocate at a Review Panel hearing. You, or your relative, can also get information about representation at a Review Panel hearing through the Community Legal Assistance Society's Mental Health Law Program by calling 604-685-3425.

## What happens next

Your relative's lawyer or advocate will prepare your relative for the Review Panel. If you would like to speak to the Review Panel, you may be a witness at it, or you may write a letter or speak to the panel via telephone. Speak with your relative's lawyer or advocate about this possibility. You can help your relative by offering to provide support to them if they are discharged, and making this known to the Review Panel. Remember that the Review Panel wants to be sure that your relative's mental or physical condition will not substantially deteriorate and that your relative will not cause harm to themselves or others if discharged.

Review Panels are generally held in private. The panel will decide if the criteria for certification still exist. If so, your relative will be detained for a further period. If not, your relative will be discharged.

If your relative or you do not agree with the decision of a Review Panel, you can ask for a review of the decision by a Supreme Court judge. You will need advice from a lawyer if you want to do this.

## Where to get help

See the Resource List in this Guide for a list of helpful resources. Your best bets are:

- Community Legal Assistance Society's Mental Health Program and their self-help guide to preparing for Review Panel hearings <sup>[4]</sup>.
- Access Pro Bono has the Mental Health Program's Telephone Clinic <sup>[5]</sup> offering free legal information on the Mental Health Act and summary legal advice to individuals detained under the Mental Health Act and their relatives.
- Lawyer Referral Service and private bar lawyers.
- Mental Health Act Forms <sup>[6]</sup> may be found at the Ministry of Health website.
- The Mental Health Review Board website <sup>[7]</sup> has information on the review process, links to forms, and commonly asked questions.
- The Clicklaw common question "What rights do people have around treatment for mental illness?" <sup>[8]</sup>.

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## References

- [1] <http://www.health.gov.bc.ca/socsec/>
- [2] <http://www2.gov.bc.ca/assets/gov/health/forms/3513.pdf>
- [3] <http://www2.gov.bc.ca/assets/gov/health/forms/3507.pdf>
- [4] <https://perma.cc/Y7JR-X8T3>
- [5] <http://accessprobono.ca/mental-health-program>
- [6] <http://www2.gov.bc.ca/gov/content/health/health-forms/mental-health-forms>
- [7] <http://www2.gov.bc.ca/gov/content/health/about-bc-s-health-care-system/partners/colleges-boards-and-commissions/mental-health-review-board>
- [8] <http://www.clicklaw.bc.ca/question/commonquestion/1043>

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# Personal Planning

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## Personal Planning Problems

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Here are the first steps and some useful resources for people in BC facing personal planning-related problems such as:

- I want to get my affairs in order in case I become incapable.
- I want to help a friend or relative manage their affairs.

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## I Want to Get My Affairs in Order in Case I Become Incapable

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There are a number of options for you to make sure the people you trust are appointed to help you manage your affairs now or in the future:

- **Enduring Power of Attorney, or EPA:** A **power of attorney** is a legal document that you can make to appoint someone to be your "attorney". You can give this person the power to deal with your financial and legal affairs. You must be considered mentally capable when making a power of attorney. You can make the power of attorney **enduring**, so that your attorney can still act on your behalf if you are later considered mentally incapable. A power of attorney, enduring or not, does not include authority for health care or personal care decisions. You also have the option of making your EPA so it is in effect when you are capable. You can still manage your own affairs during this time. You may want your attorneys to assist you during temporary illness or injury, or when you are facing gradual effects from conditions such as dementia.
- **Representation Agreement Section 9 (RA9):** A representation agreement is a legal document you can make to appoint one or more persons as your representative. There are two types of Representation Agreements (Section 7 or Section 9) and different capability requirements for each:
  - A Section 9 RA is for people who are capable of understanding the nature and consequences of making the agreement.
  - A Section 7 RA has no specific capability requirements, and is available to people even if they are incapable of making a contract, managing their health care, personal care or legal matters, or the routine management of their financial affairs. (See I want to help a friend or relative manage their affairs)

If you meet the requirements for a RA9, you can grant broader powers to your representative to assist with health care and/or personal care decisions. For example, an RA9 can cover decisions about refusing life support, if specified in the agreement.

An enduring power of attorney and RA9 combined can broadly cover the four areas of concern in personal planning: legal, financial, health and personal.

## First steps

### (Enduring) Power of Attorney

1. Find out about your options. You will want to consider whether to do a *general* power of attorney to give your attorney a wide range of powers, or one limited to specific tasks. For example, some banks provide power of attorney forms to appoint someone to deal with your financial affairs at that specific bank and for no other purpose. You will also want to consider whether you want your power of attorney to be enduring. See the publications *Power of Attorney and Representation Agreements* <sup>[1]</sup> and *Enduring Power of Attorney Fact Sheet* <sup>[2]</sup> for more information.
2. Identify an *attorney* (and a possible alternate). This should be someone you trust with your money (for example, a spouse, friend or immediate family member). The word *attorney* as used here does not mean and does not have to be a lawyer. You can choose who to appoint, with some exceptions. For example, a paid nurse who looks after you cannot be appointed (unless that person is your child, parent or spouse). If you appoint someone under the age of 19, they cannot act until they are an adult.
3. Find help to make the document. The power of attorney (enduring or not) can be a complicated document to make and execute properly. There are specific rules around the wording of clauses, witnessing and signing requirements. There are also special rules if you include real estate. It is a good idea to consult a lawyer or a notary public who is familiar with drafting personal planning documents, so that your intentions are properly expressed. See the *Guide to Making & Registering Your Enduring Power of Attorney (EPA)* <sup>[3]</sup> to get informed about your options before meeting with a legal professional.

### Representation Agreement Section 9 (RA9)

1. See the publication *Representation Agreement Overview* <sup>[4]</sup> to consider your options.
2. Identify the potential representative(s), alternates and monitor. There are multiple roles that people can have in the agreement.
3. Make a Representation Agreement. See the resource *Legal forms for Representation Agreements* <sup>[5]</sup> which contain guidance and standard forms for different types of Representation Agreements. You can get assistance with *Nidus In-Person or Phone Appointments* <sup>[6]</sup> to help you determine which documents you need and where to get the legal forms, and more. You can also get help from a lawyer or notary who is familiar with drafting personal planning documents.



You must be at least 19 years of age to make a Representation Agreement in British Columbia.



Some people refer to a "living will" or "advance care plan"— which are informal documents that express wishes and preferences for health care treatments if you become incapable of making those decisions. Although a living will or advance care plan-type document may be helpful to those you appoint, they are not legal documents in BC.

## Where to get help

See the Resource List in this Guide for a list of helpful resources. Your best bets are:

- Nidus Personal Planning Resource Centre and Registry <sup>[7]</sup>: Free DIY RA9 forms <sup>[8]</sup>, 20 minute appointments for personal help <sup>[9]</sup> (in person in Vancouver or over the phone), webinars <sup>[10]</sup>.
  - Types of Planning: Personal Planning & Estate Planning <sup>[11]</sup> – this resource provides a good introduction and overview of the personal planning documents available in BC.
  - The Nidus Personal Planning Registry <sup>[12]</sup> is a service of the Nidus Personal Planning Resource Centre. The Registry lets you store your personal planning information, copies of your completed document(s), and other important documents like wills.
- Access Pro Bono <sup>[13]</sup>, Lawyer Referral Service <sup>[14]</sup>, and private bar lawyers.

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## References

- [1] <http://www.clicklaw.bc.ca/resource/1276>
- [2] <http://www.clicklaw.bc.ca/resource/2262>
- [3] <http://www.clicklaw.bc.ca/resource/4135>
- [4] <http://www.clicklaw.bc.ca/resource/2364>
- [5] <http://www.clicklaw.bc.ca/resource/2493>
- [6] <http://www.clicklaw.bc.ca/helpmap/service/1136>
- [7] <http://nidus.ca/>
- [8] [http://www.nidus.ca/?page\\_id=6308](http://www.nidus.ca/?page_id=6308)
- [9] [http://www.nidus.ca/?page\\_id=6159](http://www.nidus.ca/?page_id=6159)
- [10] [http://www.nidus.ca/?page\\_id=220](http://www.nidus.ca/?page_id=220)
- [11] <http://www.clicklaw.bc.ca/resource/4224>
- [12] <http://www.clicklaw.bc.ca/helpmap/service/1110>
- [13] <http://www.clicklaw.bc.ca/helpmap/service/1040>
- [14] <http://www.clicklaw.bc.ca/helpmap/service/1044>

# I Want to Help a Friend or Relative Manage Their Affairs

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There are options for assisting people who have not made personal planning documents in advance, and need help now to deal with their financial, legal, health and/or personal affairs. If the person is considered mentally capable, see the options in the question I want to get my affairs in order in case I become incapable. If the person needs help with making decisions due to a condition that has affected their mental capability, some of the options are:

- **Representation Agreement Section 7 (RA7):** The RA7 would allow your friend or relative to appoint one or more representatives to assist in making the following:
  - routine financial decisions (e.g. managing pension deposits and paying bills)
  - legal decisions (e.g. hiring a lawyer)
  - health care decisions (e.g. medications, tests, dental visits)
  - personal care decisions (e.g. living arrangements, exercise)
- **Committeeship:** Committeeship is a formal procedure to apply for adult guardianship, where the adult is declared mentally incompetent and a "committee" is appointed by BC Supreme Court to manage their affairs. Committeeship removes the adult's decision-making ability and is a 'last resort' option.

## First steps

### Representation Agreement Section 7 (RA7)

1. See the publication Representation Agreement Overview <sup>[1]</sup> to consider the options and help you determine if an RA7 is the right choice.
2. Identify the potential representative(s), alternates and monitor. There are multiple roles that people can have in the agreement.
3. Make a Representation Agreement. See the resource Legal forms for Representation Agreements <sup>[2]</sup> which contain guidance and standard forms for different types of Representation Agreements. You can also get help from a lawyer or notary who is familiar with drafting personal planning documents.



You must be at least 19 years of age to make a Representation Agreement in British Columbia.



## Committeeship

1. See the publications Committeeship<sup>[3]</sup> and the Private Committee Handbook<sup>[4]</sup> for more information.
2. Consult with a lawyer about the procedures to apply to Supreme Court, which include obtaining sworn statements (affidavits) from one or usually two doctor(s) licensed to practice in BC and costs several thousand dollars.

## Where to get help

See the Resource List in this Guide for a list of helpful resources. Your best bets are:

- Nidus Personal Planning Resource Centre and Registry<sup>[5]</sup>: Free DIY RA7 forms<sup>[6]</sup>, 20 minute appointments for personal help<sup>[7]</sup> (in person in Vancouver or over the phone), webinars<sup>[8]</sup>
  - Types of Planning: Personal Planning & Estate Planning<sup>[9]</sup> – this resource provides a good introduction and overview of the personal planning documents available in BC.
  - The Nidus Personal Planning Registry<sup>[10]</sup> is a service of the Nidus Personal Planning Resource Centre. The Registry lets you store your personal planning information, copies of your completed document(s), and other important documents like wills.
- Access Pro Bono<sup>[11]</sup>, Lawyer Referral Service<sup>[12]</sup>, private bar lawyers.

Before meeting with a lawyer or advocate, complete the form Preparing for Your Interview included in this Guide. Make sure you bring copies of all documents relating to your case.

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## References

- [1] <http://www.clicklaw.bc.ca/resource/2364>
- [2] <http://www.clicklaw.bc.ca/resource/2493>
- [3] <http://www.clicklaw.bc.ca/resource/1468>
- [4] <http://www.clicklaw.bc.ca/resource/2175>
- [5] <http://nidus.ca/>
- [6] [http://www.nidus.ca/?page\\_id=12009](http://www.nidus.ca/?page_id=12009)
- [7] [http://www.nidus.ca/?page\\_id=6159](http://www.nidus.ca/?page_id=6159)
- [8] [http://www.nidus.ca/?page\\_id=220](http://www.nidus.ca/?page_id=220)
- [9] <http://www.clicklaw.bc.ca/resource/4224>
- [10] <http://www.clicklaw.bc.ca/helpmap/service/1110>
- [11] <http://www.clicklaw.bc.ca/helpmap/service/1040>
- [12] <http://www.clicklaw.bc.ca/helpmap/service/1044>

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# Suing and Being Sued


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## Suing and Being Sued

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Many legal disputes between individuals are resolved by one party *suing* the other. Clients in BC may have the following legal questions or problems relating to lawsuits:

- I am being sued—what should I expect?
- I need to take someone to court—what's the process?

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## I Am Being Sued — What Should I Expect?

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A lawsuit for loss or damages caused to another person or another person's property is known as a *civil claim*. If you are being sued in a civil claim, you will receive court papers: a Notice of Claim if you are being sued in the Provincial Court's Small Claims Court or a Notice of Civil Claim if you are being sued in BC Supreme Court. Different forms are used in family disputes.

Lawsuits in Small Claims Court are currently limited to claims of up to \$25,000, however, on June 1, 2017 this limit will increase to \$35,000. Another important change is that as of June 1, 2017, with just a few exceptions, civil claims up to \$5,000 will no longer be dealt with in Small Claims Court. Instead claims up to \$5,000 will be resolved in BC's new online Civil Resolution Tribunal <sup>[1]</sup>.

There is no money limit to claims in BC Supreme Court.

### Civil Resolution Tribunal

#### First steps

On or after June 1, 2017, if you receive a CRT Dispute Notice and you don't agree with it:

1. Complete a Dispute Response Form <sup>[2]</sup> that should have been provided with the Dispute Notice. This can be done by filling out either a paper copy or the online form which is free. In your Dispute Response, say why you don't agree with the claim(s). If you don't get a blank Dispute Response Form with the Dispute Notice, you can get one from the Civil Resolution Tribunal. Forms are also accessible online from the CRT website <sup>[3]</sup>.
2. Provide the Dispute Response form to the Tribunal and all other parties within the time limit specified on the Dispute Response. There is a cost for filing a hard copy Dispute Response of \$25 or if you file online there is no charge.
3. You can add your own claims or add another person to the dispute by filling out an Additional Claim Form. It costs \$150 to file a paper form or \$125 to file online.

## What happens next

For the Civil Resolution Tribunal, you will first go through an online process called Facilitation with the help of a Facilitator, who will try to mediate the dispute. If that does not resolve the dispute, you will next go to the Tribunal. Information about these processes is available on the [3] CRT website.

## Small Claims Court

### First steps

If you receive a Small Claims Court Notice of Claim and you don't agree with it:

1. Complete the Reply <sup>[4]</sup> that should have been served on you with the Notice of Claim. In your Reply, say why you don't agree with the claim. If you don't get a blank Reply with the Notice of Claim, you can get one at any Provincial Court registry. Small Claims forms are also available online from the Ministry of Justice website <sup>[5]</sup>.
2. Drop off the Reply or mail it to the Small Claims registry named on the Notice of Claim within 14 days of receiving the Notice of Claim. There is a cost for filing a Reply is \$26 for a claim of up to \$3,000 and \$50 for a claim over \$3,000.
3. The Reply form also has a section for making a counterclaim against the claimant. To make a counterclaim you must also have a claim against the claimant suing you. Filing a counterclaim costs extra. It costs \$100 to make a counterclaim for \$3,000 or less, and \$156 for a counterclaim over \$3,000.

### What happens next

In Small Claims Court, you will receive a Notice of Settlement Conference. A Settlement Conference is an opportunity for you and the claimant to meet with a judge to see if you can agree to resolve the claim. The judge at a settlement conference is only there to help the parties agree on a settlement. He or she cannot impose an agreement on parties who are not able to reach agreement.

If the settlement conference doesn't resolve the case, you will be given a Notice of Trial. At trial, the claimant will present his or her case, and you will be given a chance to question the claimant and their witnesses and to present your own case. The trial judge will then decide who wins.



Small Claims Court now offers *mediation* of many kinds of cases. If yours is one of these cases, a trained independent person will meet with you and the other parties in your case to see if you can agree on a way of resolving it. Ask someone at the court registry where you file your documents if there could be mediation in your case.

## Supreme Court

### First steps

If you receive a Supreme Court Notice of Civil Claim:

1. Obtain and complete a Response to Civil Claim' <sup>[6]</sup> form. Supreme Court forms are available online through the Clicklaw website "Laws, Cases & Rules <sup>[7]</sup>" page; click on "BC Supreme Court Civil Forms <sup>[8]</sup>." You are looking for Form 2.
2. Drop off the Response to Civil Claim at (or fax or mail it to) the Supreme Court registry named on the Notice to Civil Claim, within 21 days of when you were served with the Notice of Civil Claim. It will cost \$25 to file a Response to Civil Claim.
3. If you have a claim to make against the person suing you (and others), you can file a Counterclaim form. This must be done in the same time for filing your Response to Civil Claim. The Counterclaim form is also available online <sup>[9]</sup>. You are looking for Form 3.

### What happens next

In Supreme Court, the process is more complex than in Small Claims Court. During the next stage of a Supreme Court proceeding, known as *discovery*, the parties exchange documents and may cross-examine each other outside of court. Finally, if the case is not resolved, it will proceed to *trial*.

In Supreme Court the parties are responsible for scheduling steps in the proceeding themselves, including examinations for discovery, pre-trial procedures such as a case management conference and a trial management conference, as well as the trial.

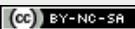
### Where to get help

See the Resource List in this Guide for a list of helpful resources. Your best bets are:

- Civil Resolution Tribunal Website <sup>[3]</sup>.
- Supreme Court Guidebooks for Representing Yourself <sup>[10]</sup> as a self-represented litigant.
- Small Claims Court Online Help Guides <sup>[11]</sup>.
- Small Claims Court website for information on Small Claims procedures and representing yourself in Small Claims Court.
- Clicklaw's "Court Forms & Guides <sup>[12]</sup>" page, which features a flow chart to find the court rules, forms and self-help guides needed when going to court.
- Access Pro Bono, Lawyer Referral Service, and private bar lawyers.
- Clicklaw common question "I'm being sued in small claims court <sup>[13]</sup>" for further resources.

Before meeting with a lawyer or advocate, complete the form Preparing for Your Interview included in this Guide. Make sure you bring copies of all documents relating to your case.

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## References

- [1] <http://www.clicklaw.bc.ca/resource/4300>
- [2] <https://www.civilresolutionbc.ca/forms/>
- [3] <https://www.civilresolutionbc.ca/>
- [4] <http://www2.gov.bc.ca/assets/gov/law-crime-and-justice/courthouse-services/court-files-records/court-forms/small-claims/sc1002.pdf>
- [5] <http://www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/court-forms/small-claims-forms>
- [6] [http://www.ag.gov.bc.ca/courts/forms/sup\\_civil/2.pdf](http://www.ag.gov.bc.ca/courts/forms/sup_civil/2.pdf)
- [7] <http://www.clicklaw.bc.ca/content/lawscases>
- [8] <http://www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/court-forms/sup-civil-forms>
- [9] [http://www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index\\_civil.htm](http://www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index_civil.htm)
- [10] <http://www.clicklaw.bc.ca/resource/2478>
- [11] <http://www.clicklaw.bc.ca/resource/1514>
- [12] <http://www.clicklaw.bc.ca/content/forms>
- [13] <http://www.clicklaw.bc.ca/question/commonquestion/1102>

## I Need to Take Someone to Court — What's the Process?

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There are a number of reasons that you may want to sue someone. They may owe you money, they may have damaged your property or your reputation, or they may have injured you on purpose, by accident or through improper treatment.

You can sue a person for a debt or damages (compensation for harm) for up to \$25,000 in Small Claims Court. As of June 1, 2017, this limit will be increased to \$35,000, and most claims for \$5,000 or less will no longer be dealt with by the Small Claims court and will instead be dealt with through the Civil Resolution Tribunal - website here: [www.civilresolutionbc.ca](http://www.civilresolutionbc.ca) <sup>[1]</sup>.

You can sue in BC Supreme Court for any amount.

Certain types of claims (defamation or enforcement of a claim of builders lien, for example) can only be pursued in BC Supreme Court.

In some cases it may make practical sense for you to voluntarily abandon the portion of your claim over \$25,000 (\$35,000 as of June 1, 2017) to allow you to pursue a claim in Small Claims Court rather than BC Supreme Court.

### First steps

1. Decide whether you want to sue in the Civil Resolution Tribunal (on or after June 1, 2017), Small Claims Court or BC Supreme Court. Ensure you are within the limitation period for doing so.
2. Complete a Civil Resolution Tribunal Dispute Application Form <sup>[2]</sup> and submit the appropriate fee, namely \$150 for the paper form or \$125 online form. The Tribunal will issue a Dispute Notice which you will have to provide to other parties with a blank Dispute Response.
3. Complete a Small Claims Court Notice of Claim <sup>[3]</sup> or Supreme Court Notice of Civil Claim <sup>[4]</sup>. Small Claims forms are available online from the Ministry of Justice website <sup>[5]</sup>. Supreme Court forms can be accessed through the "Laws, Cases & Rules" <sup>[6]</sup> page on Clicklaw; click on "BC Supreme Court Civil Forms". Include the important facts related to your claim.
4. Take the documents to the appropriate court registry, file them (there is a fee) and have them stamped.
5. Serve a copy of the documents on the defendant. The usual way is to get a friend or a "process server" to give the documents to the defendant in person. The court registry can tell you about other ways you can serve documents.

### TIPS & NOTES

#### Choosing the correct court: Small Claims Court's distinct features

- simple procedures meant to be accessible to the public,
- no lawyers required,
- less time to mediation and trial,
- judgments for damages limited to a maximum of \$25,000,
- no jurisdiction to deal with a claim of defamation (libel or slander), and
- no awards for legal costs (this could be an incentive or a disincentive).

### TIPS & NOTES

#### Choosing the correct court: Supreme Court's features

- no limit on the possible award for damages,
- jurisdiction for all types of law suits,
- partial legal costs usually awarded to successful party (again, could be an incentive or a disincentive),
- many procedural steps, a lawyer is not necessary but is desirable, and
- timely and costly.

### TIPS & NOTES

Since June 2013, the new *Limitation Act* <sup>[7]</sup> has simplified time limits for filing civil lawsuits. Instead of many different basic limitation periods based on the type of legal action, there is now a single two-year basic limitation period for all civil claims. Exceptions to this are civil claims that enforce a monetary judgment, specifically listed "exempted claims" <sup>[8]</sup> and actions that have limitation periods set by other statutes. The new Act also introduced a 15-year ultimate limitation period. The new Act's limitation periods apply to claims arising from acts or omissions that occur and are discovered on or after June 1, 2013.

## What happens next

### Civil Resolution Tribunal

On or after June 1, 2017, the respondent will need to file a Dispute Response and has to provide you with a copy. You and the respondent will then begin an online Facilitation process with a Facilitator, which includes mediation. If this does not resolve the dispute your case will go before the Tribunal.

### Small Claims Court

The defendant will need to file a Reply and they or the Registry will provide you with a copy. You and the defendant will then receive a Notice of Settlement Conference.

A settlement conference is an opportunity for you and the defendant to meet with a judge to see if you can agree to resolve the claim. The judge at a settlement conference is only there to help see if the parties can agree on a settlement. He or she cannot impose an agreement.

If the settlement conference doesn't resolve the case, you will be given a Notice of Trial. At trial, you will present your case, and the defendant will be given a chance to present his or her case. The trial judge will then decide who wins.

Small Claims Court now offers *mediation* in certain kinds of cases. If yours is one of these cases, a trained independent person will meet with you and the other parties in your case to see if you can agree on a way of resolving it. Ask someone at the court registry where you file your documents if mediation is available in your case.

## Supreme Court

The defendant must file and provide you with a Response to Civil Claim in response to your Notice of Civil Claim.

During the next stage of a Supreme Court proceeding, known as *discovery*, the parties exchange lists of documents and may examine each other for discovery out of court. Finally, if the case is not resolved, it will proceed to *trial*. At trial, you will need to present your evidence through witnesses, documents and other exhibits and the defendant will need to do the same. At the end of the trial, the judge (or in some cases, a jury) will decide who wins.



If the defendant does not file a Reply in Small Claims Court or a Response to Civil Claim in Supreme Court, you can apply to the court for a *default judgment* giving you all or part of your claim.

## Where to get help

See the Resource List for a list of helpful resources. Your best bets are:

- Civil Resolution Tribunal Website <sup>[1]</sup>.
- Supreme Court Guidebooks for Representing Yourself <sup>[9]</sup> as a self-represented litigant.
- Small Claims Court Online Help Guides <sup>[10]</sup>.
- Small Claims Court website for information on small claims procedures and representing yourself in Small Claims Court.
- Filing Assistant <sup>[11]</sup> for Small Claims forms
- Clicklaw's "Court Forms & Guides" <sup>[12]</sup> page, which features a flow chart to find the court rules, forms and self-help guides needed when going to court.
- Access Pro Bono, Lawyer Referral Service, and private bar lawyers.

Before meeting with a lawyer or advocate, complete the form Preparing for Your Interview included in this Guide. Make sure you bring copies of all documents relating to your case.

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## References

- [1] <https://www.civilresolutionbc.ca/>
- [2] <https://www.civilresolutionbc.ca/forms/>
- [3] <http://www2.gov.bc.ca/assets/gov/law-crime-and-justice/courthouse-services/court-files-records/court-forms/small-claims/scf001.pdf>
- [4] <http://www2.gov.bc.ca/assets/gov/law-crime-and-justice/courthouse-services/court-files-records/court-forms/supreme-civil/1.pdf>
- [5] <http://http://www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/court-forms/small-claims-forms>
- [6] <http://www.clicklaw.bc.ca/content/lawscales>
- [7] <http://canlii.ca/t/8qx3>
- [8] <http://canlii.ca/t/8qx3#sec3subsec1>
- [9] <http://www.clicklaw.bc.ca/resource/2478>
- [10] <http://www.clicklaw.bc.ca/resource/1514>
- [11] <http://www.clicklaw.bc.ca/resource/1688>
- [12] <http://www.clicklaw.bc.ca/content/forms>

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# Welfare and Disability

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## Welfare and Disability Problems

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Here are the first steps and some useful resources for people in BC facing welfare and disability-related problems such as:

- I have no money for food or shelter.
- I have been denied or cut off welfare.
- I need to apply for disability benefits.
- I'm being investigated by the welfare Ministry.

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## I Have No Money for Food or Shelter

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The Ministry of Social Development and Poverty Reduction ("the Ministry") is responsible for providing welfare support in BC, which includes income assistance benefits, disability assistance for Persons with Disabilities ("PWD"), and benefits for Persons with Persistent Multiple Barriers to Employment ("PPMB"). The one exception is where the applicant lives on an Indian reserve. For anyone living on reserve, welfare programs are the responsibility of Indigenous Services Canada (formerly called Indigenous and Northern Affairs Canada) and are administered by First Nations bands and tribal councils.

Both the Ministry and Indigenous Services Canada can provide funds for shelter and support to people who qualify for regular welfare benefits, including disability benefits (see the section in this Guide "I need to apply for disability benefits"). In some cases, they can also provide *hardship benefits* for people who don't qualify for regular welfare benefits. Workers at the Ministry and First Nations bands will also know about emergency shelters in the area.



If you live on reserve, call the First Nations band office and ask to speak to the social development worker. This person can help with your application for welfare.



## First steps

1. Applying for welfare from the Ministry in BC has two stages. You can start the first stage in three ways:
  - by calling the Ministry Call Centre at 1-866-866-0800, and telling them that you want to apply for welfare,
  - by completing the welfare application process online at [www.myselfserve.gov.bc.ca](http://www.myselfserve.gov.bc.ca) <sup>[1]</sup> (you must know your SIN number to apply online, have an email address, and create a BCeID user account ), or
  - by going in person to a Ministry office.
2. At this first stage:
  - if you are leaving an abusive situation (e.g. emotional, financial, physical or other abuse from a spouse, partner or other relative), it is important to tell the Ministry worker right away. The Ministry should schedule the second stage of your welfare application, called an eligibility interview, within one business day, and give you some help with food, shelter or medical attention before your eligibility interview if you have urgent needs.
  - if you have an urgent need for shelter, food or medical help (like paying for a prescription), and cannot wait three weeks to start receiving welfare benefits, then you need to tell the Ministry worker. Ask for an *Immediate Needs Assessment*. If you are eligible for an Immediate Needs Assessment, the Ministry should complete your eligibility interview as soon as possible, within five business days. While you are waiting for your eligibility interview, the Ministry should make sure your immediate needs are met (for example, by giving you food vouchers, money or bus tickets if you need medical transportation, etc.).

### TIPS & NOTES

As of May 2017, Ministry offices and the Call Centre were experiencing significant backlogs, causing delays in Immediate Needs Assessments. If you are in serious need and are not getting a prompt response from the Ministry (including the Call Centre), speak with an advocate.

## What happens next

After finishing the first stage of the welfare application, most people have to spend three weeks looking for work, and provide the Ministry with proof of their work search. During those three weeks you do not receive any financial help from the Ministry. Once your work search is over, the second stage of applying for welfare is an eligibility interview with the Ministry. An eligibility interview is a detailed interview, in person or by phone, to see if you are eligible for income assistance or hardship benefits.

If you qualify for welfare, the Ministry should get funds to you shortly after your eligibility interview. If you don't qualify for regular welfare, you may still qualify for hardship assistance <sup>[2]</sup>. Some kinds of hardship assistance (but not all) must be repaid to the Ministry.

### TIPS & NOTES

One exception to the requirement to do a three week work search before the eligibility interview with the Ministry is if you have an urgent need for shelter, food or medical attention. There are other exceptions, like single parents with a child under three, people 65 or over, or those with a physical or medical condition that precludes them from looking for work.. For a full list of people who do not have to do a three week work search, see the BC Employment and Assistance (BCEA) Application Policy <sup>[3]</sup>.

## Where to get help

See the Resource List in this Guide for a list of helpful resources. Your best bets are:

- The Legal Services Society publications *How to Apply for Welfare* <sup>[4]</sup> and *Income Assistance on Reserve in British Columbia* <sup>[5]</sup>.
- BC Employment and Assistance website for Ministry policy and further information.
- PovNet, for their "Find An Advocate <sup>[6]</sup>" feature for welfare advocates near you.
- Access Pro Bono, Lawyer Referral Service, and private bar lawyers.
- The Clicklaw common question "I have to go on welfare. What do I need to know before I apply? <sup>[7]</sup>." Clicklaw has many common questions on the topic "Pensions, benefits & welfare."

Before meeting with a lawyer or advocate, complete the form *Preparing for Your Interview* included in this Guide. Make sure you bring copies of all documents relating to your case.

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## References

- [1] <https://www.myselfserve.gov.bc.ca>
- [2] <https://www2.gov.bc.ca/gov/content/governments/policies-for-government/bcea-policy-and-procedure-manual/hardship-assistance?keyword=hardship&keyword=assistance>
- [3] <https://www2.gov.bc.ca/gov/content/governments/policies-for-government/bcea-policy-and-procedure-manual/application-and-intake/work-search?keyword=work&keyword=search&keyword=exemptions>
- [4] <http://www.clicklaw.bc.ca/resource/1082>
- [5] <http://www.clicklaw.bc.ca/resource/1964>
- [6] <http://www.povnet.org/find-an-advocate>
- [7] <http://www.clicklaw.bc.ca/question/commonquestion/1127>

# I Have Been Denied or Cut off Welfare

You have the right to challenge (appeal) most decisions about having a monthly benefit or supplement denied, cut off, or reduced. You can also challenge some decisions about penalties, and if the ministry says you are not eligible for the PWD designation <sup>[1]</sup> or for designation as a Person with Persistent Multiple Barriers to Employment ("PPMB").

You can ask for a reconsideration of the Ministry's decision. If that does not work, you can usually file an appeal to the Employment and Assistance Appeal Tribunal, or EAAT.

<div>TIPS&amp;NOTES</div>	<p>Most people get welfare through the provincial government Ministry of Social Development and Poverty Reduction. People who live on an Indian reserve get welfare through the First Nations band or tribal council. The process is roughly the same on and off reserve.</p> <p>If you live on reserve, call the band office and ask to speak to the social development worker. This person can help with your application for emergency income assistance or hardship benefits, and tell you what to do if you want to appeal a decision.</p>
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## First steps

### Before you get started:

- Be sure to read the "Reconsideration and Appeal" topic at page 47 of *How to Apply for Welfare* <sup>[2]</sup>. It tells you what steps to take and what to expect.
- Get help from an advocate. (See the listing for PovNet in the Resource List of this Guide for contact and website information for welfare advocates in your area.)

### To start the process:

Follow the steps in the Reconsideration and Appeal topic at page 47 of *How to Apply for Welfare* <sup>[2]</sup>.

In summary, here is how you begin:

1. You ask a Ministry worker why the benefit or supplement was denied, cut off or reduced. Get them to tell you what law or policy they based their decision on.
2. You ask a Ministry worker to prepare and provide you with a Request for Reconsideration form.
3. Follow the tips and information for reconsideration in *How to Apply for Welfare* <sup>[2]</sup>. Complete the Request for Reconsideration form and return it to the welfare office *within 20 business days*. When you complete the form, focus on how the Ministry applied the welfare rules incorrectly. Attach copies of any documents or other evidence that supports your side of the story. If you need more time to give the Ministry more documents or argument, see the information about how to ask for more time at page 47 in *How to Apply for Welfare* <sup>[2]</sup>.

<div>TIPS&amp;NOTES</div>	<div>{{{2}}}</div>
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### What happens next

You should receive a response to your request for reconsideration within a couple of weeks. If you don't, contact the Ministry and ask a worker to explain why there is a delay. If you are not satisfied with their explanation, ask to speak to a supervisor.

The reconsideration decision will say whether or not your benefit or supplement has been granted or refused. It should also say which law or policy the Ministry based the reconsideration decision on, and whether you may appeal the decision to the "Employment and Assistance Appeal Tribunal" <sup>[3]</sup>.

If you don't agree with the reconsideration decision and want to appeal it, you must file a Notice of Appeal <sup>[4]</sup> with the "Employment and Assistance Appeal Tribunal" <sup>[3]</sup> within 7 business days of the date you received the reconsideration decision. Get an advocate to help you with your appeal. See the listing for PovNet <sup>[5]</sup> in the Resource List of this guide to contact a welfare advocate in your area.

## Where to get help

See the Resource List in this guide for a list of helpful resources. Your best bets are:

- The Legal Services Society publications *How to Apply for Welfare* <sup>[2]</sup> and *Income Assistance on Reserve in British Columbia* <sup>[6]</sup>.
- BC Employment and Assistance website. At the website, go to the information on Reconsideration and Appeals <sup>[7]</sup>
- PovNet, for their Find An Advocate <sup>[8]</sup> feature for welfare advocates near you.
- Access Pro Bono, Lawyer Referral Service, and private bar lawyers.
- The Clicklaw common questions If I don't get welfare this month I'll lose my housing <sup>[9]</sup> and I have an outstanding arrest warrant and I need welfare. What can I do? <sup>[10]</sup>. Clicklaw has many common questions on the topic pensions, benefits & welfare.

Before you meet with a lawyer or advocate, complete the form *Preparing for Your Interview* included in this guide. Make sure to take copies of all the documents about your case.

*This information applies to British Columbia, Canada. Last reviewed for legal accuracy by Alison Ward, July 2021.*

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## References

- [1] [http://wiki.clicklaw.bc.ca/index.php/I\\_need\\_to\\_apply\\_for\\_disability\\_benefits](http://wiki.clicklaw.bc.ca/index.php/I_need_to_apply_for_disability_benefits)
- [2] <http://www.clicklaw.bc.ca/resource/1082>
- [3] <http://www.eaat.ca/home>
- [4] <http://www.eaat.ca/appeal-parties/how-to-appeal>
- [5] <http://wiki.clicklaw.bc.ca/index.php/PovNet>
- [6] <http://www.clicklaw.bc.ca/resource/1964>
- [7] <http://www.mhr.gov.bc.ca/publicat/bcea/appeal.htm>
- [8] <http://www.povnet.org/find-an-advocate>
- [9] <http://www.clicklaw.bc.ca/question/commonquestion/1021>
- [10] <http://www.clicklaw.bc.ca/question/commonquestion/1106>

# I Need to Apply for Disability Benefits

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If you have disabilities and you are financially eligible, you may qualify for disability benefits from the Ministry of Social Development and Poverty Reduction ("the Ministry"). There are two main types of disability benefits: disability assistance for people who the Ministry designates as Persons with Disabilities (PWD), and PPMB benefits for applicants who the Ministry designates as Persons with Persistent Multiple Barriers to employment (PPMB).

To qualify for the PWD designation:

- you must be at least 18 years old,
- you must have a severe mental or physical impairment that is likely to last at least two years,
- your disability must directly and significantly restrict your ability to do specific daily activities (either continuously or for extended periods of time), and
- you must need significant help from another person to do specific daily activities, or else require help from an assistive device or assistance animal to perform those activities.

If you do not qualify for the PWD designation, you may still qualify for the PPMB designation. There were major changes to the criteria for the PPMB designation in

To qualify for the PPMB designation, you must:

- be at least 19 years old;
- be receiving income assistance or hardship assistance; • have a health professional confirm that you have a health condition that

(A)has continued for at least one year and is likely to continue for at least 2 more years, or  
(B)has occurred frequently in the past year and is likely to continue for at least 2 more years;

- have the Ministry agree that your health condition "seriously impedes" your ability to search for, accept, or continue in employment. "Seriously impedes" means your health condition stops you from working in any job that would allow you to earn enough money to get off welfare completely. • You must also have at least one additional barrier that seriously impedes your ability to search for, accept or continue in employment. An additional barrier can be anything from this list:

o experience family violence or have experienced family violence in the past six months  
o are homeless or have been homeless in the past 12 months  
o have less than a Grade 12 education  
o need English language skills training  
o don't have basic skills for employment  
o have a criminal record  
o have used emergency health services, mental health service, or addiction services multiple times in the past 12 months  
o are a recent Convention refugee (in the last 24 months) or a refugee claimant  
o are a former child in care (Ministry of Children and Family Development or similar Canadian jurisdiction)  
o have other severe barriers to employment listed on your application.

Before July 1, 2019, the Ministry did not consider addiction to be a "health condition" that could qualify someone for the PPMB designation. If you applied for the PPMB designation before July 1, 2019 and were refused, you can apply for the PPMB designation again under the current criteria.

## TIPS & NOTES

The criteria for PWD benefits and PPMB benefits are complicated. Try to get help from an advocate in filling out your application. A lot of people tend to minimize their disabilities. It is much better to put in a very thorough application, than to be turned down and have to appeal.

## First steps

See the Legal Services Society publication *How to Apply for Welfare* <sup>[1]</sup> for a summary of the process for applying for PWD benefits and PPMB benefits, at pages 44 to 46.

### PWD benefits

1. If you are not already receiving income assistance or PPMB benefits, you must first apply for welfare (see page 44 of the Legal Services Society publication *How to Apply for Welfare* <sup>[1]</sup>)
2. Ask a Ministry worker for a Persons with Disabilities Designation Application Form.
3. Complete the application carefully. It is more than 20 pages long and has three parts: Part 1 for you to complete, Part 2 for your doctor to complete, and Part 3 for an *assessor* to complete. The assessor can be your doctor, or an occupational therapist, physical therapist, social worker, registered psychologist, registered nurse, registered psychiatric nurse, chiropractor or nurse practitioner.
4. Mail your application to the address on the application.

### PPMB benefits

1. If you are not already receiving income assistance or hardship assistance, you must first apply for welfare;
2. As soon as you start receiving income assistance or hardship assistance, tell a Ministry worker that you want a PPMB designation application form;
3. A health professional must complete section 1 of the application, including details about why your medical condition stops you from looking for, accepting or continuing to work. Health professionals that can complete the PPMB application form are:
  - medical practitioners (doctors); chiropractors; registered psychologists; nurse practitioners; occupational therapists; school psychologists; registered nurses; registered social workers; registered clinical counsellors; registered psychiatric nurses; physical therapists
1. 4 Once you get the completed medical report form from your health professional, you must complete section 2 of the application to provide information about additional barriers you face. Include any supporting information you have to confirm any additional barrier(s). Once all sections of the application form are completed, return it to the Ministry.

## What happens next

A decision will be made and you will be advised of the decision. If you are not happy with the decision, you can ask for a reconsideration, and then an appeal. See the section "I have been denied or cut off welfare," as the process is the same.

## Where to get help

See the Resource List in this Guide for a list of helpful resources. Your best bets are:

- The Legal Services Society publications *How to Apply for Welfare* <sup>[1]</sup> and *Social Assistance on Reserve in British Columbia* <sup>[2]</sup>.
- Advocacy Access Program, a service of Disability Alliance BC (formerly known as the BC Coalition of People with Disabilities). Also try their Help Sheet Series <sup>[3]</sup>, which include help sheets about how to apply for the PWD and PPMB designations.
- PovNet, for their "Find An Advocate <sup>[4]</sup>" feature for welfare advocates near you.
- Access Pro Bono, Lawyer Referral Service, and private bar lawyers.

- The Clicklaw common question "I want to find out about getting BC disability benefits <sup>[5]</sup>." Clicklaw has many common questions on the topic "Pensions, benefits & welfare."

### TIPS&NOTES

If you have contributed to the Canada Pension Plan through employment and have a disability that prevents you from working at any job on a regular basis, you may qualify for Canada Pension Plan disability benefits. To get more information or apply for CPP disability benefits, call Income Security Programs at 1-800-277-9914 or go to the CPP website <sup>[6]</sup>.

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## References

- [1] <http://www.clicklaw.bc.ca/resource/1082>
- [2] <http://www.clicklaw.bc.ca/resource/1964>
- [3] <http://www.clicklaw.bc.ca/organization/solveproblems/1013>
- [4] <http://www.povnet.org/find-an-advocate>
- [5] <http://www.clicklaw.bc.ca/question/commonquestion/1054>
- [6] <https://www.canada.ca/en/services/benefits/publicpensions/cpp.html>

## I'm Being Investigated by the Welfare Ministry

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If the Ministry of Social Development and Poverty Reduction ("the Ministry") believes that you have received welfare benefits you shouldn't have, they may ask you to repay them. The same applies for the Administering Authority for welfare on an Indian reserve. This is called an overpayment. If the Ministry believes that you have received the benefit through fraud, or providing false or misleading information, it will investigate and may have you charged with an offence under the *Criminal Code* or provincial welfare laws. Fraud means receiving assistance as a result of providing information that you know is false or misleading.

### TIPS&NOTES

Take any accusation of welfare fraud very seriously. Bans on welfare eligibility because of fraud convictions were eliminated on August 1, 2015. But there are still serious consequences of being convicted of welfare fraud. In most cases at least \$100 per month will be deducted from your welfare check to pay the Ministry back for money you were convicted of obtaining by fraud or through providing false or misleading information. This deduction will last for at least 12 months. If you were convicted of fraud under the *Criminal Code*, the deduction will last until all of the funds your conviction related to are repaid. (The exception is that the Ministry can choose to deduct less than \$100 per month if you are homeless, at risk of becoming homeless because of the deduction, or if the deduction puts your health or the health of someone else in your family at risk).

## First steps

1. If you are being investigated by the Ministry, contact an advocate for help. (See the listing for PovNet in the Resource List of this Guide for contact and website information for welfare advocates in your area.)
2. If you are being investigated and think you may be charged with welfare fraud, immediately contact a lawyer for advice. Many criminal lawyers will provide some advice at no charge. Use the internet to search for criminal lawyers in your area or see the Yellow Pages. It is almost always advisable that you don't discuss the accusation with a Ministry investigator before you have spoken with a lawyer.
3. If you are charged with welfare fraud under the *Criminal Code* or the provincial welfare law, look at the section in this Guide "I've been charged with a criminal (or youth) offence and have to go to court." Make sure that you apply for legal aid, for a criminal lawyer to represent you.

## What happens next

The Ministry will continue their investigation and will probably want to speak with you. This can be tricky. You have to provide certain information to the Ministry in order to continue receiving benefits, but it is generally not a good idea to discuss anything with them that could lead to a criminal charge and conviction. Be guided by legal advice, and speak with a welfare advocate about what information you need to provide to the Ministry in order to continue receiving benefits.

## Where to get help

See the Resource List of this Guide for a list of helpful resources. Your best bets are:

- Legal aid representation, to see if you qualify for legal aid.
- Criminal duty counsel, to see if you qualify for assistance if you have to appear in court.
- PovNet, including their Find An Advocate <sup>[1]</sup> feature for welfare advocates near you.
- Access Pro Bono, Lawyer Referral Service, and private bar lawyers.

Before meeting with a lawyer or advocate, complete the form Preparing for Your Interview included in this Guide. Make sure you bring copies of all documents relating to your case.

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## References

[1] <http://www.povnet.org/find-an-advocate>



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# Wills and Estates

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## Wills and Estates Problems

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Here are the first steps and some useful resources for people in BC facing wills and estates-related problems such as:

- I want to write a will.
- I am the executor or administrator of an estate.

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## I Want to Write a Will

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A will is a legal document that takes effect upon your death. The main purpose of a will is to say who will get your property (land and personal possessions) when you die. If you are the sole guardian of a child or children, a will can be used to name a new guardian at the time of your death.

A will should also appoint an executor — a person who will ensure your debts are paid, your property is protected and your wishes are carried out.

### First steps

1. Make a list of your property (land, vehicles and other possessions).
2. Decide who you want as an executor of the will. You should also consider naming an alternate in case your first choice is unable to act as executor or complete the job.
3. Speak to a lawyer or get a self-help guide. A good one is the *Write Your Legal Will in 3 Easy Steps* from the Self-Counsel Press. It is available at most Service BC (Government Agent) offices and many bookstores and public libraries. The People's Law School has an excellent online booklet, *Writing Your Will*.



The law about wills and estates can be quite complicated, so it is always best to get advice from a lawyer or notary about your will. However, if you can't get advice from a lawyer, it is better to write a will using a self-help guide than to not have a will at all.

### What happens next

Your will needs to be witnessed by two or more persons who are age 19 or older. You should not have your will witnessed by a person you are giving a gift to under it, or his or her spouse. (Ordinarily, a gift to a witness or his or her spouse is invalid, in which case the person you intend to benefit will lose the gift.) You must sign your will at its end in front of the witnesses, who must be present at the same time. The witnesses must also sign your will as witnesses in front of you and in front of each other.

You need to store the original in a place where it will be safe. It is a good idea to let your executor know where you will be storing your will. You may also wish to give your executor a copy of it.

Finally, you should file a Wills Notice <sup>[1]</sup> with the BC Vital Statistics Agency. The form can be picked up at most Service BC (Government Agent) offices or completed online at Vital Statistics Agency Application Forms <sup>[2]</sup>; scroll down to "Wills" and click on "Application for Filing a Wills Notice." The fee is \$17. When you die, your executor is required to do a search for any wills notices in the Vital Statistics Registry.

## Where to get help

See the Resource List in this Guide for a list of helpful resources. Your best bets are:

- Vital Statistics Agency.
- Access Pro Bono, Lawyer Referral Service, and private bar lawyers.
- The Legal Services Society publication "Writing Your Own Will: A Guide for First Nations People Living On Reserve <sup>[3]</sup>" and the Clicklaw common question "Is a will different for people who live on reserve? <sup>[4]</sup>" for additional resources about wills for Aboriginal people.
- Clicklaw for more resources under the common question "How do I make a will? <sup>[5]</sup>"

Before meeting with a lawyer or advocate, complete the form Preparing for Your Interview included in this Guide. Make sure you bring copies of all documents relating to your case.

### TIPS & NOTES

The law about wills is somewhat different if you are a registered Indian ordinarily resident on an Indian reserve. You can write a *holographic will* (one that does not require witnesses); however this will may not be legal if you do not reside on reserve at the time of your death. There are also restrictions under the *Indian Act* about to whom you can leave your land on reserve. The procedure for probating a will or administering an estate is also different. An Aboriginal Affairs and Northern Development Canada Estates Officer can provide information about estates on reserve. Toll-free: 1-888-917-9977.

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## References

- [1] [http://www.vs.gov.bc.ca/forms/vsa531\\_fill.pdf](http://www.vs.gov.bc.ca/forms/vsa531_fill.pdf)
- [2] <http://www.vs.gov.bc.ca/forms/>
- [3] <http://www.clicklaw.bc.ca/resource/2515>
- [4] <http://www.clicklaw.bc.ca/question/commonquestion/1114>
- [5] <http://clicklaw.bc.ca/question/commonquestion/1147>

# I Am the Executor or Administrator of an Estate

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If a person dies with a will, they normally appoint an *executor* to pay their debts and protect and distribute their property.

If a person dies *intestate* (without a will), someone — usually a family member — has to apply to be the *administrator* of the estate. This administrator then distributes the estate to the next-of-kin according to rules in the *Wills, Estates and Succession Act*.

## First steps

1. If you are the executor of a will or likely to be the administrator of an estate, the only step usually required before the funeral is to make sure the deceased's property is safe and secure.
2. Locate the deceased's will.
3. Notify creditors and others (e.g., utilities) of the death.

### TIPS & NOTES

The law about estates is somewhat different if the deceased was a registered Indian ordinarily resident on an Indian reserve at the time of his or her death. Administration is handled through Aboriginal Affairs and Northern Development Canada. An AANDC Estates Officer can provide information about estates on reserve. Toll-free: 1-888-917-9977.

## What happens next

If there was a will, the executor may apply to the BC Supreme Court for a *grant of probate*. If there was a will, but the executor or executors are unable or unwilling to act, then someone may apply for a grant of administration with will annexed. If there was no will, someone (usually the next-of-kin) will have to apply to the BC Supreme Court for a *grant of administration*. The person to whom administration is granted is called the administrator.

To apply for a grant of probate or grant of administration with will annexed, the person applying must give notice of the proposed application to the beneficiaries, the will-maker's spouse and children, and certain other family members. Someone applying for administration must give notice to those entitled to a share in the estate and to creditors who are owed \$10,000 or more. In some cases, a person applying for a grant must also give notice to other persons, such as a minor's guardian.

Certain affidavits must be completed and filed in court, together with the originally-signed version of the will. If the original will cannot be found, in some circumstances a copy may be probated. The affidavits will include an inventory of the assets and the debts of the person who died.

Once a grant of probate or administration has been issued by the Supreme Court of BC, the executor or administrator will have full authority to deal with the estate assets. He or she must pay the debts of the person who died. He or she must also file tax returns in respect of that person, and apply for a clearance certificate from Canada Revenue Agency. He or she then distributes the estate to the beneficiaries.

There is a waiting period before the executor or administrator can distribute the estate. He or she must not distribute the estate until 210 days following the date of issue of the grant, unless all beneficiaries and intestate successors consent to earlier distribution or there is a court order approving earlier distribution.

## Where to get help

See the Resource List in this Guide for a list of helpful resources. Your best bets are:

- Access Pro Bono, Lawyer Referral Service, and private bar lawyers.
- The Clicklaw common questions "I am the executor of my mother's will and am doing the work myself <sup>[1]</sup>," "I'm applying for probate; where can I find the forms required? <sup>[2]</sup>" and "Is a will different for people who live on reserve? <sup>[3]</sup>" for further resources.

The Self-Counsel Press <sup>[4]</sup> also has excellent publications on administering estates, including the *British Columbia Probate Kit*. This publication is available at most bookstores and most Service BC (Government Agent) offices.

Before meeting with a lawyer or advocate, complete the form Preparing for Your Interview included in this Guide. Make sure you bring copies of all documents relating to your case.

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## References

[1] <http://www.clicklaw.bc.ca/question/commonquestion/1003>

[2] <http://www.clicklaw.bc.ca/question/commonquestion/1112>

[3] <http://www.clicklaw.bc.ca/question/commonquestion/1114>

[4] <http://www.self-counsel.com>

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## Part 2: Legal Resource List

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### Resource List for Legal Help for British Columbians

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Here is an alphabetical list of the best sources of legal information, assistance, advice and representation for low-income clients in British Columbia.

Contact information for government services is available through:

<b>Provincial</b>	Service BC <sup>[1]</sup>	Phone: Lower Mainland: 604-660-2421 Victoria: 250-387-6121 Elsewhere in BC: 1-800-663-7867 Outside BC: 604-660-2421	Telecommunications Device for the Deaf (TDD): Lower Mainland: 604-775-0303 Elsewhere in BC: 1-800-661-8773
<b>Federal</b>	Service Canada <sup>[2]</sup>	Phone: 1-800-622-6232	Telecommunications Device for the Deaf (TDD): 1-800-926-9105

For a list of toll-free phone numbers for law-related help in BC, see Find Someone to Talk With <sup>[3]</sup> on Clicklaw.

This Guide refers to many websites for further legal information. To find a free public access computer, try visiting your local public library (listed below), a local Service BC office (listed below), a local college or university library, or a Courthouse Library (listed below), if you have one. You may be able to get some assistance with finding your information from these locations also.

### Access Pro Bono

**Access Pro Bono** operates free legal clinics in a number of communities throughout BC. Clients who meet the financial means test (see website for details) can receive 30 minutes of free legal advice and sometimes additional appointments. Access Pro Bono lawyers generally do not appear in court or tribunals but they can give advice, make calls, and assist with documents.

<b>Website</b>	accessprobono.ca <sup>[4]</sup>
<b>Phone</b>	1-604-878-7400 Toll-free: 1-877-762-6664
<b>Find on Clicklaw</b>	Access Pro Bono on Clicklaw HelpMap <sup>[5]</sup>

## AdminLawBC.ca

**AdminLawBC.ca** describes administrative tribunals — the specialized government agencies, boards and commissions that provide resolution of disputes involving government laws and how they are applied. They can hear complaints about decisions made by government agencies related to such topics as minimum wage, Employment Insurance, safety standards, telephone service rates, or rules of conduct of doctors and other professionals. The site also features a BC Administrative Law Directory which lists information and many of the decisions of over 100 federal and provincial tribunals.

<b>Website</b>	adminlawbc.ca [6]
<b>Phone</b>	No phone service available

## Advocacy Access Program

The **Advocacy Access Program** is a service of Disability Alliance BC (formerly BC Coalition of People with Disabilities) that provides information, assistance, advice, and occasional representation for people with disability-related issues such as welfare benefits for people with disabilities, Canada Pension Plan disability benefits, and the Registered Disability Savings Plan.

**Website:** Advocacy Access Publications [7] has a number of fact sheets about disability-related money and income support issues.

<b>Website</b>	www.disabilityalliancebc.org [8]
<b>Phone</b>	1-604-872-1278 Toll-free: 1-800-663-1278
<b>Find on Clicklaw</b>	Advocacy Access Program on Clicklaw HelpMap [9]

## BC Civil Liberties Association

The **BC Civil Liberties Association** works to maintain and extend civil liberties and human rights in Canada. In addition to public education and advocacy, the BCCLA engages in select legal actions, often involving the police or government and on the topic of civil liberties.

**Website:** See the Our Work [10] page for links to handbooks, guides and reports.

<b>Website</b>	bccla.org [11]
<b>Phone</b>	1-604-687-2919 Toll-free: 1-855-556-3566
<b>Find on Clicklaw</b>	BCCLA on Clicklaw [12]

## BC Employment and Assistance

The BC Ministry of Social Development and Poverty Reduction's **BC Employment and Assistance** program administers income assistance (welfare) benefits. **Website:** Their website provides links to online orientation, work search guidelines and information on fraud and appeals.

**Website** [www2.gov.bc.ca](http://www2.gov.bc.ca)  
[13]

**Phone** Toll free:  
1-866-866-0800

## BC Human Rights Clinic

The **BC Human Rights Clinic** is operated by the Community Legal Assistance Society and funded by the BC Ministry of Justice. The Clinic provides free representation to complainants who have cases before the BC Human Rights Tribunal on a province-wide basis. Accepted applicants are assigned an advocate to assist with the early stages of a complaint.

**Website:** The Legal Services <sup>[14]</sup> page under the *Services* menu has information on how to get advice or representation.

**Website** [www.bchrc.net](http://www.bchrc.net) [15]

**Phone** 1-604-622-1100  
Toll-free:  
1-855-685-6222

**Find on  
Clicklaw** BC Human Rights Clinic  
on Clicklaw HelpMap  
[16]

## BC Laws

The **BC Laws** website is maintained by the BC Queen's Printer and includes British Columbia statutes and regulations, orders in council, and regulations bulletins. It has a simple search function, and is current seven to 14 days after changes in legislation.

**Website** [bclaws.gov.bc.ca](http://bclaws.gov.bc.ca)  
[17]

**Phone** 1-250-387-6409  
Toll-free:  
1-800-663-6105

## BC Society of Transition Houses

The **BC Society of Transition Houses** offers support to the programs and services who work with women who have experienced violence. The programs and services the BCSTH supports include transition and safe houses, safe homes, children's and victims counseling, and violence prevention education.

**Website:** The Directory of Member Programs & Services<sup>[18]</sup> is a complete listing of all its members' programs and services across BC.

<b>Website</b>	bcsth.ca <sup>[19]</sup>
<b>Phone</b>	1-604-669-6943 Toll-free: 1-800-661-1040

## CanLII

The **CanLII** website offers a well-designed and comprehensive database of legislation, regulations, and court cases from across Canada. The search function can be limited to a specific province or to a federal court, and notable cases can be found through the "most cited" feature. The site includes an ebook on *Wrongful Dismissal and Employment Law* in the Commentary section.

**Website:** Hover your mouse over one of the question marks for help in using the search.

<b>Website</b>	canlii.org <sup>[20]</sup>
<b>Phone</b>	No phone service available

## Clicklaw

The **Clicklaw** website provides a window into plain language legal information and education resources designed for the public in BC from over 25 contributor organizations, as well as selected others. Clicklaw includes a HelpMap<sup>[21]</sup> to find those who can help with legal problems in communities across the province, and starting points for over 150 commonly asked legal questions<sup>[22]</sup>.

**Website:** The Court Forms & Guides<sup>[23]</sup> page brings together court forms and step-by-step guides for both Provincial and Supreme Court.

<b>Website</b>	clicklaw.bc.ca <sup>[24]</sup>
<b>Phone</b>	No phone service available

## Civil Resolution Tribunal

The **Civil Resolution Tribunal** website provides information around the processes of resolving small claims disputes under \$5,000. Small claims disputes about contracts, debts, personal injury, personal property, and consumer issues will be resolved through the online tribunal from June 1, 2017.

**Website:** The Civil Resolution Tribunal website<sup>[25]</sup> has news and guides for claims within the jurisdiction of the Civil Resolution Tribunal.

<b>Website</b>	www.civilresolutionbc.ca <sup>[25]</sup>
<b>Phone</b>	Toll-free: 1-844-322-2292



## Civilian Review and Complaints Commission for the RCMP

The **Civilian Review and Complaints Commission for the RCMP** is responsible for handling complaints against members of the RCMP. Staff provide information about the complaints process and some assistance with making a complaint.

**Website:** The Make a Complaint <sup>[26]</sup> page has contact information and the online complaint form.

<b>Website</b>	Civilian Review and Complaints Commission for the RCMP <sup>[27]</sup>
<b>Phone</b>	Toll-free: 1-800-665-6878 TTY: 1-866-432-5837

## Community Legal Assistance Society

The **Community Legal Assistance Society (CLAS)** provides legal assistance to disadvantaged people with housing security, income security, human rights, mental health rights, and workers' rights problems. Services include summary legal advice, support for self-represented litigants, and full representation. Their Mental Health Law Program provides advice and representation at the BC Review Panel to persons detained under the *BC Mental Health Act*. Their BC Human Rights Clinic provides representation to complainants who have cases before the BC Human Rights Tribunal.

**Website:** The Self-Help Guides <sup>[28]</sup> page has links to guides and information sheets, including one on representing yourself in a judicial review.

<b>Website</b>	www.clasbc.net <sup>[29]</sup>
<b>Phone</b>	1-604-685-3425 Toll-free: 1-888-685-6222
<b>Find on Clicklaw</b>	CLAS on Clicklaw HelpMap <sup>[30]</sup>

## Consumer Protection BC

**Consumer Protection BC** is a watchdog for consumer complaints including unfair debt collection practices.

**Website:** The pages Resolving Problems <sup>[31]</sup> and Enforcement <sup>[32]</sup> provide more information on the complaint process, compliance, and enforcement.

<b>Website</b>	consumerprotectionbc.ca <sup>[33]</sup>
<b>Phone</b>	Toll-free: 1-888-564-9963
<b>Find on Clicklaw</b>	Consumer Protection BC on Clicklaw <sup>[34]</sup>

## Courthouse Libraries BC

**Courthouse Libraries BC** provides legal information to the legal community and the public in 28 locations throughout British Columbia. Resource libraries in Vancouver and Victoria and regional libraries in Kamloops, Kelowna, Nanaimo, New Westminster and Prince George provide research assistance to clients. The library hosts the portal website Clicklaw, which provides a one-stop window into legal information and education aimed at the public in BC, as well as Clicklaw Wikibooks, featuring free plain language legal publications that are available to download in multiple formats and can also be printed.

**Website:** The Locations & Contact Information<sup>[35]</sup> page has the contact information, including an email address and a list of library locations.

	
<b>Website</b>	courthouselibrary.ca <sup>[36]</sup>
<b>Phone</b>	1-604-660-2841 Toll-free: 1-800-665-2570
<b>Find on Clicklaw</b>	Courthouse Libraries on Clicklaw HelpMap <sup>[37]</sup>

## Courts of BC

The **Courts of BC** website from the provincial government provides information about Provincial and Supreme Courts, and the Court of Appeal. Links include recent judgments, contact information and resources for self-represented litigants (people going to court on their own).

<b>Website</b>	courts.gov.bc.ca <sup>[38]</sup>
<b>Phone</b>	No phone service available
<b>Find on Clicklaw</b>	Court Registries on Clicklaw HelpMap <sup>[39]</sup>

## Credit Counselling Society of BC

The **Credit Counseling Society of BC** provides information and advice to clients on the topic of debt and insolvency. Clients can take advantage of free and confidential credit counselling and debt consolidation services as well as obtain practical advice on budgeting.

**Website:** The Debt Help<sup>[40]</sup> page has information about debt and insolvency counselling options.

<b>Website</b>	nomoredebts.org <sup>[41]</sup>
<b>Phone</b>	Toll-free: 1-888-527-8999

## Dial-A-Law (People's Law School)

**Dial-A-Law** is a free service of People's Law School. The website features free information on the law in British Columbia in over 130 topic areas and includes audio recordings of all the information. Dial-A-Law information is also available for listening to on the telephone.

<b>Website</b>	dialalaw.ca <sup>[42]</sup>
<b>Phone</b>	1-604-687-4680 Toll-free: 1-800-565-5297
<b>Find on Clicklaw</b>	Dial-A-Law on Clicklaw HelpMap <sup>[43]</sup>

## Duty Counsel

**Duty counsel services** include a variety of free advice services (and some limited representation) provided by the Legal Services Society for otherwise unrepresented clients facing immediate legal challenges. See the entry at the end of the Resource List for a detailed description of Duty Counsel services.

<b>Website</b>	legalaids.bc.ca <sup>[44]</sup>
<b>Phone</b>	604-408-2172 (Greater Vancouver) Toll-free: 1-866-577-2525
<b>Find on Clicklaw</b>	LSS Services on Clicklaw HelpMap <sup>[45]</sup>

## Elizabeth Fry Society of Greater Vancouver

The **Elizabeth Fry Society of Greater Vancouver** works with women and youth who are in conflict with the law. They operate a Shoplifters' Counselling Program as well as crime prevention seminars in the Lower Mainland.

<b>Website</b>	elizabethfry.com <sup>[46]</sup>
<b>Phone</b>	1-604-520-1166 Toll-free: 1-888-879-9593
<b>Find on Clicklaw</b>	Elizabeth Fry Society on Clicklaw HelpMap <sup>[47]</sup>

## Employment Standards Branch of BC

The **Employment Standards Branch** is a part of the BC Ministry of Jobs, Tourism and Skills Training and Responsible for Labour. The Branch provides extensive information on the rights of employees in provincially regulated workplaces. For federally regulated workplaces, see Employment Standards (Canada) in this Guide.

**Website:** The Employment Standards <sup>[48]</sup> pages have topic-specific information. Forms and Resources <sup>[49]</sup> page has Solution Explorer (an online guide for your specific work situation) in addition to forms and factsheets. Make a Complaint <sup>[50]</sup> page tells you how to resolve a dispute, including filing a complaint.

<b>Website</b>	gov.bc.ca <sup>[51]</sup>
<b>Phone</b>	Toll-free: 1-833-236-3700

## Employment Standards (Canada)

The **Labour Program** of Employment and Social Development Canada offers information about employment standards for federally regulated workplaces.

**Website:** The Federal Labour Standards <sup>[52]</sup> page has links to resources on specific topics, such as unjust dismissal.

<b>Website</b>	canada.ca <sup>[53]</sup>
<b>Phone</b>	1-800-641-4049

## Family Justice Centres

A BC government service, **Family Justice Centres** have family justice counsellors who can provide information and assistance with family-related legal issues such as parenting arrangements, contact, guardianship, child and spousal support and no-contact orders. They cannot assist with strictly Supreme Court issues such as divorce or property division. Centres in Nanaimo, Victoria, Vancouver, Kamloops, Kelowna, New Westminster, Prince George, and Surrey provide legal advice through family advice lawyers. Abbotsford, Nanaimo, Surrey, Victoria, and Vancouver locations also offer expanded self-help services through the Justice Access Centres <sup>[54]</sup>.

<b>Website</b>	gov.bc.ca <sup>[55]</sup>
<b>Phone</b>	1-800-663-7867 (EnquiryBC, ask the operator to transfer you)
<b>Find on Clicklaw</b>	Family Justice Centres on Clicklaw HelpMap <sup>[56]</sup>

## Family Law in BC

**Family Law in BC** is a Legal Services Society website that provides legal information on family law matters, including separation and divorce, child and spousal support, parenting and guardianship, child protections/removal, division of family property, and adoption.

**Website:** Self-help guides<sup>[57]</sup> has information on procedures such as filing for divorce, Court forms<sup>[58]</sup> has links to family court forms, and Who can help<sup>[59]</sup> has information on options for assistance with family law problems.

<b>Website</b>	familylaw.lss.bc.ca <sup>[60]</sup>
<b>Phone</b>	No phone service available
<b>Find on Clicklaw</b>	Family Law in BC on Clicklaw <sup>[61]</sup>

## Family LawLINE

**Family LawLINE** is a service provided by the Legal Services Society. Family LawLINE lawyers give free legal advice over the phone to people with low incomes who are experiencing family law issues, providing brief "next step" advice about family law issues such as parenting time or contact/access, guardianship/custody, child and spousal support, property division, family agreements, adoption, and court procedures.

**Hours:** Mondays, Tuesdays, Thursdays, and Fridays: 9:00 am to 3:00 pm.  
Wednesdays: 9:00 am to 2:30 pm

<b>Website</b>	familylaw.lss.bc.ca <sup>[62]</sup>
<b>Phone</b>	604-408-2172 Toll-free: 1-866-577-2525
<b>Find on Clicklaw</b>	Family LawLINE on Clicklaw HelpMap <sup>[63]</sup>

## Family Maintenance Enforcement Program

The **Family Maintenance Enforcement Program** helps low-income families to obtain child support and spousal support orders from ex-partners, and to enforce them.

<b>Website</b>	fmepp.gov.bc.ca <sup>[64]</sup>
<b>Phone</b>	Toll-free: 1-800-668-3637
<b>Find on Clicklaw</b>	FMEP on Clicklaw HelpMap <sup>[65]</sup>

## Federal Court of Canada

The **Federal Court of Canada** is Canada's national trial court which hears legal disputes arising in the federal domain, including immigration, tax, admiralty, and customs.

**Website:** The Information for Litigants<sup>[66]</sup> page provides information about appearing before the Federal Court without a lawyer. The Court Process and Procedures<sup>[67]</sup> page provides information about Federal Court rules and forms.

**Phone:** The Federal Court Registry in Vancouver can be reached at (604) 666-3232 or toll free at 1-800-663-2096. TDD: 604-666-9228.

**Website** [www.fct-cf.gc.ca](http://www.fct-cf.gc.ca)<sup>[68]</sup>

**Phone** 1-800-663-2096

## First Nations Court Duty Counsel

**First Nations Court Duty Counsel** gives free legal advice about having your matter transferred to First Nations Court and the charges against you.

**Website:** The First Nations Court<sup>[69]</sup> page has information about their locations and how they can help you.

**Website** [aboriginal.legalaid.bc.ca](http://aboriginal.legalaid.bc.ca)<sup>[69]</sup>

**Phone** 604-601-6074 (Greater Vancouver)  
1-877-601-6066 (toll-free elsewhere in BC)

**Find on Clicklaw** First Nations Court Duty Counsel on Clicklaw HelpMap<sup>[70]</sup>

## Government Agent Offices

Government Agent offices are now known as Service BC. Please see Service BC.

## Government of Canada's Settlement Services Directory

**Government of Canada's Settlement Services Directory** is a searchable database of contact information for settlement service agencies across Canada. You can search by postal code, city, or full address. Settlement agencies provide a wide range of services to immigrants and refugee claimants.

**Website** [cic.gc.ca](http://cic.gc.ca)<sup>[71]</sup>

**Phone** No phone service available

## Helpline for Children in BC

The **Helpline for Children** is a free 24-hour service for children, parents, or community members to call if they think a child (anyone under 19) will be or has been abused.

<b>Website</b>	gov.bc.ca <sup>[72]</sup>
<b>Phone</b>	310-1234 (no area code needed, toll-free) TDD: 1-866-660-0505

## Immigration, Refugees and Citizenship Canada

**Immigration, Refugees and Citizenship Canada (IRCC)** is the government department responsible for immigration and refugee matters in Canada.

**Website:** To find an IRCC office, use their directory listed on the IRCC offices<sup>[73]</sup> page.

<b>Website</b>	cic.gc.ca <sup>[74]</sup>
<b>Phone</b>	Toll-free: 1-888-242-2100 (from within Canada)

## Law Students' Legal Advice Program

The **Law Students' Legal Advice Program** website contains the *LSLAP Manual*, an excellent source of information about the law and legal procedure on a variety of topics. LSLAP also offers resources and advice through their legal clinics in the Lower Mainland.

**Website:** The LSLAP Manual<sup>[75]</sup> page has links to the chapters of the *LSLAP Manual*.

<b>Website</b>	lslap.bc.ca <sup>[76]</sup>
<b>Phone</b>	For appointments in the Lower Mainland: 1-604-822-5791
<b>Find on Clicklaw</b>	LSLAP Clinics on HelpMap <sup>[77]</sup>

## Lawyer Referral Service

Access Pro Bono Society of BC's **Lawyer Referral Service** provides referrals to lawyers in private practice who specialize in various areas of the law. Any member of the public may call this service to obtain the contact information of a lawyer who will provide a free half-hour legal consultation.

<b>Website</b>	www.accessprobono.ca <sup>[78]</sup>
<b>Phone</b>	604-687-3221 Toll-free: 1-800-663-1919
<b>Find on Clicklaw</b>	Lawyer Referral Service on HelpMap <sup>[79]</sup>

## Legal Aid Representation

The Legal Services Society provides a variety of legal aid services, including **legal aid representation** (getting a lawyer to take your case for free). See the entry at the end of the Resource List for a detailed description of legal aid representation.

<b>Website</b>	legalaids.bc.ca <sup>[44]</sup>
<b>Phone</b>	Toll-free: 1-866-577-2525
<b>Find on Clicklaw</b>	Legal Aid Intake Offices on Clicklaw HelpMap <sup>[80]</sup>

## Legal Services Society

The **Legal Services Society** (LSS) provides legal aid representation, duty counsel services, the Family LawLINE, the Family Law in BC website, and free legal information through variety of publications<sup>[81]</sup>. Among the publications they produce are Gladue Primer<sup>[82]</sup> and Your Welfare Rights: How to Apply for Welfare<sup>[83]</sup>. In some communities, legal information outreach workers and Aboriginal community legal workers are also available to help you find appropriate services and information.

**Website:** The Legal Information<sup>[84]</sup> page explains about the information services available, and the Publications<sup>[81]</sup> page provides links to guides, booklets, and other publications.

<b>Website</b>	legalaids.bc.ca <sup>[85]</sup>
<b>Phone</b>	1-866-577-2525
<b>Find on Clicklaw</b>	LSS on Clicklaw HelpMap <sup>[86]</sup>



## Mediate BC

**Mediate BC** provides information about mediation as a dispute resolution process and alternative to going to court. Services include a Court Mediation Program for Small Claims, Family Mediation, and Child Protection Mediation.

<b>Website</b>	mediatebc.com <sup>[87]</sup>
<b>Phone</b>	1-604-684-1300 Toll-free: 1-877-656-1300
<b>Find on Clicklaw</b>	Mediate BC on Clicklaw <sup>[88]</sup>

## MOSAIC

**MOSAIC** (Multilingual Orientation Service Association for Immigrant Communities) has multilingual services that provide support and assistance to immigrants and refugees such as interpretation services, help with settlement and finding employment.

<b>Website</b>	www.mosaicbc.org <sup>[89]</sup>
<b>Phone</b>	1-604-254-9626
<b>Find on Clicklaw</b>	MOSAIC on Clicklaw HelpMap <sup>[90]</sup>

## Native Courtworkers

**The Native Courtworker and Counselling Association** provides information and assistance to Aboriginal people facing criminal or youth justice matters with the police and courts. Native courtworkers assist clients in preparing for court and will provide representation by speaking on behalf of clients on guilty pleas, and occasionally at trial.

**Website:** The Our Team<sup>[91]</sup> page has the contact information for different locations.

<b>Website</b>	nccabc.ca <sup>[92]</sup>
<b>Phone</b>	1-604-985-5355 Toll Free: 1-877-811-1190
<b>Find on Clicklaw</b>	NCCA on Clicklaw HelpMap <sup>[93]</sup>

## Nidus Personal Planning Resource Centre and Registry

**Nidus Personal Planning Resource Centre and Registry** is a not-for-profit organization that provides tools for writing and registering personal planning documents in the event of mental incapacity due to illness, injury, or disability.

**Website:** The website has fact sheets and forms for representation agreements and enduring powers of attorney.

<b>Website</b>	nidus.ca [94]
<b>Phone</b>	1-604-408-7414
<b>Find on Clicklaw</b>	Personal Planning Resource Centre and Registry on Clicklaw [95]

## Ombudsperson

The BC government's Office of the **Ombudsperson** (formerly "Ombudsman") provides information and assistance in making complaints against provincially-regulated government agencies or employees.

**Website:** The Complaints [96] page has information about starting the complaint process.

<b>Website</b>	bcombudsperson.ca [97]
<b>Phone</b>	Toll-free: 1-800-567-3247
<b>Find on Clicklaw</b>	BC Ombudsperson on Clicklaw HelpMap [98]

## Parole Board of Canada

The **Parole Board of Canada** is responsible for, among other things, granting record suspensions (formerly called pardons) for criminal convictions.

**Website:** The Record Suspension Application Guide and Forms [99] page has the guides and forms for completing a record suspension application.

<b>Website</b>	www.canada.ca [100]
<b>Phone</b>	1-800-874-2652

## People's Law School

People's Law School is a BC non-profit organization with recognized expertise in high-quality public legal education and information. It works to help British Columbians recognize the legal aspects of everyday situations and take action. Services include reliable, easy-to-understand information on [peopleslawschool.ca](http://peopleslawschool.ca)<sup>[101]</sup> and [dialalaw.ca](http://dialalaw.ca)<sup>[102]</sup>, webinars<sup>[103]</sup>, print resources<sup>[104]</sup>, and a Q+A service<sup>[105]</sup>.

<b>Website</b>	<a href="http://peopleslawschool.ca">peopleslawschool.ca</a> <sup>[106]</sup>
<b>Phone</b>	1-604-331-5400
<b>Find on Clicklaw</b>	People's Law School on Clicklaw <sup>[107]</sup>

## Police Complaints Commissioner (BC)

The **Office of the Police Complaints Commissioner of BC** is responsible for handling complaints against officers of municipal or tribal police forces. Staff provides information about the complaints process and some assistance with making a complaint.

**Website:** The [How to File a Complaint](#)<sup>[108]</sup> page has a link to file a complaint online and a link to download a printable form.

<b>Website</b>	<a href="http://opcc.bc.ca">opcc.bc.ca</a> <sup>[109]</sup>
<b>Phone</b>	Toll-free: 1-877-999-8707

## PovNet

**PovNet** is a network of anti-poverty advocacy organizations that maintains information on legal issues and resources of interest to people living in poverty.

**Website:** Their online directory of community-based advocates called Find An Advocate<sup>[110]</sup> helps you find an advocacy organization near you.

<b>Website</b>	<a href="http://povnet.org">povnet.org</a> <sup>[111]</sup>
<b>Phone</b>	No phone service available
<b>Find on Clicklaw</b>	PovNet on Clicklaw HelpMap <sup>[112]</sup>

## Private Bar Lawyers

As well as the Lawyer Referral Service, **lawyers in private practice** provide three main free or low-cost services. These are free initial consultations, contingency fee agreements, and pro bono services. See the entry Private Bar Lawyers at the end of the Resource List for an explanation of these services and a description about hiring private bar lawyers.

## Public Guardian and Trustee

The BC government's **Public Guardian and Trustee** provides services concerning the estates of children, estates without trustees or administrators, and adults who require assistance with decision-making, including those who are not mentally competent.

**Phone:** Outside of the Lower Mainland, call Service BC at 1-800-663-7867 and ask to be connected with the Office of the Public Guardian and Trustee.

**Website:** The Reports and Publications <sup>[113]</sup> page includes links to publications on adult guardianship.

**Website** [www.trustee.bc.ca](http://www.trustee.bc.ca)  
[114]

**Phone** 1-604-660-4444

## Public Libraries

**Public libraries** are located in over 240 communities throughout BC. Most have public access computer terminals and free access to QP LegalEze, a searchable database of BC legislation, current Bills and Hansard debates. Larger libraries have legal reference books and provincial statutes and regulations. Library staff can help you find legal information in their library or online. Local library phone numbers are listed in the Yellow Pages under "Libraries."

**Website:** The BC government website provides a list of all public libraries and contact information.

**Website** [www2.gov.bc.ca](http://www2.gov.bc.ca)  
[115]

**Phone** No phone service  
available

## Residential Tenancy Branch

This **Residential Tenancy Branch** of the BC government administers the provincial *Residential Tenancy Act*. Staff provide information and some assistance to clients who are having problems with their landlords. The website has forms and good information about residential tenancy law and procedures.

**Website:** The website has Solution Explorer <sup>[116]</sup>, which is an online tool to help you find information about your tenancy problem and solve your dispute. It also has links to guides <sup>[117]</sup> and information sheets <sup>[118]</sup>.

**Website** [gov.bc.ca](http://gov.bc.ca) <sup>[119]</sup>

**Phone** Lower Mainland:  
1-604-660-1020  
Victoria:  
250-387-1602  
Toll-free:  
1-800-665-8779

## Seniors First BC (formerly BC Centre for Elder Advocacy and Support)

**Seniors First BC** (formerly BC Centre for Elder Advocacy and Support - BCCEAS) is a non-profit organization helping older adults. They operate Seniors' Legal Clinics in the Lower Mainland and a toll-free Seniors Advocacy and Information Line (SAIL) that provides information and referrals.

**Website:** The Resources <sup>[120]</sup> section has fact sheets and e-books on residential care and elder abuse.

<b>Website</b>	seniorsfirstbc.ca <sup>[121]</sup>
<b>Phone</b>	1-604-437-1940 Toll-free: 1-866-437-1940
<b>Find on Clicklaw</b>	Seniors First BC on Clicklaw HelpMap <sup>[122]</sup>

## Service BC

**Service BC** offices are the business offices of the provincial government in about 60 communities in British Columbia. They have written and online pamphlets and government forms as well as public access computer terminals. Service BC staff can help with issues involving the provincial government, and refer you to an appropriate service.

**Website:** To locate in-person support, use the Service Finder Map <sup>[123]</sup> to see a map of local Service BC offices.

<b>Website</b>	gov.bc.ca <sup>[124]</sup>
<b>Phone</b>	1-604-660-2421 Toll-free: 1-800-663-7867 TDD: 1-800-661-8773

## Service Canada

**Service Canada** is the main point of contact for information about federal government services. Staff can give contact information to make a complaint about a worker in a federal government ministry or agency. There are over 60 offices in BC.

**Website:** The website has links to services by subject. The Find a Service Canada Office <sup>[125]</sup> page lets you search for in-person service by postal code or by city and has a directory of locations by province.

<b>Website</b>	canada.ca <sup>[126]</sup>
<b>Phone</b>	Toll-free: 1-800-O-Canada (1-800-622-6232)

## Small Claims Court

**Small Claims Court** handles cases for amounts up to \$35,000, and the court has registries in various communities in BC. As of June 1, 2017, the Civil Resolution Tribunal <sup>[127]</sup> began resolving most small claims up to \$5,000. The registries and the website provide information on procedure, rules, fees, filing, and forms.

**Phone:** Call Service BC at 1-800-663-7867 and ask for the Small Claims Court registry nearest you.

<b>Website</b>	gov.bc.ca <sup>[128]</sup>
<b>Phone</b>	No phone service available
<b>Find on Clicklaw</b>	Court Registries on Clicklaw HelpMap <sup>[39]</sup>

## Tenant Resource & Advisory Centre

The **Tenant Resource and Advisory Centre** (TRAC) is a non-profit organization that promotes the legal protection of residential tenants across BC by providing information, education, support, and research on residential tenancy matters. TRAC's main programs and services include a Tenant Infoline, direct advocacy, legal education workshops, and online course - *Renting It Right*.

<b>Website</b>	tenants.bc.ca <sup>[129]</sup> rentingitright.ca <sup>[130]</sup>
<b>Phone</b>	604-255-0546 1-800-665-1185
<b>Find on Clicklaw</b>	TRAC on Clicklaw HelpMap <sup>[131]</sup>

## Vehicle Sales Authority of BC

**Vehicle Sales Authority of BC** helps resolve complaints with licensed car dealers.

**Website:** The Fact Sheets <sup>[132]</sup> page has information on buying a new or used car, and what to do if there is a problem. The website also has videos on buying tips, consumer FAQs, an online database of licensed dealers and salespeople, and a form to report an unregistered motor dealer (curber).

<b>Website</b>	www.mvsabc.com <sup>[133]</sup>
<b>Phone</b>	604-575-7255 Toll-free: 1-877-294-9889

## Victims Info

The **Victims Info** website contains a broad range of information, videos and contact resources for victims and witnesses of crime. Topics include services for victims, reporting a crime, criminal charges, going to court, sentencing and more.

<b>Website</b>	victiminfo.ca <sup>[134]</sup>
<b>Phone</b>	No phone service available

## VictimLINK

**VictimLINK** is a phone service that provides information and referrals to all victims of crime, and crisis support to victims of family and sexual violence. They also provide information on the justice system, crime prevention, safety planning, protection order registry, and other resources. VictimLINK provides service in over 100 languages, including 17 North American aboriginal languages.

<b>Website</b>	victimlinkbc.ca <sup>[135]</sup>
<b>Phone</b>	Toll-free: 1-800-563-0808 TTY: 1-604-875-0885, to call collect, please call the Telus Relay Service at 711 Text: 1-604-836-6381
<b>Find on Clicklaw</b>	VictimLINK on Clicklaw HelpMap <sup>[136]</sup>

## Vital Statistics Agency

The website of the **Vital Statistics Agency** of BC helps people register and order certificates that prove vital events like birth, death, change of name, and marriage. It also includes a wills registry to register the location of a will, or to search for a wills notice as part of the probate process.

<b>Website</b>	gov.bc.ca <sup>[137]</sup>
<b>Phone</b>	1-250-952-2681 Toll-free: 1-888-876-1633

## Workers' Advisers

The BC government's **Workers' Advisers** provide information, assistance, advice and occasional representation to clients on workers' compensation issues. There are no financial eligibility requirements but services are limited.

**Website:** The Contacts <sup>[138]</sup> page has contact information of Workers' Advisers regional offices in British Columbia.

<b>Website</b>	gov.bc.ca <sup>[139]</sup>
<b>Phone</b>	1 800 663-4261 (Lower Mainland) 1 800 663-6695 (Interior) 1 800 661-4066 (Vancouver Island)
<b>Find on Clicklaw</b>	Workers' Advisers on Clicklaw HelpMap <sup>[140]</sup>

## References

- [1] <http://servicebc.gov.bc.ca/locations>
- [2] <http://www.servicecanada.gc.ca/eng/home.shtml>
- [3] <http://www.clicklaw.bc.ca/content/talktosomeone>
- [4] <http://www.accessprobono.ca/>
- [5] <http://www.clicklaw.bc.ca/helpmap/service/1040>
- [6] <http://adminlawbc.ca/>
- [7] <https://www.clicklaw.bc.ca/organization/solveproblems/1013>
- [8] <http://www.disabilityalliancebc.org/>
- [9] <http://www.clicklaw.bc.ca/helpmap/service/1051>
- [10] <http://bccla.org/our-work/>
- [11] <http://www.bccla.org>
- [12] <http://clicklaw.bc.ca/helpmap/service/1090>
- [13] <https://www2.gov.bc.ca/gov/content/family-social-supports/income-assistance>
- [14] [https://www.bchrc.net/legal\\_services](https://www.bchrc.net/legal_services)
- [15] <http://www.bchrc.net>
- [16] <http://www.clicklaw.bc.ca/helpmap/service/1072>
- [17] <http://www.bclaws.gov.bc.ca/>
- [18] <https://bcsth.ca/directory/>
- [19] <http://www.bcsth.ca/>
- [20] <http://canlii.org>
- [21] <http://www.clicklaw.bc.ca/helpmap>
- [22] <http://www.clicklaw.bc.ca/solveproblems/questions>
- [23] <http://www.clicklaw.bc.ca/content/forms/>
- [24] <http://clicklaw.bc.ca>
- [25] <https://www.civilresolutionbc.ca/>
- [26] <http://www.crcc-ccetp.gc.ca/en/make-complaint>
- [27] <https://www.crcc-ccetp.gc.ca/>
- [28] [http://www.clasbc.net/self\\_help\\_guides](http://www.clasbc.net/self_help_guides)
- [29] <http://www.clasbc.net>
- [30] <http://www.clicklaw.bc.ca/organization/helpmap/1018>
- [31] <http://consumerprotectionbc.ca/consumers-alias/resolving-problems>
- [32] <http://consumerprotectionbc.ca/consumers-alias/help-for-consumers-enforcement-actions>
- [33] <http://consumerprotectionbc.ca>
- [34] <http://www.clicklaw.bc.ca/helpmap/service/1140>
- [35] <https://www.courthouselibrary.ca/about-us/locations-contact-information>



- [36] <http://courthouselibrary.ca>
- [37] <http://clicklaw.bc.ca/helpmap/service/1009>
- [38] <http://courts.gov.bc.ca>
- [39] <http://www.clicklaw.bc.ca/helpmap/service/1014>
- [40] <http://www.nomoredebts.org/canhelpt.html>
- [41] <http://nomoredebts.org>
- [42] <http://dialalaw.ca>
- [43] <http://clicklaw.bc.ca/helpmap/service/1045>
- [44] <http://www.legalaid.bc.ca/>
- [45] <http://www.clicklaw.bc.ca/organization/helpmap/1024>
- [46] <http://elizabethfry.com>
- [47] <http://www.clicklaw.bc.ca/helpmap/service/1190>
- [48] <https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards>
- [49] <https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/forms-resources>
- [50] <https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/complaint-process>
- [51] <http://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards>
- [52] [http://www.hrsdc.gc.ca/eng/labour/employment\\_standards/publications/index.shtml](http://www.hrsdc.gc.ca/eng/labour/employment_standards/publications/index.shtml)
- [53] <https://www.canada.ca/en/employment-social-development/programs/employment-standards/federal-standards.html>
- [54] <http://www.clicklaw.bc.ca/helpmap/service/1111>
- [55] <http://www2.gov.bc.ca/gov/content/life-events/divorce/family-justice>
- [56] <http://clicklaw.bc.ca/helpmap/service/1019>
- [57] <http://www.familylaw.lss.bc.ca/guides/>
- [58] [http://www.familylaw.lss.bc.ca/resources/court\\_forms.php](http://www.familylaw.lss.bc.ca/resources/court_forms.php)
- [59] [http://www.familylaw.lss.bc.ca/help/who\\_can\\_help.php](http://www.familylaw.lss.bc.ca/help/who_can_help.php)
- [60] <http://www.familylaw.lss.bc.ca>
- [61] <http://www.clicklaw.bc.ca/resource/1927>
- [62] [http://www.familylaw.lss.bc.ca/help/who\\_telephoneAdviceLine.php](http://www.familylaw.lss.bc.ca/help/who_telephoneAdviceLine.php)
- [63] <http://www.clicklaw.bc.ca/helpmap/service/1116>
- [64] <http://fmep.gov.bc.ca>
- [65] <http://clicklaw.bc.ca/helpmap/service/1082>
- [66] [http://cas-ncr-nter03.cas-satj.gc.ca/portal/page/portal/fc\\_cf\\_en/Litigants](http://cas-ncr-nter03.cas-satj.gc.ca/portal/page/portal/fc_cf_en/Litigants)
- [67] [http://cas-ncr-nter03.cas-satj.gc.ca/portal/page/portal/fc\\_cf\\_en/Process](http://cas-ncr-nter03.cas-satj.gc.ca/portal/page/portal/fc_cf_en/Process)
- [68] <http://www.fct-cf.gc.ca>
- [69] <http://aboriginal.legalaid.bc.ca/rights/firstNationsCourt.php>
- [70] <http://www.clicklaw.bc.ca/helpmap/service/1125>
- [71] <http://www.cic.gc.ca/english/newcomers/services/index.asp>
- [72] <http://www2.gov.bc.ca/gov/content/safety/public-safety/protecting-children/reporting-child-abuse>
- [73] <http://www.cic.gc.ca/english/information/offices/index.asp>
- [74] <http://www.cic.gc.ca>
- [75] <http://lslap.bc.ca/manual.html>
- [76] <http://lslap.bc.ca>
- [77] <http://clicklaw.bc.ca/helpmap/service/1035>
- [78] <http://www.accessprobono.ca/lawyer-referral-service>
- [79] <http://www.clicklaw.bc.ca/helpmap/service/1044>
- [80] <http://www.clicklaw.bc.ca/helpmap/service/1053>
- [81] <https://legalaid.bc.ca/publications>
- [82] <http://www.clicklaw.bc.ca/resource/2431>
- [83] <https://www.clicklaw.bc.ca/resource/1082>
- [84] [https://legalaid.bc.ca/legal\\_aid/legalInformation](https://legalaid.bc.ca/legal_aid/legalInformation)
- [85] <http://legalaid.bc.ca>
- [86] <http://clicklaw.bc.ca/helpmap/service/1053>
- [87] <http://www.mediatebc.com/>
- [88] <http://www.clicklaw.bc.ca/organization/solveproblems/1031>
- [89] <http://www.mosaicbc.org>
- [90] <https://www.clicklaw.bc.ca/organization/helpmap/1019>

- [91] <http://nccabc.ca/index.php/our-team>
- [92] <http://nccabc.ca/>
- [93] <http://clicklaw.bc.ca/helpmap/service/1050>
- [94] <http://www.nidus.ca>
- [95] <http://www.clicklaw.bc.ca/organization/solveproblems/1131>
- [96] <https://bcombudsperson.ca/complaints>
- [97] <https://bcombudsperson.ca/>
- [98] <http://clicklaw.bc.ca/helpmap/service/1192>
- [99] <https://www.canada.ca/en/parole-board/services/record-suspensions/official-pbc-application-guide-and-forms.html>
- [100] <https://www.canada.ca/en/parole-board.html>
- [101] <https://www.peopleslawschool.ca/>
- [102] <https://dialalaw.peopleslawschool.ca/>
- [103] <https://www.peopleslawschool.ca/category/webinars/>
- [104] [https://www.crownpub.bc.ca/Product/Listing/17442\\_Peoples-Law-School#/?statesave=true](https://www.crownpub.bc.ca/Product/Listing/17442_Peoples-Law-School#/?statesave=true)
- [105] <https://www.peopleslawschool.ca/category/qa/>
- [106] <https://www.peopleslawschool.ca>
- [107] <http://www.clicklaw.bc.ca/organization/solveproblems/1004>
- [108] [https://opcc.bc.ca/complainant/how\\_to\\_file\\_a\\_complaint.html](https://opcc.bc.ca/complainant/how_to_file_a_complaint.html)
- [109] <http://opcc.bc.ca>
- [110] <http://www.povnet.org/find-an-advocate>
- [111] <http://www.povnet.org>
- [112] <http://www.clicklaw.bc.ca/helpmap/service/1028>
- [113] <http://www.trustee.bc.ca/reports-and-publications/Pages/default.aspx>
- [114] <http://www.trustee.bc.ca>
- [115] <https://www2.gov.bc.ca/gov/content/sports-culture/arts-culture/public-libraries/find-your-public>
- [116] <http://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/solution-explorer>
- [117] <https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/calculators-and-resources/quick-tips-for-landlords-tenants>
- [118] <https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/calculators-and-resources/information-sheets>
- [119] <http://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies>
- [120] <http://seniorsfirstbc.ca/resources/>
- [121] <http://seniorsfirstbc.ca/>
- [122] <http://www.clicklaw.bc.ca/organization/helpmap/1011>
- [123] <http://tinyurl.com/ld5xp8n>
- [124] <http://www2.gov.bc.ca/gov/content/governments/organizational-structure/ministries-organizations/ministries/technology-innovation-and-citizens-services/servicebc>
- [125] <http://www.servicecanada.gc.ca/tbse-fsco/sc-hme.jsp?lang=eng>
- [126] <https://www.canada.ca/en/employment-social-development/corporate/portfolio/service-canada.html>
- [127] <https://civilresolutionbc.ca/>
- [128] <http://www2.gov.bc.ca/gov/content/justice/courthouse-services/small-claims>
- [129] <http://tenants.bc.ca>
- [130] <http://rentingitright.ca>
- [131] <http://clicklaw.bc.ca/organization/helpmap/1021>
- [132] <https://mvsabc.com/about-the-vsa/publications/fact-sheets/>
- [133] <http://www.mvsabc.com>
- [134] <http://victimsinfo.ca>
- [135] <http://www.victimlinkbc.ca/>
- [136] <http://clicklaw.bc.ca/helpmap/service/1055>
- [137] <http://www2.gov.bc.ca/gov/content/life-events>
- [138] <http://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/personal-injury-and-workplace-safety/contacts-5662>
- [139] <http://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/personal-injury-and-workplace-safety>
- [140] <http://www.clicklaw.bc.ca/helpmap/service/1108>

# Duty Counsel

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Duty counsel are lawyers paid by the Legal Services Society (LSS) to help people with lower incomes with their criminal, family, and immigration law problems. You may qualify for help from duty counsel even if you don't qualify for a legal aid lawyer. Duty counsel services include the following.

## Advice counsel telephone service

If you know someone in custody at a police lock-up who is awaiting a bail hearing, he or she can get legal advice over the phone during the evenings and on weekends and holidays. The Advice counsel telephone service <sup>[1]</sup> is available by calling 1-888-595-5677 (call no charge).

## Brydges Line telephone service

If you are arrested, detained, or under active investigation by the police or another law enforcement agency for a criminal offence, and you are not yet charged, you can call 1-866-458-5500 to speak to a lawyer. Brydges Line telephone service <sup>[2]</sup> is a province-wide toll-free telephone service available 24 hours a day, 7 days a week.

## Criminal duty counsel (Provincial Court)

If you can't get a legal aid lawyer and you're charged with a crime, you may be able to get help from duty counsel in Provincial Court. Duty counsel are lawyers who provide legal services to accused people both in and out of custody. Duty counsel can provide you with advice about:

- the charges against you,
- court procedures, and
- your legal rights (including the right to counsel and the right to apply for legal aid).

Duty counsel can also represent you at bail hearings and, if there is time, help you with a guilty plea. While you don't have to be financially eligible to get criminal duty counsel services, you must meet LSS coverage and financial eligibility requirements to receive ongoing representation. Show up early at court so you will have a chance to discuss your case with duty counsel before court. Bring any paperwork relating to your case.

Duty counsel is available at courthouses throughout the province. For duty counsel hours in your area, contact your local Courts of BC registry, which are located in the Blue Pages of your phone book under "Government of British Columbia - Court Services."

## First Nations Court duty counsel

If you self-identify as Aboriginal you may be able to have your bail or sentencing hearing at the First Nations Court <sup>[3]</sup> in North Vancouver, Duncan, New Westminster or Kamloops. The First Nations Court has duty counsel who can help you apply to the court to have your case transferred there, and can give you legal advice on or before the day of court. He or she can also help you prepare your Gladue <sup>[4]</sup> report. For more information, call the First Nations Court duty counsel at 1-877-601-6066.

## **Family advice lawyers**

If you're a parent with a low income experiencing separation or divorce, you may be eligible for up to three hours of free legal advice from a family advice lawyer (family duty counsel who provide advice). Family advice lawyers provide advice about parenting time or contact/access, guardianship/custody, child support, property division (limited advice), tentative settlement agreements, and court procedures.

These lawyers are available at:

- Justice Access Centres <sup>[5]</sup> in Nanaimo, Vancouver, and Victoria.
- Family Justice Centres in Kamloops, Kelowna, New Westminster, Prince George, and Surrey.

These services are available by referral from a family justice counsellor or a child support officer. See the Family Justice Centres description in the Resource List for contact information.

## **Family duty counsel (Provincial Court)**

Provincial Court duty counsel help lower income people with family law matters, including child protection issues (if the Ministry of Children and Family Development becomes involved with your family). Duty counsel can give you advice and speak on your behalf in court on simple matters. However, they won't take on your whole case and won't represent you at trial. They can also attend family case conferences at some courts.

Duty counsel lawyers are available by appointment or on a drop-in basis in Kelowna, Nanaimo, New Westminster, Port Coquitlam, Prince George, Surrey, Vancouver, and Victoria (although appointments are encouraged). At other locations, duty counsel services are on a drop-in basis. Priority is given to people who have matters in court that day. Bring any paperwork relating to your case. See Provincial Court Family Duty Counsel <sup>[6]</sup> for locations or find your local court registry in the Blue Pages of your phone book under "Government of British Columbia - Court Services."

## **Family duty counsel (Supreme Court)**

If you are a person with a low income experiencing separation or divorce, you may be eligible for up to three hours of free legal advice from Supreme Court family duty counsel. Duty counsel are lawyers who can provide advice about parenting time or contact/access, guardianship/custody, child support, property (limited advice), tentative settlement agreements, and court procedures.

Duty counsel can also assist you in chambers (a courtroom where applications, but not trials, are heard) if the matter is simple, unopposed, or by consent. They can also attend judicial case conferences at some courts.

You should try to speak with Supreme Court duty counsel before going to court. Bring any paperwork relating to your case.

Duty counsel are available by appointment or on a drop-in basis in Kelowna, Nanaimo, New Westminster, Prince George, Vancouver, and Victoria. At other locations, duty counsel services are available on a drop-in basis. See Supreme Court Family Duty Counsel <sup>[7]</sup> for locations or find your local court registry in the Blue Pages of your phone book under "Government of British Columbia - Court Services."

## Immigration duty counsel

LSS provides duty counsel for people in detention at the Canada Border Services Agency's enforcement centre in Vancouver. Duty counsel provide detainees with advice regarding procedures and their legal rights, and may appear on their behalf at detention hearings. Clients don't have to meet LSS financial eligibility requirements to receive these services. For more information, call the Legal Aid immigration line: 604-601-6076 or 1-888-601-6076.

## References

- [1] <http://www.clicklaw.bc.ca/helpmap/service/1046>
- [2] <http://www.clicklaw.bc.ca/helpmap/service/1047>
- [3] <http://www.clicklaw.bc.ca/helpmap/service/1121>
- [4] <http://www.clicklaw.bc.ca/resource/2957>
- [5] <http://www.clicklaw.bc.ca/helpmap/service/1111>
- [6] <http://www.clicklaw.bc.ca/helpmap/service/1087>
- [7] <http://www.clicklaw.bc.ca/helpmap/service/1086>

## Legal Aid Representation

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The Legal Services Society (LSS) provides free legal aid representation (a lawyer to take your case) for financially eligible clients facing some types of criminal<sup>[1]</sup>, serious family problems<sup>[2]</sup>, child protection matters<sup>[3]</sup>, mental health and prison issues<sup>[4]</sup>, or immigration problems<sup>[5]</sup>.

<b>Website</b>	<a href="http://legalaid.bc.ca">legalaid.bc.ca</a> <sup>[6]</sup>
<b>Phone</b>	Toll-free: 1-866-577-2525
<b>Find on Clicklaw</b>	Legal Aid Intake Offices on Clicklaw HelpMap <sup>[7]</sup>

## Legal issues covered

The following legal issues are covered:

**Criminal charges** if, after you were convicted, you would:

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

You can also get a lawyer to represent you if you:

- have a physical condition or disability or a mental or emotional illness that makes it impossible for you to represent yourself,
- are Aboriginal and the case affects your ability to follow a traditional livelihood of hunting and fishing, or
- are a youth charged with a federal offence (however if you are in the care of the Ministry of Children and Family Development, you must speak to your social worker to arrange for a lawyer).



If you self-identify as Aboriginal, you have Gladue rights<sup>[8]</sup> under the *Criminal Code*. You may also be able to have your bail or sentencing hearing in the First Nations Court<sup>[9]</sup> in North Vancouver, New Westminster, Duncan or Kamloops.

**Serious family problems** in the circumstances such as:

- you need an immediate court order to ensure your or your children's safety,
- to resolve a serious denial of parenting time or contact with/access to your children,
- when the other parent threatens to remove your children permanently from the province, or
- when you have guardianship or custody of your children and the other parent has contact or access, but he or she has unlawfully held your children and not allowed you to carry out your guardianship or custody responsibilities.

You may also be able to get a lawyer to represent you in other situations, depending on the available funding, your circumstances, and based on a merit test, including:

- to resolve serious legal issues in high conflict cases,
- when you have experienced court-related harassment (your ex-partner is using the legal system to harass you),
- when you have barriers to self-representation due to emotional abuse, psychological trauma, or mental illness, or
- when all other efforts to resolve the case have been exhausted and resolving the case will make a significant difference to you or your children.



The items above are not a complete list of all the situations covered. Coverage decisions are made on a discretionary basis.

**Child protection** cases where:

- the Ministry of Children and Family Development has taken or has threatened to take child(ren) away, or
- there are guardianship or custody and contact or access issues related to a child in the care of the Ministry for Children and Family Development (foster care).

**Mental health hearings** before a Mental Health Review Panel or the BC Review Board.

**Prison** issues for which the *Charter of Rights and Freedoms* provides the right to a lawyer.

**Immigration proceedings** for refugee claimants or clients facing removal from Canada.

Note: Whether any particular case is to be covered by legal aid is ultimately a decision made by LSS.

## Eligibility

To get a legal aid lawyer to represent you, your legal problem must be covered by legal aid rules, and your net household income and assets must be at or below the financial guidelines.



Only a trained legal intake assistant can determine your financial eligibility for legal aid. The following information is not complete. To find out if you qualify for a legal aid lawyer, it's best to go into a legal aid office and apply<sup>[10]</sup>.

## Income guidelines for legal aid eligibility

Household size	Net monthly income
1	\$1,550
2	\$2,160
3	\$2,780
4	\$3,400
5	\$4,020
6	\$4,640
7 or more	\$5,250

For more information, see Do I qualify for legal representation? <sup>[11]</sup> on the LSS website.

## Applying for legal aid representation

To apply for a legal aid lawyer or to get information or advice, go into a legal aid office or courthouse location, or call the LSS Call Centre <sup>[12]</sup>.

### Applying in person

To apply in person, it's a good idea to phone your local legal aid office or check the LSS website to find out the office hours. See Where to find legal aid services <sup>[13]</sup>.

You will need to provide information about your case and proof of income, such as two recent pay stubs, a recent welfare stub, or a recent income tax return or bank records. You will also have to provide information about valuable assets such as a car or boat.

### Applying by phone

If your area doesn't have a legal aid office or if you can't get to the legal aid office, you can apply over the phone:

Lower Mainland: 604-408-2172

Toll-free elsewhere in BC: 1-866-577-2525

Note that if you don't qualify for representation, you may still be financially eligible for advice services such as duty counsel. You don't have to be financially eligible to receive legal information <sup>[14]</sup> from LSS.

## References

- [1] [http://www.legalaid.bc.ca/legal\\_aid/criminalLaw.asp](http://www.legalaid.bc.ca/legal_aid/criminalLaw.asp)
- [2] [http://www.legalaid.bc.ca/legal\\_aid/familyIssues.asp](http://www.legalaid.bc.ca/legal_aid/familyIssues.asp)
- [3] [http://www.legalaid.bc.ca/legal\\_aid/childProtection.asp](http://www.legalaid.bc.ca/legal_aid/childProtection.asp)
- [4] [http://www.legalaid.bc.ca/legal\\_aid/mentalHealthAndPrison.asp](http://www.legalaid.bc.ca/legal_aid/mentalHealthAndPrison.asp)
- [5] [http://www.legalaid.bc.ca/legal\\_aid/immigrationProblems.asp](http://www.legalaid.bc.ca/legal_aid/immigrationProblems.asp)
- [6] <http://www.legalaid.bc.ca>
- [7] <http://www.clicklaw.bc.ca/helpmap/service/1053>
- [8] <http://aboriginal.legalaid.bc.ca/rights/Gladue.php>
- [9] <http://aboriginal.legalaid.bc.ca/rights/firstNationsCourt.php>
- [10] [http://legalaid.bc.ca/legal\\_aid/howToApply.asp](http://legalaid.bc.ca/legal_aid/howToApply.asp)
- [11] [http://www.legalaid.bc.ca/legal\\_aid/doIQualifyRepresentation.asp](http://www.legalaid.bc.ca/legal_aid/doIQualifyRepresentation.asp)

[12] <http://www.legalaid.bc.ca/general/provincialCallCentre.asp>

[13] [http://www.legalaid.bc.ca/legal\\_aid/legalAidOffices.asp](http://www.legalaid.bc.ca/legal_aid/legalAidOffices.asp)

[14] [http://www.legalaid.bc.ca/legal\\_aid/legalInformation.asp](http://www.legalaid.bc.ca/legal_aid/legalInformation.asp)

## Private Bar Lawyers

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### Free or low-cost services from lawyers in private practice

As well as the Lawyer Referral Service, lawyers in private practice provide three main free or low-cost services. These are:

- **Free initial consultations:** Many lawyers will provide up to 30 minutes of free advice to new clients. After the first interview, clients are expected to make financial arrangements for further services.
- **Contingency fee agreements:** When a client has a legal problem that may result in compensation at the conclusion of their case (for example, personal injury matters), many lawyers are prepared to provide advice and representation on a "contingency fee" (percentage fee) basis, where they do not collect their fees unless and until the case is resolved successfully for the client. However, clients are usually expected to pay the lawyer's disbursements (out-of-pocket expenses) along the way.
- **Pro bono services:** Law firms are encouraged to provide at least some pro bono (free-of-charge) services every year. The extent of these services may extend from advice to full representation.

### Contacting a private bar lawyer

One of the best ways to find the names of lawyers in your area is through your local phone book. Many of the ads will state whether the firm offers "free initial consultations." Also, some lawyers will let you know if you can do some of the work yourself, to reduce costs.

Pro bono legal services are more difficult to find. However, many lawyers register their availability to do pro bono work with services such as Access Pro Bono.



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## Part 3: Preparing for Your Interview

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### Preparing for Your Interview

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Whether you are receiving free legal advice or paying for legal assistance, it is to your advantage to be prepared to make the best use of the time you spend with your lawyer or advocate. Here are four steps to take before you see a lawyer or advocate:

1. Complete the form below before speaking with a lawyer or advocate. This form is available to download in word processing format <sup>[1]</sup>. Take the form with you to the interview.
2. In writing down what happened, put your story in chronological order, and include both the good information and the bad information; if you did something wrong, admit it to the lawyer.
3. Take all letters and documents about your legal problem with you to the interview.
4. Take some form of identification with you to the interview.

For more tips on preparing for the interview, see "A Guide to a Successful Interview with a Lawyer <sup>[2]</sup>" and the video produced by Access Pro Bono and Justice Education Society of BC, "Preparing to Meet with a Lawyer <sup>[3]</sup>."

### Preparing for Your Interview Information Sheet

#### Information about you

What	Your information <i>(Write the information requested about you below)</i>
Name:	
Address:	
Postal code:	
Telephone:	
Date of birth:	
Social ins. no.:	

#### What happened?

<i>Write down what happened in order. Include dates, times, locations, names.</i>
~
~
~
~
~
~
~
~
~
~
~
~
~
<i>Continue on more paper if necessary.</i>

## Other people involved

Write down the names, telephone numbers and addresses of the other party and any witnesses.

No.	Name	Telephone no.	Address
1	e.g., John Smith	e.g., 604-666-6666	e.g., 101 Main Street, Vancouver, BC
2			
3			
4			
5			

## Documents

List all of the documents you have relating to the incident. Use the following headings and *bring the documents to your meeting*:

No.	Date	Description of document	Received from	Addressed to
1	e.g., January 10, 2013	e.g., Letter	e.g., John Smith	e.g., Jane Jones
2				
3				
4				
5				
6				
7				
8				

9				
10				

## References

- [1] <http://blog.clicklaw.bc.ca/wp-content/uploads/2012/01/Information-Sheet-to-Prepare-for-Interview-with-a-Lawyer-or-Advocate.rtf>
- [2] <https://www.clicklaw.bc.ca/resource/2272>
- [3] <http://youtu.be/O7NFsBFaCww>

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# About

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## Legal Help Guide Contributors

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Courthouse Libraries BC is very grateful for the efforts of the many contributors to the current edition of *Legal Help for British Columbians*.

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**Cliff Thorstenson** is a lawyer at the Nicola Valley Advocacy Centre in Merritt, British Columbia. A lawyer since 1987, Cliff practises mainly in the areas of aboriginal, criminal and poverty-related law. He has a wife and three adult children and has resided in the Nicola Valley for the past 25 years.

Cliff is the founding author of *Legal Help for British Columbians*, and has been instrumental in expanding the scope and reach of the Guide with each successive edition, including its transition into a Clicklaw Wikibook.

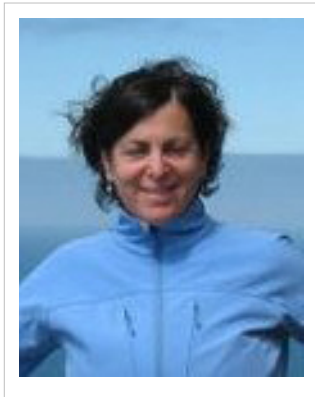


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## Contributors & reviewers

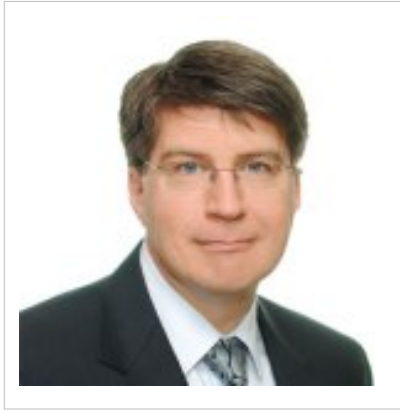


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**John Bilawich** was appointed a Master of the Supreme Court of BC in 2020, prior to which he practiced litigation with the Vancouver, BC firm Holmes & Bilawich<sup>[5]</sup>, and served as a member of the Board of Governors of the Trial Lawyers Association of BC and past Chair of the Civil Litigation - Vancouver Section of the Canadian Bar Association, BC Branch.

Before being appointed to the Bench, he helped review the section on civil litigation, titled Suing and Being Sued, of the wikibook *Legal Help for British Columbians*.



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**Neil Chantler** is a lawyer and the proprietor of Chantler & Company<sup>[6]</sup>, a boutique civil litigation firm with offices in downtown Vancouver, BC. He has a special interest in matters involving civil liberties and police misconduct, and frequently represent individuals with claims against municipalities and the Provincial and Federal governments. He has appeared at all levels of court in BC, before several tribunals, and in two public inquiries, the Missing Women Commission of Inquiry and the Commission of Inquiry into the Death of Frank Paul.

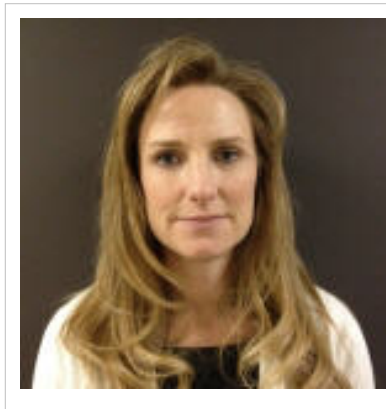
Neil helped review the Complaints about Authorities section of the wikibook *Legal Help for British Columbians*.



**Kaity Cooper**, Hospital Employees' Union

[www.heu.org](http://www.heu.org) <sup>[8]</sup>

**Kaity Cooper** helped review the human rights section of the wikibook *Legal Help for British Columbians*. She graduated from UBC Law in 2010, where she received the Law Society Gold Medal and Prize. After clerking at the Court of Appeal, Kaity joined the Community Legal Assistance Society where she worked in the areas of human rights, workers' rights and housing. Kaity has represented clients before administrative tribunals and all levels of court, and has argued a number of systemic cases which have advanced the rights of disadvantaged persons, including a Court of Appeal case which affirmed the accessibility of the human rights scheme. Kaity joined the legal department of the Hospital Employees' Union in 2015 where she continues to advocate for the rights of workers.



**Lisa Ferguson**, Community Legal Assistance Society

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**Lisa Ferguson** has worked for the Community Legal Assistance Society's <sup>[10]</sup> Mental Health Law Program since 1991. Hired after graduating from Simon Fraser University with a degree in Criminology, Lisa's main area of responsibility is representing civilly committed individuals at Review Board hearings under the *Mental Health Act*.

Lisa helped review the mental health section of the wikibook *Legal Help for British Columbians*.



**Lisa Jean Helps** is a criminal defence lawyer in Vancouver. Lisa has over ten years of experience in criminal law and has been counsel at the British Columbia Provincial, Supreme Court and Appeals Courts and at the Supreme Court of Canada on a wide range of criminal offences.

Lisa helped review the criminal law section of the wikibook *Legal Help for British Columbians*.

**Lisa Jean Helps**, Helps Law Offices

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**Drew Jackson** is a lawyer and librarian in Vancouver, BC. He is passionate about making legal information more accessible and understandable. In various roles he has developed legal publications and programs for the public and the legal community. While working with Courthouse Libraries BC, he led the creation of Clicklaw Wikibooks. He works as Digital & Content Lead with People's Law School and on freelance projects that help people understand the law, such as *Transitioning an Existing Society: A How-to Guide for Non-profits in BC* and the consumer and debt section of *Legal Help for British Columbians*.

**Drew Jackson**, People's Law School

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**Audrey Jun**, Courthouse Libraries BC

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[courthouselibrary.ca](http://courthouselibrary.ca)<sup>[1]</sup>

**Audrey Jun** is one of the Liaison Lawyers at Courthouse Libraries BC. She has worked in the legal non-profit sector for over 10 years. Audrey sits on the Access to Justice BC Engagement Committee<sup>[14]</sup>, and is passionate about using technology to provide greater access to legal information. When not at the library, she practices with a boutique estates & trusts law firm downtown. Audrey wrote the personal planning section of the wikibook *Legal Help for British Columbians*.



**Stan Rule**, Sabey Rule LLP

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**Stan Rule** practices in wills, estates, and estate litigation with the firm of Sabey Rule LLP<sup>[15]</sup> in Kelowna, BC. He is active within the Canadian Bar Association, the Kelowna Estate Planning Society, the British Columbia Law Institute, and the Continuing Legal Education Society. Stan maintains an active blog on estates and trusts matters, Rule of Law<sup>[16]</sup>.

Stan helped review the wills and estates section of the wikibook *Legal Help for British Columbians*.

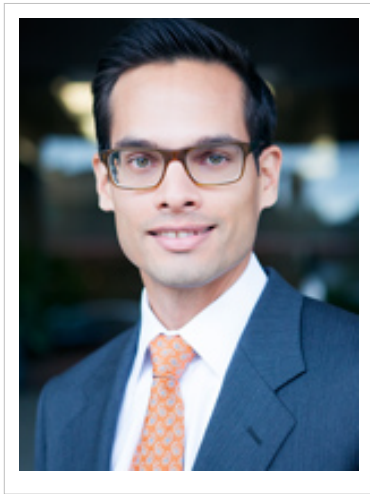


**Andrew Sakamoto**, Tenant Resource & Advisory Centre

[tenants.bc.ca](http://tenants.bc.ca)<sup>[17]</sup>

**Andrew Sakamoto** is the Executive Director of the Tenant Resource & Advisory Centre (TRAC), a non-profit organization that provides legal information to tenants and landlords in British Columbia.

Andrew sits on the Clicklaw Wikibooks Advisory Committee and helped review the section on housing in the wikibook *Legal Help for British Columbians*, and oversaw the conversion of the *Tenant Survival Guide* into a Clicklaw Wikibook.



**Trevor Thomas**, Ascent Employment Law

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**Trevor Thomas** is an employment lawyer with Ascent Employment Law<sup>[18]</sup>. Trevor combines fresh ideas with solid legal advice, appealing to employers **and** employees who are seeking innovation and change management. An engaging speaker and respected writer, Trevor is often asked to share his legal expertise at community and professional events.

Trevor helped review the employment law section of the wikibook *Legal Help for British Columbians*.

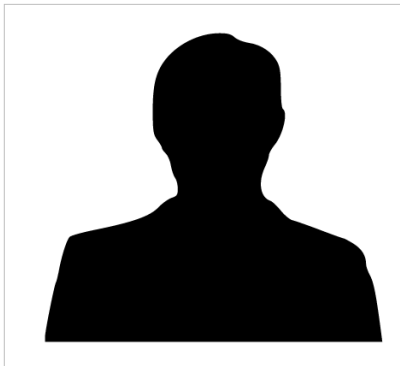


**Alison Ward**, Community Legal Assistance Society

classbc.net<sup>[9]</sup>

**Alison Ward** is a lawyer at the Community Legal Assistance Society<sup>[10]</sup> in Vancouver, where she runs a Law Foundation-funded program called the Community Advocate Support Line. She provides legal advice and support to community-based advocates in BC who assist clients with poverty law and family law problems. Alison was previously a staff lawyer at the Legal Services Society (1994 – 2010) where she practiced poverty law and family law.

Alison reviewed the wikibook *Consumer and Debt Law* and helped review the welfare and disability section of the wikibook *Legal Help for British Columbians*.



**Stephen G. Wright**, Stephen G. Wright Law Corporation

**Stephen G. Wright** was a senior subject editor for *JP Boyd on Family Law*, and jointly responsible for the pages on Family Relationships. He also edits the family law material for *Legal Help for British Columbians*. Stephen practices family law in Vancouver. He was called to the BC Bar in 1991, and has presented courses and papers for Continuing Legal Education BC on child protection. Stephen helped review the family law section of the wikibook *Legal Help for British Columbians*.

## Contributors & reviewers to previous editions

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## Courthouse Libraries BC team

**Nate Russell**, Liaison Lawyer with Courthouse Libraries BC and coordinator of Clicklaw Wikibooks, acted as the managing editor for this edition of *Legal Help for British Columbians*.

**Desy Wahyuni** provided indispensable support for contributors in updating materials, and supplied technical and editorial support.

**Audrey Jun**, Clicklaw Program Coordinator at Courthouse Libraries BC, provided editorial guidance and support for *Legal Help for British Columbians*.

## References

- [1] <http://www.courthouselibrary.ca>
- [2] <https://www.credential.net/513ca2f7-d445-4345-aaa5-486267761cdf?key=85598adfc79237b2155b82948018950f268c4dc0a4c0a11ba0b1b75056880fb7>
- [3] <http://www.lss.bc.ca>
- [4] <http://www.holmesandbilawich.com>
- [5] <http://www.holmesandking.com>
- [6] <http://www.chantlerlaw.ca>
- [7] <https://twitter.com/NeilChantler>
- [8] <http://www.heu.org>
- [9] <http://www.clasbc.net>
- [10] <http://www.clasbc.net/>
- [11] <http://www.helpslaw.com>
- [12] <http://www.peopleslawschool.ca>
- [13] <http://www.clicklaw.bc.ca>
- [14] <https://accesstojusticebc.ca/about/who-is-involved-in-a2jbc/>
- [15] <http://www.sabeyrule.ca>
- [16] <http://rulelaw.blogspot.com>
- [17] <http://tenants.bc.ca>
- [18] <https://www.ascentemploymentlaw.ca/>