

Prince George City Hall
1100 Patricia Blvd.
Prince George, BC
V2L 3V9

January 12, 2018

Dear Mayor and Council:

Re: Nuisance Abatement and Cost Recovery Bylaw

Pivot Legal Society is a human rights organization that works with marginalized populations to challenge laws and policies that perpetuate poverty and social exclusion. It is with great concern that we write to you today about Prince George's proposed bylaw, the *Nuisance Abatement and Cost Recovery Bylaw* (the "Bylaw"), which would impose fines on owners of buildings from which repeated 911 calls are made.

The Bylaw, which will likely have a chilling effect on calls for emergency assistance, is not only morally reprehensible; it is also Constitutionally suspect. Its potential to adversely affect the health and safety of vulnerable populations has not adequately been considered, and we therefore strongly urge you to abandon its enactment.

Contrary to the statement of Counsellor Brian Skakun, the Bylaw will not have the effect of getting "people to clean up their act." Instead, it will discourage people in dire situations from calling for police, fire, and paramedic assistance.

The Bylaw's negative effects will disproportionately impact marginalized and vulnerable populations, including people who use drugs, people experiencing mental health issues, and victims of family violence or harassment. It cannot be justified under any circumstance.

Since 2016, British Columbia has been in a declared Public Health Emergency. Between January and October 2017 alone, 999 people died of fentanyl-related overdoses in B.C.; 42 of those people lived in the Northern Health Authority region. Given the toxic opioid supply in B.C., people who use drugs may require multiple visits from emergency medical services (EMS) or police per year. Threatening to fine those individuals or their landlords erects barriers to desperately-needed healthcare and creates a greater risk of harm and fatality.

Women with abusive partners or ex-partners will also be profoundly affected by the Bylaw. If a woman threatened with assault is deterred from calling 911 because of the proposed Bylaw, your Bylaw will have put her life and safety at risk. Women experiencing violence are already at risk of eviction due to the behavior of partners they cannot control. The penalties imposed by the Bylaw elevate that risk, forcing women to make an untenable choice between risking fines and/or eviction for calling 911 and remaining silent at the cost of their personal safety.

Section 7 of the *Canadian Charter of Rights and Freedoms* guarantees individuals' life, liberty, and security. This includes the right to be free from laws and state action that unjustifiably put one's life or safety at risk, the right to access healthcare without fear of criminal sanction, and the right to make decisions to protect one's own physical and psychological safety – including the decision to call 911.

The proposed Bylaw infringes on this right in a way that cannot be justified in accordance with the principles of fundamental justice. Any benefit the Bylaw might incur with respect to the recovery of RCMP and staff costs from the owners of “nuisance properties” is far outweighed by the harms it inflicts on people in need of aid.

The Bylaw may also jeopardize the living accommodations of vulnerable tenants, possibly leading to a precipitous increase in homelessness in your city. Landlords who bear the financial costs of a tenant's emergency calls may choose to evict a tenant on the basis of causing a “nuisance.” Landlords might also deny tenancies to tenants perceived to be at risk of calling 911, including people who use drugs, people living with mental health issues, and women experiencing violence from partners or ex-partners. In this sense, the Bylaw may well encourage landlords to engage in discriminatory practices contrary to B.C.'s *Human Rights Code*.

Having worked for 17 years in Vancouver's Downtown Eastside, Pivot Legal Society is well aware of the significant challenges faced by communities at the margins of society and how unjust laws and policies more deeply entrench the inequalities they experience. The *Nuisance Abatement and Cost Recovery Bylaw* is one such law, and yet another infringement upon the dignity and security of marginalized communities.

We strongly caution you to think about the potentially life-threatening consequences of the proposed Bylaw before approving its enactment, and trust you will reconsider your efforts.

Sincerely,



DJ Larkin
Legal Director
Pivot Legal Society



Caitlin Shane
Community Engagement Lawyer
Pivot Legal Society