

ANNUAL REPORT

2016-2017



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MESSAGE FROM THE PRESIDENT

Dear friends and supporters,

On behalf of our Board of Directors, I am pleased to present the 46th Annual Report of the Community Legal Assistance Society (CLAS).

Since our inception in 1971, CLAS has provided legal assistance to marginalized people throughout British Columbia. CLAS operates a number of programs covering the areas of housing, income security, workers' rights, mental health, and human rights.

Our services include the provision of: referrals to other agencies; summary advice; assistance to self-represented litigants; full legal representation for both service and systemic cases, including Charter litigation; law reform initiatives; and support and training for community groups and lay advocates throughout BC. We also engage collaboratively with a large network of community groups, as we believe that it is through these co-operative relationships that legal issues can most successfully be addressed. The highlights of our work over the past year are set out in this report.

Our achievements would not be possible without the generous support of our major core funders: the Law Foundation of BC funds our Community Law Program, Community Advocate Support Line and the David Mossop, QC, Public Interest Articling Fellowship; the Ministry of Justice of BC funds our BC Human Rights Clinic; and the Legal Services Society of BC funds our Mental Health Law Program.

We would particularly like to thank the Legal Services Society and the Ministry of Justice for the additional funding that was recently allocated for increased legal representation to persons involuntarily detained under the *Mental Health Act* throughout BC.

We also wish to thank the City of Vancouver, who provides us with a significant reduction to our office space costs, and many individual and corporate donors who have supported CLAS over the years. Our sincere appreciation goes to all of our funders and donors.

I would like to personally thank our Board of Directors for the time they volunteer to CLAS.

My sincere appreciation also goes to our staff, who have been responsible for our successes over the past year, and I thank each and every one of them for their dedication and hard work.

Finally, I would like to remember Brian Higgins, who served as a CLAS staff lawyer from 1988 until he retired in 2011. Brian worked in the capacity of Supervising Lawyer of the Law Students' Legal Advice Program, where he provided guidance and mentorship to literally thousands of law students over a span of 23 years. Sadly, Brian passed away in August of 2017. He will be fondly remembered by his former law students, colleagues and the many individuals whose lives he touched with his wisdom, generosity and good humour.

It has been my privilege to serve as President of CLAS for the past year, and I look forward to the opportunities that are ahead of us as we continue to be a voice for social justice on behalf of many marginalized people in our province.

Sincerely,



Edward Macaulay,
President

OVERVIEW OF CLAS

Our Vision

Dignity, Equality and Justice for All

Our Mission

CLAS respects the dignity of all in our community and works towards positive social change by providing legal assistance and advancing the law to address the critical needs of those who are disadvantaged or face discrimination.

Our Values

- Compassion:** We believe in fostering an environment that is respectful and understanding of our clients and co-workers.
- Leadership:** We strive to be leaders in housing, income security, workers' rights, mental health, and human rights .
- Accessibility:** We believe everyone should have access to, and benefit from, the justice system.
- Service:** We serve the community by working with other groups to promote and advance dignity, equality and justice for all.

Our Funders

Our work would not be possible without the generous support of our core funders:

The **Law Foundation of BC** funds our Community Law Program, Community Advocate Support Line, and Public Interest Articling Fellowship.

The **Legal Services Society of BC** funds our Mental Health Law Program.

The **Forensic Psychiatric Services Commission** contributes funding to the legal information component of our Mental Health Law Program.

The **BC Ministry of Justice** funds our Human Rights Clinic.

The **City of Vancouver** provides us with a significant subsidy for our office space under its Amenities Bonus Program.

We also receive continued support, financial and otherwise, from a large number of individuals and groups. We thank each and every one of them for their generous assistance!

Our Board of Directors

The goal-setting and planning for our activities is done by the CLAS Board of Directors. Our 14 member volunteer Board is made up of a unique mix of lawyers, community representatives and one law student. Our Board has six scheduled meetings per year and a retreat every three years.

Our 2016/2017 Board of Directors are:

Officers

Edward Macaulay, President;
Maia Tsurumi, Vice-President;
Bill Black, Secretary/Treasurer.

Community Representatives

Gyda Chud, Barb Davies, Catharine Hume, Jean Moore, Sharon Mohamed,
Howard Tran, Judy Willows.

Lawyers

Robin Elliot, Q.C., Carolyn Gulabsingh, Gary Wilson.

Law Student

Ken Soe.

Our Staff (as of March 31, 2017)

Management & Administration

Aleem Bharmal, Executive Director;
Rita Hatina, Director of Finance and Administration;
Rose Chin, Director of Human Resources (p/t);
Corinne Marino (p/t), Svetlana Khakhleva (p/t), Neeti Tewari (p/t), Dianne Bankay (p/t).

Education Communications (BC Human Rights Clinic)

Robyn Durling, BC Human Rights Clinic Co-Director;
Svetlana Khakhleva (p/t), Neeti Tewari (p/t).

Lawyers

Dante Abbey (MHLP), Aleem Bharmal (HRC), Rose Chin (HRC), Juliana Dalley (CLP),
Laura Johnston (CLP), Frances Kelly (HRC), Kevin Love (CLP), Diane Nielsen (MHLP),
Dan Soiseth (HRC), Amita Vulimiri (CLP), Alison Ward (CASL).

Legal Advocates & Legal Information Counsellor

Josh Apland (MHLP), Carolyn Davies (MHLP), Robyn Durling (HRC), Barb Elliott (MHLP), Lisa
Ferguson (MHLP), Judith Grimsrud (HRC), Brett Haughian (MHLP), Tomas Reyes (MHLP),
Joshua Tan (HRC), Jennifer Tassone (HRC), David Mossop (MHLP).

Legal Administrative Assistants & Reception Staff

Chelsea Baird (MHLP), Debbie Breidt (MHLP), Emily Chant, Julie Craig (HRC), Katherine Delany
(Reception), Desiree Deza (HRC), Jasmine Maxwell (MHLP), Samrah Mian (CLP), Sarah Peterson
(MHLP), Naomi Phillips (CLP), Roja Seddiq (CLP/HRC), Erika Szulc (HRC), Neeti Tewari (HRC).

Our Work

CLAS was incorporated as a non-profit legal aid society in 1971. We were the first community law office in BC and our structure reflects a 45+ year partnership between the private bar and community groups to provide legal aid to disadvantaged people.

Since our inception, we have become a nationally recognized non-profit law firm, specializing in housing, income security, workers' rights, mental health and human rights law.

CLAS has a proven track record for managing and operating an "umbrella" organization consisting of a number of programs and projects. We have assisted thousands of people through our service case work and have conducted hundreds of test and systemic cases at all levels of court, including the Supreme Court of Canada. We have been counsel on hundreds of reported decisions in the areas of law in which we practice.

Our clientele comes from all over the province. Demographically, our clientele comprises a wide range of British Columbians, and we are committed to assisting all marginalized people regardless of their race, religion, disability, age, gender and sexual orientation.

The activities of CLAS are carried out through information and referrals, summary advice, direct representation for service cases, test case litigation, systemic advocacy, law reform, legal supervision services to advocacy organizations, public legal education and training, and legal support to community groups.

CLAS is also a resource to advocates, service providers and lawyers throughout the province.

CLAS currently has a 38 member staff and a total annual operating budget of approximately \$3.2 million.

The work of CLAS is carried out by four programs:

- **Community Law Program ("CLP")**
- **Community Advocate Support Line ("CASL")**
- **BC Human Rights Clinic ("HRC")**
- **Mental Health Law Program ("MHLP")**

A more detailed description of each program and highlights of the past year are set out in this Report.

COMMUNITY LAW PROGRAM

The Community Law Program (“CLP”) has been a program of CLAS since 1971 and is funded by the Law Foundation of BC. CLP focuses on five areas of law : Housing Security, Human Rights, Income Security, Mental Health, and Workers’ Rights.

Our CLP staff, comprised of 5 lawyers and 1.6 legal administrative assistants and 1 intake coordinator carry out the following work:

Direct legal services to low-income individuals, legal advocates, and community groups

These services include full representation for clients in superior court or in complex proceedings before administrative tribunals. Services also include helping self-represented litigants prepare for their court appearances, giving summary advice to clients and advocates, and providing information and/or referrals to other agencies.

Systemic Work

The lawyers address systemic injustice and inequality using a range of strategic legal approaches that change or advance the law to promote a more just and equal society.

Public Legal Education and Advocate Training

The lawyers deliver workshops and presentations to community groups, advocates, law students, and the private bar.

Legal Supervision for Advocates

The lawyers supervise advocates at four advocacy organizations funded by the Law Foundation of BC.

On-Line Self-Help Publications

The lawyers regularly update existing self-help material and develop new material, which are available free of charge on the CLAS website or through Clicklaw.

693

People received information, advice or legal representation from CLP

17

Systemic public Interest cases were taken forward by CLP

Community Law Program Highlights

All Workers Have The Right To Be Free Of Harassment

CLAS intervened at the Supreme Court of Canada in *Schrenk v. British Columbia Human Rights Tribunal*, a human rights case that will determine whether the B.C. Human Rights Tribunal can deal with complaints of workplace harassment involving coworkers, customers, contractors and other non-supervisory personnel in the workplace. The case was appealed after the British Columbia Court of Appeal decided that a worker can only complain about discriminatory harassment in their workplaces if the person harassing them is in a position of authority (for example, a supervisor or manager) or if their employer fails to adequately address the harassment. CLAS, with the generous help of lawyers at Moore Edgar Lyster, intervened to ensure that the Human Rights Tribunal has the power to consider complaints from all workers who experience discriminatory harassment – regardless of whether it is from a supervisor or a co-worker, customer, contractor, or another person in the work environment.

Everyone Has The Right To Control Their Own Health Care

In British Columbia, people with involuntary status under the *Mental Health Act* have no right to control what psychiatric treatment they receive, or even have friends or family support them with these decisions. People are 'deemed' to consent to all psychiatric treatment the hospital chooses to give them, including psychotropic medications and electroconvulsive shock therapy.

In September 2016, CLAS launched a *Charter* challenge on behalf of two individuals who have undergone forced psychiatric treatment and the Council of Canadians with Disabilities. CLAS is fighting to ensure that people can control their own health care and have their loved ones involved in making decisions when needed.

British Columbia is the only province in Canada that gives doctors the absolute and unchecked power to force psychiatric treatment on all involuntary patients without consent. CLAS is pushing for B.C. to recognize the health care consent rights that the rest of Canada recognized many years ago.

Community Law Program Highlights

Access to Support For People With Disabilities

Many people with disabilities rely on loved ones for support. But doing so may put their disability benefits at risk, particularly where a person with a disability lives with someone who provides support. The Ministry may find the support creates interdependence, making the support person a spouse for the purposes of entitlement to disability benefits.

CLAS represented a client with a young daughter receiving disability assistance due to a brain injury that impacts her organizational skills and her ability to manage her finances. She lives with her boyfriend, who supports her disability by assisting with paperwork and with managing her household budgets. When the Ministry found out, they deemed her to be in a spousal relationship on the basis that she and her boyfriend were financially interdependent. She was then cut off disability assistance. We helped our client challenge this decision and successfully had her disability benefits reinstated. We argued that allowing people with disabilities to have a loved one providing support is a much needed accommodation, and does not necessarily make their support person a spouse.

Ending Claw-back of EI Maternity and Parental Benefits

CLAS filed a human rights complaint on behalf of a woman who had her Employment Insurance (EI) maternity and parental benefits taken away because her partner receives disability assistance. Our client worked in a book store to supplement her family's disability benefits. But when she went on maternity leave and started receiving EI maternity and parental benefits, the government clawed the EI money back from the family's disability benefits. This meant our client and her family got no benefit from the EI system even though she paid EI premiums into the system just like other workers.

The practice of clawing back EI maternity and parental benefits discriminates against women because only women give birth and last year 92% of people who claimed EI parental benefits in B.C. were women. This claw-back puts families with a female wage-earner in a fundamentally worse financial position than families with a male wage-earner. After our client's human rights complaint was filed, the government changed the law so that maternity and parental benefits are no longer deducted from disability benefits. Now, women who pay into the EI system can rely on EI benefits to supplement their family's income during pregnancy and early childhood, a time when the family needs the money the most.

Community Law Program Highlights

Ensuring Procedural Roadblocks Do Not Shutout Meritorious Human Rights Complaints

Many people whose human rights have been violated face barriers to filing complaints with the Human Rights Tribunal. It is critical that the B.C. Human Rights Tribunal looks at complaints holistically and contextually to ensure meritorious claims are not precluded because of procedural barriers. In *School District v. Parent obo the Child*, CLAS represented a family in a human rights complaint alleging that their child was denied meaningful access to an education when the school district failed to accommodate his disabilities. The school district tried to have the complaint dismissed without a hearing, arguing that it was filed late. The Human Rights Tribunal determined our client's complaint was not filed late because the potentially discriminatory conduct outlined in the complaint was ongoing, and decided the complaint should proceed to a hearing. However, the district then took the case to the BC Supreme Court, arguing yet again that the complaint should be dismissed without a hearing. To protect our client's identity, CLAS successfully got orders sealing the court record and anonymizing our client's name. CLAS then succeeded in convincing the Court to uphold the Human Rights Tribunal decision to let the complaint go ahead. The Court confirmed that the Human Rights Tribunal was correct to use a holistic and contextual approach when evaluating human rights complaints and deciding whether a complaint should proceed to a hearing.

David Mossop, Q.C. Public Interest Articling Fellowship

In addition to the CLP Core funding, the Law Foundation of BC provides funding to CLAS for the David Mossop, Q.C. Public Interest Articling Fellowship. The funding enables CLAS to hire an articling student each year. CLAS is able to provide the student with an extensive and well-rounded articling experience through a rotational training program in all of CLAS' programs. The student is assigned files that they handle on their own, under the supervision of a lawyer, and also assists lawyers with their files through research, client support, and document preparation. We are committed to ensuring that this experience will equip the student with valuable skills, expertise and experience in various specialized areas of public interest law.

COMMUNITY ADVOCATE SUPPORT LINE

The Community Advocate Support Line (“CASL”) began in April 2010 and is funded by the Law Foundation of BC.

CASL is operated by one staff lawyer who is primarily a dedicated telephone and on-line service for community advocates. It provides legal advice and support for community advocates throughout BC across a broad range of family law and poverty law legal topics, including income security, housing, debt and consumer law, workers’ rights and immigration law.

CASL also participates in advocate training and outreach, which is intended to improve community advocate access to legal support where it is not practical to rely on supervising lawyers.

CASL also improves legal expertise of community advocates by providing direct support to advocates and by the participation in email forums such as PovNet and the Legal Service Society Family Law forum.

The CASL Lawyer also participates in committees and advisory groups, provides advocacy training to advocates and community workers, and prepares and/or edits publications relating to a wide range of legal issues.

401

Legal matters were referred to the CASL lawyer by advocates in BC

BC HUMAN RIGHTS CLINIC

The BC Human Rights Clinic (the “Clinic”) is operated by the Community Legal Assistance Society and funded by the BC Ministry of Justice (the “Ministry”).

From 2003 to 2014, the Clinic was operated jointly by CLAS and the BC Human Rights Coalition (the “Coalition”). In April 2015, the Coalition joined with CLAS to become one integrated Clinic under the Management of CLAS. The Clinic staff is currently comprised of education and communications staff, lawyers, legal advocates, and legal administrative assistants.

Public Legal Information and Education We provide accessible public education and information to promote an understanding of the *BC Human Rights Code*. The Clinic also operates a weekly Drop-In Clinic in Vancouver, for an advocate to provide human rights information, assist with assessing whether a person has grounds for a complaint, and help with the basics of filing a complaint.

Complainant Services We provide information, advice, advocacy, and legal representation services to eligible complainants, with an emphasis on resolution at the early stages of a human rights complaint. This work is primarily done by our Clinic advocates. If complaints are not resolved at the early resolution phase, they may be transferred to our Clinic lawyers who provide further legal advice and representation to eligible complainants .

Renate Shearer Award Each December, the Clinic, together with the United Nations Association, Vancouver Branch, hosts an International Human Rights Day event. The event is marked by the presentation of the Renate Shearer Award to an individual or organization in recognition of their contribution to the advancement of human rights. This Award is a memorial to the life and work of the late Renate Shearer, a well-known social activist in British Columbia. The 2016 recipient of this Award was Multilingual Orientation Service for Immigrant Communities (“MOSAIC”) for its exceptional commitment to the protection and resettlement of refugees to Canada and for being a model for community engagement.

4168

People received information about the human rights process through our telephone enquiry line

1311

Members of the public received workshops and/or training from our education staff

380

Complainants received Advocacy and/or Legal Representation services

BC Human Rights Clinic Highlights

Brar and others v. BC Veterinary Medical Association

This case involved a joined human rights complaint that was originally brought before the BC Human Rights Tribunal by a group of twenty Indo-Canadian veterinarians alleging their professional association had been discriminating against them as Indian-born, foreign-trained, veterinary graduates working at low-cost community clinics that improve animal welfare through the provision of important veterinary services to those who may not otherwise be able to afford them.

The complainants alleged that their association had been trying to limit the operation of their clinics through the imposition of an unreasonably high English language proficiency standard (more stringent than for virtually any other medical association in any other jurisdiction) and by unfairly and unequally targeting them through the Association's disciplinary and inspections processes. They also alleged that an atmosphere of contempt was fostered against them through the toleration, facilitation and spread of inflammatory rumour-mongering about their practices, which rumours were unsubstantiated and based on racial stereotyping.

A comprehensive final written decision on this matter was finally rendered on October 8, 2015. In her landmark ruling, Tribunal Member Judy Parrack, after a very lengthy hearing, found that our clients' allegations were substantiated and that the association had engaged in systemic discrimination. Member Parrack collectively awarded over \$300,000 in monetary damages and also made a number of substantive systemic orders.

The Association then filed for judicial review of this decision in B.C. Supreme Court. That matter was finally resolved in June of this year through a comprehensive settlement with what is now called the College of Veterinarians of B.C., which issued the following public statement:

"The College acknowledges its past mistakes in the standards, inspection and discipline arenas. The College is now working to improve its processes and foster positive, constructive and forward-looking relationships with the complainants and all registrants".

One of the complainants, Dr. Bhullar, had this to say about his and his colleagues' long battle with their professional licensing body:

"The Canadian [justice] system is one of the best in the world. Everything's fair. You need patience but at the end of the day this is the best country in the world. You can get justice ... From day one I was fighting for justice. At the end of the day, I believe in the Canadian system."

BC Human Rights Clinic Highlights

Medical Marijuana

The BC Human Rights Tribunal has dealt with numerous cases involving marijuana. The majority of cases arise in three areas protected under human rights legislation, housing, services, and employment (See citations at the end).

Housing issues usually arise around the issue of smoke and its effect on other residents. Services cases deal with the denial of a service or other adverse treatment as a result of the use of marijuana. Employment issues revolve around the duty of an employer to accommodate the use of medical marijuana while maintaining a safe workplace. The duty to accommodate a disability is a well-established principle of human rights law. It is the right of employers to prevent workers from working while intoxicated or impaired. However, one of the major issues is determining what the test for impairment should be when medical marijuana is the intoxicant. We have led the way in arguing that it should be what we have termed the “discernible impact test”. This argument was made by one of our legal advocates in the case of *M. obo another v. V Gymnastics Club*, 2016 BCHRT 169, where the Tribunal Member adopted our proposed language.

We argued this is the correct test due to the difficulty in objectively determining impairment with respect to marijuana.

Some of the reasons are:

- That a blood test to determine impairment is not of much use because blood concentrations do not correlate with impairment;
- It has been determined that urine tests are of no use when attempting to detect THC, as they do not indicate impairment; and
- It has been determined that a blood alcohol content of 0.073% and a plasma concentration of 11ng/mL THC result in equivalent deterioration of skills necessary to drive a motor vehicle. However, the behavioural effects of the deterioration were quite different, so that someone “impaired” on marijuana may not behave impaired and may not have impaired thinking.

BC Human Rights Clinic Highlights

Summary

Some general rules from the SCC and from the Tribunal are slowly bringing clarity to the law around the duty to accommodate medical marijuana and when disclosure needs to occur or when testing can be done.

The precedent set in *Irving Pulp & Paper* continues to be the law with respect to random testing. The proportionality approach has been applied in both Tribunal and arbitration cases. The courts have found that if an employee discloses usage of marijuana for medical reasons, the employer has a duty to inquire into whether this usage has a discernible impact on his or her performance. If this is not found, then any discipline could be viewed as unfounded.

However, the Tribunal and courts have tended to differentiate cases that involve an employee who is not truthful about their usage, or attempts to conceal it as this does not give the employer a chance to inquire into whether they can accommodate the usage and whether it has a discernible impact on the ability of the employee to perform his/her tasks in a given position.

Example of cases from the BCHRT involving issues with marijuana:

Employment Cases

Burton v. Tugboat Annie's Pub and others, 2016 BCHRT 78

French v. Selkin Logging, 2015 BCHRT 101

Stephens v. Winroc, 2011 BCHRT 269

Geldreich v. Whisper Creek, 2009 BCHRT 178

Tenancy/Strata Cases

Goluch v. Greater Victoria Housing Society, 2011 BCHRT 68

Buchanan v. Spelchan, 2008 BCHRT 148

Neiser v. Su, 2014 BCHRT 190

Smith v. Tung (No. 2), 2006 BCHRT 35

Services or Facilities

Starnes v. Royal Canadian Legion, 2015 BCHRT 78

Dean v. University of Victoria and another, 2012 BCHRT 71

Complainant v. B.C. (Ministry of Children and Family Development) and others, 2013 BCHRT 247

BC Human Rights Clinic Highlights

Seeking equality for transgendered inmate

CLAS is representing a transgendered woman who was incarcerated in the provincial corrections system. The BC Human Rights Tribunal recently denied Corrections' application to dismiss the complainant's human rights complaint, and the matter is now moving towards a hearing. The essence of the complaint is that although she was assigned the male gender at birth, she is a woman, and accordingly should have been incarcerated in a women's facility. This was not the case for several months in 2015, despite the fact that she presented no unusual safety or security concerns, and previously was placed in a female correctional facility successfully.

It may be worth noting that the complainant has suffered from addictions problems. Years ago, she began the process of transitioning from male to female, and that process continues.

It's disturbing that Corrections would incarcerate a woman in a men's jail. It's discrimination because, clearly, if she were cisgender there would have been no discussion at all about where to place her, much less a placement in the wrong facility, for several months.

On a more positive note, the case does serve as a reminder that there are indicators of progress with transgendered issues. It was only 16 years ago, in 2001, that the Canadian Human Rights Tribunal ruled, in a case called *Kavanagh v. Canada (Attorney General)*, that discrimination against transgendered inmates like the complainant suffered, was permissible discrimination, as long as the inmate had not undergone gender reassignment surgery. Since then, the *BC Human Rights Code* has been amended to explicitly prohibit discrimination on the basis of gender identity or gender expression. And, in the complainant's case, part of the problem we allege is Corrections' failure to follow their own policy in where to house her. In other words, despite the *Kavanagh* case, Corrections' general policy is to house all inmates according to their stated gender, not their "biological" gender.

The case has attracted media attention, with the help of our new communications Co-ordinator, Dianne Bankay. The CLAS lawyer representing the complainant, Dan Soiseth, conducted several media interviews. Here is a link to one of the articles published shortly after the decision.

<https://www.theglobeandmail.com/news/british-columbia/bc-human-rights-tribunal-to-hear-transgender-inmates-case/article35150251/>

MENTAL HEALTH LAW PROGRAM

The Mental Health Law Program (“MHLP”) is funded by the Legal Services Society of BC. In addition, we have a contract with the Forensic Psychiatric Services Commission for the provision of legal information counselling services at the Forensic Psychiatric Hospital. The MHLP staff is comprised of lawyers, advocates, a legal information counsellor, and legal administrative assistants.

The services of MHLP include three main legal components:

- 1) Representation for persons at BC Review Board hearings in the B.C. Lower Mainland under the *Mental Disorder Provisions of the Criminal Code*;
- 2) Representation for persons at BC Mental Health Review Board hearings in British Columbia detained under the *Mental Health Act*; and
- 3) Independent legal information counselling services under the *Mental Health Act* at the Forensic Psychiatric Hospital.

A particular highlight of this past year is that in January 2017 additional annual funding of \$238,000 was allocated by the Legal Services Society of BC and the Ministry of Justice of BC to legal representation for persons involuntarily detained under the *Mental Health Act* in or through psychiatric facilities throughout the province.

The additional funding has allowed for increased MHLP staff and ad hoc contracts with lawyers who provide legal representation to people in various regions throughout the province. The vast majority of persons who request representation at their hearings at the Mental Health Review Board are now receiving legal representation, and we are working closely with the Legal Services Society to find innovative ways of ensuring that any remaining gaps in services are addressed. We sincerely thank the Legal Services Society and the Ministry for the increased funding for this marginalized group of people.

We would also like to thank the Access Pro Bono Society (“APB”) who worked in partnership with us in providing representation to people at Mental Health Review Board hearings and advancing important patient rights initiatives prior to the increased funding to MHLP in January 2017. Since January 2017, APB has continued to fill an important need by providing information to people who have general questions relating to mental health detention issues, as well as telephone assistance to people who are preparing to represent themselves at Mental Health Review Board hearings

In the course of their MHLP work, our lawyers and legal advocates may identify legal systemic issues that adversely affect our MHLP clientele. These issues are referred to our Community Law Program staff, who may be able to address them within their systemic advocacy mandate.

316

Files had representation from MHLP staff for hearings under the *Mental Disorder Provisions of the Criminal Code*

656

Files had representation from MHLP staff for hearings under the *Mental Health Act*

417

People detained under the *Mental Health Act* at the Forensic Psychiatric Hospital received independent rights advice from MHLP staff upon their initial or renewed certifications, or through direct enquiries to our staff.

Mental Health Law Program Highlights

More Than Legal Representation

A Legal Advocate's role will encompass more than legal representation for patients challenging their involuntary status at a Mental Health Review Board (MHRB) hearing. The Legal Advocate will be one of the first people not affiliated with a treatment team to visit a patient, actively listen, and share information regarding their admission.

A recent MHLP client had been involuntarily admitted under the *BC Mental Health Act* for 11 months. This was his first psychiatric hospitalization. He was found to be resistant to treatment requiring intensive management and treatment at a facility out of his home town. This individual wished to be considered a voluntary patient so he could make future treatment plans on his own, including seeking treatment in his home town near his young daughter and family. Unfortunately, this individual had held off requesting a MHRB because of major memory loss, a side effect of Electroconvulsive Therapy (ECT) he had been receiving. He could not recall the reason why he was admitted and continued to be admitted involuntarily. He was worried how his absent memory of the circumstances leading to his admission would affect the outcome of the hearing and his future treatment.

The MHLP Legal Advocate collected the medical records and reviewed with the patient the reasons for his admission and continued involuntary treatment. The patient was relieved and thankful that someone took time to go over the details leading up to the admission in a way that was non-judgemental, neutral, and empathetic. The patient elected to continue with the MHRB hearing and was found suitable to be considered a voluntary patient.

Youth in the Mental Health System

We represented a 17-year old adolescent living in poverty. Due to concerns around her quirky behaviour at school, and frequent absences from classes, the Ministry of Children and Family Development ("MCFD") intervened. She began voluntarily attending appointments with a psychiatrist, until she and her mother were evicted from the shelter in which they had been residing. She was certified under the *Mental Health Act* and removed from her mother's care by MCFD. In hospital, there was no clear objective evidence of hallucination or psychosis. While she seemed suspicious and mistrustful of medical staff, she did not have agitation or exhibit violent behaviour.

Mental Health Law Program Highlights

She had no history of drug and or alcohol abuse. We argued, and the Board accepted, that she was not at risk of harm to self or others, or a risk of physical or mental deterioration. While her behaviour at school remained a point of concern, her willingness to attend psychiatric appointments and the on-going supervision of MCFD made it unlikely she would suffer any unnoticed deterioration. It was also thought that her behaviour might normalize in a more stable environment. She was decertified.

Clients with Multiple Mental Health Needs

LG is a 32 year old male who has had multiple psychiatric diagnoses and courses of treatment since his initial psychiatric hospitalizations in his late teens. His current diagnosis is paranoid schizophrenia. When unwell he feels that he is being followed and persecuted by gang members. He is normally followed by his community mental health team and regularly engages in treatment advice from his mental health professionals. His medical files indicate that when he stops his medications his mental state deteriorates, he withdraws, becomes isolated, fearful, disengages from his social supports, and phones 911 repeatedly.

At the review panel hearing the hospital took the position that LG could not be trusted to maintain treatment on his own and in order to ensure he takes his medications he should remain detained through extended leave in the community. LG was agreeable to voluntarily continue to work in collaboration with his treatment team in the community concerning the care of his mental health, but he was passionate about his sense of freedom and did not want to have a legal status where he was coerced to be treated. He recounted the emotional turmoil he felt when he was handcuffed by police, held down in 4-point restraints in emergency, and held in seclusion for days on the psychiatric ward. These experiences intensified childhood memories of when he was powerless to stop his family's physical and emotional abuse.

With the assistance of his advocate, LG was able to articulate how having the opportunity to exercise real personal autonomy, and to be trusted by his team to care for himself in a responsible way, were central factors in his life in order for him to sustain a positive self-image, and maintain a balanced mental health. LG was decertified at the hearing.

Kustner & Associates

Chartered Professional Accountants

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david@kustnercga.com

AUDITORS' REPORT

To the members,
Community Legal Assistance Society,
Vancouver, BC

We have audited the combined statement of financial position of Community Legal Assistance Society as at March 31, 2017 and the combined statements of changes in net assets, operations and cash flows for the year then ended. These combined financial statements are the responsibility of the Society's management. Our responsibility is to express an opinion on these combined financial statements based on our audit.

Management's Responsibility for the Combined Financial Statements

Management is responsible for the preparation and fair presentation of these combined financial statements in accordance with Canadian accounting standards for not-for-profit organizations, and for such internal control as management determines is necessary to enable the preparation of combined financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these combined financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards for not-for-profit organizations. Those standards require that we comply with ethical requirements and plan and perform an audit to obtain reasonable assurance whether the combined financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the combined financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the combined financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation of the combined financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the presentation of the combined financial statements.

We believe the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Kustner & Associates

Chartered Professional Accountants

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AUDITORS' REPORT (*Continued*)

Basis for Qualified Opinion

In common with many not-for profit organizations, Community Legal Assistance Society derives revenue from donations activities the completeness of which is not susceptible to satisfactory audit verification. Accordingly, verification of these revenues was limited to the amounts recorded in the records of Community Legal Assistance Society. Therefore, we were not able to determine whether any adjustments might be necessary to donations revenue, excess of revenues over expenditures, and cash flows from operations for the year ended March 31, 2017, current assets and net assets as at March 31, 2017.

During the year, the Community Legal Assistance Society purchased equipment totaling \$ 1,991 (2016 - \$ 2,152). This equipment was expensed during the year, as explained in Note 1 (iii). Canadian accounting standards for not-for-profit organizations require that equipment be capitalized at cost and amortization be taken over the estimated life of the equipment.

Qualified Opinion

In our opinion, except for the effects and possible effects of the matters described in the Basis for Qualified Opinion paragraph, these combined financial statements present fairly, in all material respects, the financial position of the Society as at March 31, 2017 and the results of its operations and cash flows for the year then ended in accordance with Canadian accounting standards for not-for-profit organizations.

Other Matter

As required by the Society Act of British Columbia, we report that, in our opinion, the accounting principles have been applied on a basis consistent with that of the preceding year.



Burnaby, BC
June 19, 2017

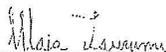
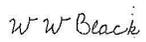
Chartered Professional Accountants

COMMUNITY LEGAL ASSISTANCE SOCIETY
COMBINED STATEMENT OF FINANCIAL POSITION
MARCH 31, 2017

\$

	Operating Fund	Reserve Fund	2017	2016
ASSETS				
CURRENT ASSETS				
Cash	76,185	61,192	137,377	104,667
Accounts and funding receivable	54,438	-	54,438	24,475
Prepaid expenses	37,001	-	37,001	46,697
Funds due from operating fund	-	90,042	90,042	86,901
	<u>167,624</u>	<u>151,234</u>	<u>318,858</u>	<u>262,740</u>
LIABILITIES AND NET ASSETS				
CURRENT LIABILITIES				
Accounts, payable and accrued	39,125	-	39,125	23,845
Unexpensed transition costs	8,820	-	8,820	-
Advanced / unexpensed funds				
Articling Student	20,860	-	20,860	6,685
CLAS unallocated donations	-	61,192	61,192	54,305
DAC Conference unexpensed funds	620	-	620	1,620
Government remittances payable	2,995	-	2,995	1,597
Funds due to reserve fund	90,042	-	90,042	86,901
SJ unexpensed funds	5,162	-	5,162	886
	<u>167,624</u>	<u>61,192</u>	<u>228,816</u>	<u>175,839</u>
NET ASSETS	<u>-</u>	<u>90,042</u>	<u>90,042</u>	<u>86,901</u>
	<u>167,624</u>	<u>151,234</u>	<u>318,858</u>	<u>262,740</u>

ON BEHALF OF THE BOARD


 _____ Director

 _____ Director

Kustner & Associates, Chartered Professional Accountants

COMMUNITY LEGAL ASSISTANCE SOCIETY
COMBINED STATEMENT OF OPERATIONS
YEAR ENDED MARCH 31, 2017

\$

	<u>2017</u>	<u>2016</u>
REVENUE		
Grants		
Forensic Psychiatric Services Commission	32,633	32,633
Law Foundation – major project	18,750	-
Law Foundation – transition grant	16,000	39,668
Law Foundation – CASL	130,000	130,000
Law Foundation – core services	740,000	740,000
Law Foundation – articling fellowship	60,000	60,000
Legal Services Society	936,515	920,515
JAG – HRC (government transfer)	<u>1,348,000</u>	<u>1,348,000</u>
	3,281,898	3,270,816
Ad hoc civil costs recovered	38,549	-
Community Group Funding – Legal Supervision	19,125	20,046
Donations and cost awards	7,785	28,377
Education costs recovered	5,887	5,540
Interest income	481	496
Memberships	21	16
	<u>3,353,746</u>	<u>3,325,291</u>
EXPENDITURES		
Ad hoc civil costs recoverable	38,549	-
Audit and accounting	36,728	35,769
Bank charges	282	218
Board expenses	8,571	6,005
Client disbursements	43,177	40,542
Education costs	2,810	2,514
Equipment purchase	1,991	2,152
Equipment rental and maintenance	72,635	86,903
GST paid (net)	11,820	11,191
Insurance	4,097	4,076
Library	7,031	6,534
Office	87,629	61,831
Professional development	9,243	9,146
Professional dues and insurance	51,772	51,698
Rent	112,614	108,245
Salaries, employee benefits and contractors	2,780,381	2,803,986
Telephone	20,051	21,299
Transition grant	16,000	40,308
Travel	45,224	39,277
	<u>3,350,605</u>	<u>3,331,694</u>
EXCESS (DEFICIENCY) OF REVENUE OVER EXPENDITURES	<u>3,141</u>	<u>(6,403)</u>

Kustner & Associates, Chartered Professional Accountants

ACKNOWLEDGEMENTS

The work of the Community Legal Assistance Society in 2016/2017 fiscal year was made possible through generous contributions from the following funders. We wish to express our sincere appreciation to all of them for their support.



The Ministry of Justice (BC)



Legal
Services
Society





CONTACT INFORMATION

COMMUNITY LEGAL ASSISTANCE SOCIETY

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MENTAL HEALTH LAW PROGRAM
COMMUNITY ADVOCATE SUPPORT LINE**

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Toll Free: 1-888-685-6222
Fax: 604-685-7611
Website: www.clasbc.net

BC HUMAN RIGHTS CLINIC

Phone: 604-622-1100
Toll Free: 1-855-685-6222
Fax: 604-685-7611 (same as general)
Email - General Enquiries: infobchrc@clasbc.net
Email - Requests for Representation: Intakebchrc@clasbc.net
Website: www.bchrc.net

