



# Legal Help

for

# British Columbians

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

## *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 upon for that purpose. Information in this guide is accurate as at September 2009. Please note that fees and guidelines outlined in the guide are subject to change.

Distribution to public libraries  
provided by:



An online version of this  
guide is available at:



Funding for this publication  
provided by:



To order more copies of this guide,  
contact People's Law School:  
Phone: 604-331-5400 or visit  
[www.publiclegaled.bc.ca](http://www.publiclegaled.bc.ca)



# Table of Contents

## **Introduction**

Purpose of this Guide .....	2
Reason for this Guide .....	2
Organization of this Guide .....	2

## **Part 1-Common Legal Problems**

### **Suing and Being Sued**

Know any good lawyers?.....	3
I am being sued .....	4
I need to take someone to court .....	5

### **Family Law**

I just separated from the other parent of my children .....	8
My ex is not paying child support .....	9
The Ministry has taken my kids.....	11
My partner is abusing me and my kids .....	12

### **Criminal Law**

I've been charged with a criminal (or youth) offence and have to go to court.....	14
I've been offered "diversion", "restorative justice" or "alternative measures".....	15
I have a criminal record and want to get a pardon .....	16

### **Employment Law**

My employer isn't paying my wages .....	17
I have been dismissed (fired) without just cause .....	18
I've been turned down for Employment Insurance benefits .....	20
I've been cut off Workers' Compensation benefits.....	21

### **Consumer and Debt**

I don't have enough money to pay my debts.....	22
The bank is threatening foreclosure on my home.....	23
A debt collector is harassing me .....	24
I bought a product from a door-to-door salesperson and no longer want it .....	25
My car broke down and the dealer won't fix it .....	26

### **Complaints about Police and Other Authorities**

I was harassed or assaulted by the police.....	27
A government worker was abusive to me .....	28
I was abused in a Residential School.....	29

### **Welfare and Disability**

I have no money for food or shelter.....	31
I have been denied or cut off welfare .....	32
I need to apply for a disability benefit .....	33

### **Housing**

My landlord wants to evict me .....	35
-------------------------------------	----

### **Human Rights**

I am being discriminated against or sexually harassed .....	36
---	----

### **Wills and Estates**

I want to write a will .....	38
I am the executor or administrator of an estate.....	39
I want to help a friend or relative manage their affairs .....	40

## **Part 2: Resource Guide**

A complete guide to legal and other services available in BC.....	43
---	----

## **Part 3: Preparing for your Interview**

Sample forms to help you prepare for meetings with legal support or an advocate .....	57
---	----

# Introduction

## *Purpose of this Guide*

This Legal Help guide is a resource for non-legal professionals in British Columbia who have clients or patients with legal problems and little money to deal with them.

It is meant to help you:

- guide your client or patient in taking the **first steps** toward addressing their legal problem; and
- make the best **referrals** for your client or patient to information, assistance, advice or representation to address the legal issue.

## *Reason for this Guide*

Because legal resources are often not available locally in many areas of British Columbia, the usual first “point of contact” to get help with a legal problem is not a lawyer or legally trained advocate, but a friend or helping professional such as a counsellor, doctor, nurse, teacher, government worker or religious leader.

It is hoped that this guide will help you—the friend or helping professional— provide basic information and appropriate referrals to friends, clients or patients who find themselves with common legal problems.

## *Organization of this Guide*

There are three sections to this guide.

- **Part One** describes **common legal problems** faced by low-income clients in BC, such as “Family”, “Consumer & Debt” and “Human Rights”.
- **Part Two** describes **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 Clicklaw. Each resource is numbered for easy reference.
- **Part Three** is a form entitled **Preparing for Your 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.

This guide is available online at Clicklaw: [www.clicklaw.bc.ca](http://www.clicklaw.bc.ca). Follow the click sequence: Solve Problems-Your Legal System-Legal Help & Lawyers.

## *Thanks to*

A special thanks to Allan Parker, Andree Harley, Linda Locke and Glen Ferrier for their input and assistance with this guide. Also, thank you to the Law Foundation for providing the funding and to Jill Veitch for editing and layout support.

This 2009 edition of *Legal Help for British Columbians* is updated from *Legal Help for Rural British Columbians* 2008, with funds provided from the LawMatters project of Courthouse Libraries BC ([www.bclawmatters.ca](http://www.bclawmatters.ca)).

## *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. Information in this guide is accurate as at September 2009. 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 booklet are most appreciated. Please forward them to:

Cliff Thorstenson, Lawyer

Nicola Valley Advocacy Centre Box 819, Merritt, BC V1K 1B8  
Tel. (250) 378-9632 Fax. (250) 378-9796 Email: [cth@uniserve.com](mailto:cth@uniserve.com)

# Part 1: Common Legal Problems

## Suing and Being Sued

[△ Top](#)

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 law suits:

- Know any good lawyers?
- I am being sued – what should I expect?
- I need to take someone to court – what’s the process?

Here are the first steps and some useful resources for people with questions or problems about law suits.

### *Know any good lawyers?*

By a “good” lawyer, we usually mean one that knows what he or she is doing, communicates well, is efficient and affordable and will work hard for his or her client. The Resources section (Part 2, page 43) of this guide 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 so, the Legal Services Society will appoint a lawyer for them. For information on applying for legal aid representation, see #36-Legal aid representation, in Part 2 of this guide.
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 #34-Lawyer Referral Service, in Part 2 of this guide); or
4. 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 more knowledgeable than many lawyers.

**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 form, **Preparing for Your Interview**, in Part 3 (page 57) of 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 Part 2- *Resources*, starting on page 43, 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 in Part 3 of this guide before speaking with an advocate or lawyer.

*I am being sued*

If you are being sued for loss or damages you may have caused to another person or another person's property, you will receive court papers: a **Notice of Claim** if you are being sued in **Small Claims Court** or a **Writ of Summons** and possibly a **Statement of Claim** if you are being sued in **BC Supreme Court**.

Law suits in Small Claims Court are limited to claims of \$25,000. There is no money limit to claims in Supreme Court.

**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 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 or at most Service BC (Government Agent) Offices. Call Enquiry BC at 1-800-663-7867 for information on the one nearest you. Small Claims forms are also available online at [www.ag.gov.bc.ca/courts/civil/smallclaims/](http://www.ag.gov.bc.ca/courts/civil/smallclaims/).]
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. The cost for filing a Reply is \$26 for a claim of up to \$3,000 and \$50 for a claim 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 you 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, the Claimant will present his or her case, and you will be given a chance to present your 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 Writ of Summons:

1. Obtain and complete an **Appearance**. [You can get a blank Appearance at any Supreme Court Registry or at most Service BC (Government Agent) Offices. Call Enquiry BC at 1-800-663-7867 for information on the one nearest you. Supreme Court forms are also available online at the Courts of BC website, [www.courts.gov.bc.ca](http://www.courts.gov.bc.ca). Click on "Supreme Court", then "Practice and Procedures", then "Act, Rules and Forms". For information on what should go into an affidavit, see #35-Legal Services Society Publications in Part 2 of this Guide, for a copy of the publication, "Can't Pay Your Mortgage? What you can do if you're facing foreclosure".]
2. Drop off the Appearance, or fax or mail it to the Supreme Court registry named on the Writ of Summons or Petition within 7 days of receiving the Writ of Summons or Petition. There is no cost for filing an Appearance.

### What happens next?

In Supreme Court, the process is more complex than in Small Claims Court. The **Plaintiff** (person suing you) must file and serve you with a **Statement of Claim**, setting out the claim in detail. You (the **Defendant**) must then answer with a **Statement of Defence**.

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**.

### Where to get help

See Part 2- *Resources*, starting on page 43, for a list of helpful resources. Your best bets are:

- #54-Small Claims Court website for information on Small Claims procedures and representing yourself in Small Claims Court.
- #55-Supreme Court Self-help Centre website for information on Supreme Court procedures and representing yourself in Supreme Court.
- #1-Access Justice, #34-Lawyer Referral Service, #51-Salvation Army Pro Bono Lawyer Consultation Program, #45-Private Bar Lawyers.

Before meeting with a lawyer or advocate, complete the form, **Preparing for Your Interview**, in Part 3 of this Guide (page 57). Make sure you bring copies of all documents relating to your case.

## *I need to take someone to court*

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. You can sue in BC Supreme Court for any amount.

The Small Claims Court has no jurisdiction for a claim of defamation (libel or slander). These claims must be made in the BC Supreme Court.

### First Steps

1. Decide whether you want to sue in Small Claims Court or B.C Supreme Court. Ensure you are within the limitation period for doing so.
2. Complete a Small Claims Court *Notice of Claim* or Supreme Court *Writ of Summons* and *Statement of Claim*. [You can get a Notice of Claim from any Provincial Court Registry or most Service BC

(Government Agent) Offices. Call Enquiry BC at 1-800-663-7867 for information on the one nearest you. Small Claims forms are also available online at [www.ag.gov.bc.ca/courts/civil/smallclaims/](http://www.ag.gov.bc.ca/courts/civil/smallclaims/). You can get a Writ of Summons and Statement of Claim from any Supreme Court Registry or most Service BC (Government Agent) Offices. Call Enquiry BC at 1-800-663-7867 for information on the one nearest you.] Include the important facts related to your claim.

3. Take the documents to the appropriate Court Registry, file them (there is a fee) and have them stamped.
4. Serve a copy of the documents on the Defendant. The usual way is to get a friend or “process server” to give the documents to the Defendant in person. The Court Registry can tell you about other ways you can serve documents.

### What happens next?

#### **Small Claims Court**

The defendant will need to file a **Reply** and 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 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 you 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.

#### **Supreme Court**

The defendant must file and provide you with an **Appearance** in response to your **Writ of Summons** and a **Statement of Defence** in response to your **Statement of Claim**. 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**. At trial, you will need to present your evidence through witnesses 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.



You have to start a law suit within the **limitation period** for that type of claim.

Some usual limitation periods are:

- 2 years for personal injury, defamation or damage to property;
- 6 years for most debts and breaches of contract;
- 10 years for fraudulent breach of trust

However, these limitation periods may be shorter for different types of defendants or claims. For example, notice of a claim against a municipality must generally be given within **2 months** and the court action against the municipality started within **6 months**.



### Where to get help

See Part 2- *Resources*, starting on page 43, for a list of helpful resources. Your best bets are:

- #54-Small Claims Court website for information on Small Claims procedures and representing yourself in Small Claims Court.
- #55-Supreme Court Self-help Centre website for information on Supreme Court procedures and representing yourself in Supreme Court.
- #1-Access Justice, #34-Lawyer Referral Service, #51-Salvation Army Pro Bono Lawyer Consultation Program, #45-Private Bar Lawyers.

Before meeting with a lawyer or advocate, complete the form, ***Preparing for Your Interview***, in Part 3 of this Guide (page 57). Make sure you bring copies of all documents relating to your case.



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

## Family Law

[△ Top](#)

Family issues are 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 just separated from the other parent of my children.
- My ex is not paying child support.
- The Ministry has taken my kids.
- My partner is abusing me or my kids.



Most family issues—custody, access, guardianship, 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.

## *I just separated from the other parent of my children*

If you and the other parent of your children have separated, you still need to make decisions about who will have **custody** (who the children will live with) and how much **access** the other parent will have to the children.

You will also need to decide how you will handle **guardianship** (long-term decisions about the children's health, education and welfare) and **maintenance** (financial support for the children and, if necessary, you or the other parent).

### **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. [Look in the Yellow pages under "Crisis Centres" or see #58 VictimLink. The local police station can also give you information about transition houses and other victim services.]
2. If you need a lawyer but cannot afford one on your own, see if you qualify for legal aid representation. [See #36-Legal aid representation, in Part 2 of this Guide 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.

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. [See #23-Family Justice Centres, in Part 2 of this Guide for contact information.] Counsellors at Family Justice Centres can provide information, mediation and assistance with applications involving custody, access, guardianship and maintenance in Family Court. However, they have no jurisdiction to help with divorce or division of family assets.

3. If you want to apply for custody, guardianship, access or maintenance in Family Court, complete an **Application to Obtain an Order**. [You can get an Application to Obtain an Order from any Provincial Court Registry or most Service BC (Government Agent) Offices. Call Enquiry BC at 1-800-663-7867 for information on the one nearest you.] Family Court forms and self-help information are also available online at the [Family Law in BC website](#), see Resource #24 in Part 2 of this guide. Click on the shortcut "Self-help guides", scroll down to "Family orders" and click on the appropriate link. If you do not feel it is safe to wait, you may ask the Judge to make the order *ex parte*, meaning that the court will make its order without your ex-partner having a chance to be heard. *Ex parte* orders are always interim (short-term) and your ex-partner will eventually have a chance to speak to the judge before a final order is made.

### **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.

You can also contact a Family Justice Counsellor and set up an appointment to review your situation. The Family Justice Counsellor will give you information about family law issues, offer to mediate between you and your ex, and help you fill out court forms if necessary.

If you file an Application to Obtain an 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 once your ex files a **Reply**.

## Where to get help

See Part 2-*Resources*, starting on page 43, for a list of helpful resources. Your best bets are:

- #36-Legal aid representation to see if you qualify for legal aid.
- #24-Family Law in BC, for forms, self-help materials and other legal information about family legal issues.
- #19-Duty counsel, for some assistance on the day you have to appear in court.
- #23-Family Justice Centres, to make an appointment with a Family Justice Counsellor to discuss custody, guardianship, access or maintenance.
- #55-Supreme Court Self-help Centre website for self-help materials and other legal information about Supreme Court procedures and representing yourself in Supreme Court.
- #31-LawLINE.
- #1-Access Justice, #34-Lawyer Referral Service, #51-Salvation Army Pro Bono Lawyer Consultation Program, #45-Private Bar Lawyers.

Before meeting with a lawyer or advocate, complete the form, ***Preparing for Your Interview***, in Part 3 of this Guide (page 57). Make sure you bring copies of all documents relating to your case.

## *My ex is not paying child support*

Any parent—married or unmarried — of a dependant child has a responsibility to provide ***child support*** (financial support) for that child. The usual amount he or she should pay is set out in the Federal Child Support Guidelines.

### First steps

#### ***If you HAVE a court order:***

1. If you are on social assistance, speak with your financial worker. If you agree, the Ministry of Housing and Social Development (or the Ministry of Indian Affairs, if you live on an Indian Reserve) will collect the child support for you.
2. If you are not on social assistance, you may qualify for legal aid representation. (See #36-Legal aid representation, in Part 2 of this Guide for information about applying for legal aid. If you are approved for legal aid representation, a legal aid lawyer can help you collect the child support.

If you don't qualify for legal aid representation, you may wish to contact a Family Justice Centre. See #23-Family Justice Centres in Part 2 of this Guide for contact information. Counsellors at Family Justice Centres can provide information, mediation and assistance with applications involving maintenance (child or spousal support) in Family Court.

3. You can also enrol with the Family Maintenance Enforcement Program (See #25-Family Maintenance Enforcement Program at Part 2 of this Guide for contact information) which will take steps, including further court action, to enforce the order for you. FMEP is probably the simplest way to collect on a child support order from a reluctant payor.

### 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 wages or bank accounts, intercepting employment insurance payments and income tax returns and arranging for withholding driver's licenses or passports.

**If you *DON'T* have a court order:**

1. If you need a lawyer but cannot afford one on your own, see if you qualify for legal aid representation. (See #36-Legal aid representation, in Part 2 of this Guide 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.

Whether or not you qualify for legal aid representation or a lawyer through MHSD, you may wish to contact a Family Justice Centre. Counsellors at Family Justice Centres can provide information, mediation and assistance with applications involving maintenance (child or spousal support) in Family Court. However, they have no jurisdiction to help with Supreme Court actions.

2. If you want to apply for maintenance in Family Court, complete an **Application to Obtain an Order**. [You can get an Application to Obtain an Order from any Provincial Court Registry or most Service BC (Government Agent) Offices. Call Enquiry BC at 1-800-663-7867 for information on the one nearest you.] Family Court forms and self-help information are also available online at the Family Law in BC website, [www.familylaw.lss.bc.ca](http://www.familylaw.lss.bc.ca) Click on "Self-help guides", scroll down to "Family orders" and click on the appropriate link. If you do not feel it is safe to wait for an order, you may ask that the order be *ex parte*, meaning that the court will make its order without your ex-partner having a chance to be heard. *Ex parte* orders are always interim (short-term) and your ex-partner will eventually have a chance 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, the other parent 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. If the other party doesn't file a Reply or Financial Statement, the judge may order him or her to do so or to accept your evidence of what he or she is earning.

**Where to get help**

See Part 2- *Resources*, starting on page 43, for a list of helpful resources. Your best bets are:

- #36-Legal aid representation, to see if you qualify for legal aid.
- #25-Family Maintenance Enforcement Program, to enrol with the program.
- #24-Family Law in BC, for forms, self-help materials and other legal information about maintenance (child and spousal support).
- #19-Duty counsel, for some assistance on the day you have to appear in court.
- #23-Family Justice Centres, to make an appointment with a Family Justice Counsellor to discuss maintenance.
- #55-Supreme Court Self-help Centre website for self-help materials and other legal information about Supreme Court procedures and representing yourself in Supreme Court on a maintenance issue.
- #31-LawLINE.
- #1-Access Justice, #34-Lawyer Referral Service, #51-Salvation Army Pro Bono Lawyer Consultation Program, #45-Private Bar Lawyers.

Before meeting with a lawyer or advocate, complete the form, **Preparing for Your Interview**, in Part 3 of this Guide (page 57). Make sure you bring copies of all documents relating to your case.

## The Ministry has taken my kids

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. [See #36-Legal aid representation, in Part 2 of this Guide 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.
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 (see Part 2, Resource #44) has a 'Find an Advocate' feature on their website. As well, family duty counsel can provide advice services.
3. Contact the worker who removed your child, and see if you can negotiate for either the return of your child or access to 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 7 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 access to the child. There is usually a **duty counsel** lawyer in Family Court who can assist you on the day of court.

### 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 commencement 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, 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.

### Where to get help

See Part 2- *Resources*, starting on page 43, for a list of helpful resources. Your best bets are:

- #36-Legal aid representation, to apply for legal aid.

- #24-Family Law in BC website, for forms, self-help materials and other legal information about child protection and removal.
- #44-PovNet, for the 'Find an Advocate' feature on their website.
- #19-Duty counsel, for some assistance on the day you have to appear in court.
- #31-LawLINE.
- #1-Access Justice, #34-Lawyer Referral Service, #51-Salvation Army Pro Bono Lawyer Consultation Program, #45-Private Bar Lawyers.

Before meeting with a lawyer or advocate, complete the form, **Preparing for Your Interview**, in Part 3 of this Guide (page 57). Make sure you bring copies of all documents relating to your case.



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.

## *My partner is abusing me and my kids*

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. Make sure 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. [Look in the Yellow pages under "Crisis Centres" or call #58 VictimLink. The local police station can also give you information about transition houses and other victim services.]
2. 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.
3. 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. (See #36-Legal aid representation, in Part 2 of this Guide 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 family court. (Victims are not usually entitled to representation by lawyers in criminal court).
5. If you have been in a relationship with the abuser, 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 or your children. You can take this step instead of or in addition to reporting the abuse to the police. If you are acting on your own, follow the process described above under the heading, **"I just separated from the other parent of my children"**.

## 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 [see item #4 in the next section, *Criminal Law*, p.14]. [The Crown Counsel is the lawyer who prosecutes the case against the abuser on behalf of the government.] 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.

### **Family Court**

If you have completed an **Application** to a Judge and asked for an *ex parte* order (an immediate court appearance without the abuser in attendance), 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 the order until a court date in the future.

### **Where to get help**

See Part 2- *Resources*, starting on page 43, for a list of helpful resources. Your best bets are:

- #36-Legal aid representation, to see if you qualify for legal aid.
- #24-Family Law in BC website, for forms, self-help materials and other legal information about spousal abuse.
- #31-LawLINE.
- #1-Access Justice, #34-Lawyer Referral Service, #51-Salvation Army Pro Bono Lawyer Consultation Program, #45-Private Bar Lawyers, #10-BC/Yukon Society of Transition Houses.

Before meeting with a lawyer or advocate, complete the form, **Preparing for Your Interview**, in Part 3 of this Guide (page 57). Make sure you bring copies of all documents relating to your case.

## Criminal Law

△ Top

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 have a criminal record and want to get a pardon.



A number of “problem-solving courts” 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, but the New Westminster First Nations Court will take some 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 #39 in Part II of this Guide), Crown Counsel or a lawyer for information about accessing the New Westminster First Nations Court.

# *I've been charged with a criminal (or youth) offence and have to go to court*

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 page 15 in this Guide), you will have to deal with the charge in court, either by pleading guilty and being sentenced by a judge, or by pleading not guilty and going to trial. If you are convicted 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. Many criminal lawyers (see Yellow pages) will do this at no charge. It is almost always advisable that you don't discuss the case with the police and certainly not before speaking with a lawyer.
2. If you cannot afford a lawyer on your own, see if you qualify for legal aid representation. (See #36- Legal aid representation, in Part 2 of this Guide 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 document.
4. Get a copy of the **circumstances** (police report) from the Crown Counsel (prosecutor) and **information** (charges) from the Court Clerk. Ask for an **adjournment** (delay) for 2 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 will probably be sentenced right away. 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. Before the trial, you or your lawyer will probably have to appear at a **trial confirmation hearing**. (The process is more complicated for more serious indictable charges such as aggravated assault or breaking and entering a dwelling.)

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. 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.



If you can't make it to court for one of your court appearances, you may be allowed to get "Duty Counsel" to go to court for you. Call your local legal aid office or LSS Regional Centre to find out duty counsel schedules. Check the white pages of your phone book under "Legal Aid" or call Enquiry BC at 1-800-663-7867 for the number of the legal aid office nearest you.



### Where to get help

See Part 2- *Resources*, starting on page 43, for a list of helpful resources. Your best bets are:

- #36-Legal aid representation, to see if you qualify for legal aid.
- #19-Duty counsel for assistance on the day you have to appear in court.
- #39-Native Courtworkers (for aboriginal clients).
- #1-Access Justice, #34-Lawyer Referral Service, #51-Salvation Army Pro Bono Lawyer Consultation Program, #45-Private Bar Lawyers.
- #35-Legal Services Society Publications: eg "If You are Charged with a Crime", "Representing Yourself in a Criminal Trial", "Speaking to the Judge Before You are Sentenced" and "What to do if You are Charged with...".

Before meeting with a lawyer or advocate, complete the form, **Preparing for Your Interview**, in Part 3 of this Guide (page 57). Make sure you bring copies of all documents relating to your case.

*I've been accused of a criminal offence and have been offered "diversion", "restorative justice" or "alternative measures".*

### **Diversion or Restorative Justice**

Police Forces sometimes choose to deal with *minor criminal charges* and *first-time offenders* outside of the court system through **diversion** or **restorative justice**. These are usually offered through local or regional community organizations.

### **Alternative Measures**

If you are charged with a *criminal offence*, Crown Counsel (the government prosecutor) may offer you **alternative measures**. You will be referred to a local or regional service—often a probation office—which will supervise the alternative measures. The measures will be similar to those under diversion or restorative justice.

### **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, 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 above under the heading, *"I've been charged with a criminal offence and have to go to court"*.

### **Where to get help**

See Part 2- *Resources*, starting on page 43, for a list of helpful resources. Your best bets are:

- #19-Duty counsel for assistance on the day you have to appear in court.
- #1-Access Justice, #34-Lawyer Referral Service, #51-Salvation Army Pro Bono Lawyer Consultation Program, #45-Private Bar Lawyers.
- The Centre for Restorative Justice website, [www.sfu.ca/crj/](http://www.sfu.ca/crj/), has useful information about the restorative justice process. Click on "Resources" and then "Introduction to RJ".

Before meeting with a lawyer or advocate, complete the form, ***Preparing for Your Interview***, in Part 3 of this Guide (page 57). Make sure you bring copies of all documents relating to your case.

## *I have a criminal record and want to get a pardon*

You can apply to the National Parole Board for a **pardon** from a **summary** criminal offence, such as theft under \$5,000, 3 years after the **completion** of your sentence. The period is 5 years for an **indictable** offence such as aggravated assault or breaking and entering into someone's home. A pardon does not change the fact that you were convicted, but it deletes the conviction from your criminal record for most purposes.

### **First Steps**

1. Get a Pardon Application form from the National Parole Board by calling 1-800-874-2652 or online at [www.npb-cnrc.gc.ca](http://www.npb-cnrc.gc.ca). Click on "Pardons and Clemency" and then "Pardon Application Guide and Form". You can also get a Pardon Application at many police stations and court houses.  
[Alternative: Use one of the private services that help people get pardons. They charge about \$500 to \$1,000 to help fill out your application and obtain and submit necessary documents. Look in the Yellow pages or on the internet under "Pardons".]
2. Get a copy of your criminal record and local police records from the local police.
3. If your record is for a summary criminal offence and your sentence was completed less than 5 years ago or involved the payment of money, you will need to obtain your file from the court where you were convicted.
4. Complete the Pardon Application and send it to the National Parole Board with \$50.00 and the above documents.

### **What happens next**

The National Parole Board will examine your application to decide if you are eligible for a pardon. You will be advised of their decision in writing in about 12 to 20 months.

### **Where to get help**

See Part 2- *Resources*, starting on page 43, for a list of helpful resources. Your best bets are:

- #38-National Parole Board.
- #1-Access Justice, #34-Lawyer Referral Service, #51-Salvation Army Pro Bono Lawyer Consultation Program, #45-Private Bar Lawyers.

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've been dismissed (fired) without just cause.
- I've been turned down for employment insurance benefits.
- I've been cut off Workers' Compensation benefits.

## *My employer isn't paying my wages*

As an employee, you are entitled to be paid for all of the hours that you worked, within a short period after completing the work. If you can't resolve the problem directly with your employer, you will need to know if 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
- Inter-provincial or international railways, airlines and transportation companies

### **Provincially Regulated Employers**

#### **First steps**

1. Contact your employer and see if you can resolve the problem directly.
2. Complete and submit a "Self-Help Kit" from the Employment Standards Branch **within 6 months** of the non-payment of wages. It contains an information notice from the Employment Standards Branch, a Request for Payment, and a Fact Sheet. [See #22-Employment Standards Branch, in Part 2 of this Guide for contact and website information.]

#### **What happens next**

Your employer has 15 days to respond to your Request for Payment. If he/she does not, or the matter is not resolved, you can file a complaint form with the Employment Standards Branch. [See #22-Employment Standards Branch, under Part 2 of this Guide for contact information.]

The ESB 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**.

#### **Where to get help**

See Part 2- *Resources*, starting on page 43, for a list of helpful resources. Your best bets are:

- #22-Employment Standards Branch.
- #44-PovNet.
- #31-LawLINE.
- #1-Access Justice, #34-Lawyer Referral Service, #51-Salvation Army Pro Bono Lawyer Consultation Program, #45-Private Bar Lawyers.

Before meeting with a lawyer or advocate, complete the form, **Preparing for Your Interview**, in Part 3 of this Guide (page 57). Make sure you bring copies of all documents relating to your case.

## Federally Regulated Employers

### First steps

1. Contact your employer and see if you can resolve the problem directly.
2. Complete and submit a **Payment Claim Kit** from the Labour Program of Human Resources and Skills Development Canada ("HRSDC"). [See #28-Human Resources and Skills Development Canada, in Part 2 of this Guide, for contact and website information.] The kit contains a labour standards pamphlet and a Payment Claim letter to your employer. Read the pamphlet and complete and send the Payment Claim letter to your employer.

### What happens next

Your employer has 10 days to respond to your Request for Payment. If he/she does not, or the matter is not resolved, you can file a Complaint Registration Form with HRSDC.

HRSDC will investigate your complaint and attempt to resolve it with you and your employer.

If the complaint can't be resolved, it will be sent to an independent adjudicator appointed by HRSDC, who will hear from both sides and then make a decision called a determination.

If you are not satisfied with the determination, you can appeal it to the Minister of Labour within 15 days of receiving the determination. The Minister will then appoint a Referee to make a formal decision.

### Where to get help

See Part 2- *Resources*, starting on page 43, for a list of helpful resources. Your best bets are:

- #28-Human Resources and Skills Development Canada.
- #44-PovNet.
- #31-LawLINE.
- #1-Access Justice, #34-Lawyer Referral Service, #51-Salvation Army Pro Bono Lawyer Consultation Program, #45-Private Bar Lawyers.

Before meeting with a lawyer or advocate, complete the form, **Preparing for Your Interview**, in Part 3 of this Guide (page 57). Make sure you bring copies of all documents relating to your case.



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.

## *I have been dismissed (fired) without just cause*

Unless you are a member of a union, your employer may end your employment, even if you have done nothing wrong. However, they must give you either **reasonable notice** or payment instead of notice. If you are not provided with reasonable notice or payment, you are entitled to take your employer to court.

These are the minimum notice requirements if you are dismissed without just cause:

**Provincially Regulated Employer:**

You are entitled to at least:

- one week's notice (or equivalent pay) after 3 consecutive months of employment;
- two weeks' notice (or equivalent pay) after 12 consecutive months of employment;
- three weeks' notice (or equivalent pay) after 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 8 weeks' notice (or equivalent pay).

**Federally Regulated Employer:**

You are entitled to at least two weeks' notice after 3 consecutive months of employment. You are entitled to severance pay after 12 consecutive months of employment.

**Wrongful Dismissal**

If you have been dismissed without just cause, you may also sue your employer in court for **wrongful dismissal**.

**First steps**

1. If you did not receive the notice or equivalent pay described above, follow the steps outlined in the previous section (page 17), "*My employer is not paying my wages*".
2. Determine if you wish to sue your former employer in court. If so, see the section of this Guide entitled, "*I need to take someone to court*" on page 5.

**OR**

If your former employer is *federally regulated* (for example, a federal government ministry, Indian Band, bank or inter-provincial airline or railway), and you worked for 12 or more consecutive months, you may make a complaint to the Labour Program of Human Resources and Skills Development Canada ("HRSDC"). This complaint needs to be filed within 90 days after your dismissal or it could be turned down. See Resource #28 in Part 2 of this guide, on page 46.

**What happens next**

If you have chosen to sue your former employer, see the section *Suing and Being Sued* in this Guide and the heading "*I need to take someone to court*" on page 5.

If you worked for a federally-regulated employer and have made a complaint to HRSDC, an investigator will see if there is a way of resolving it. If not, the investigator will provide you with information about requesting adjudication. HRSDC adjudicators can give remedies very similar to court. They can also order that you get your job back in appropriate cases.

**Where to get help**

See Part 2- *Resources*, starting on page 43, for a list of helpful resources. Your best bets are:

- #28-Human Resources and Skills Development Canada (for employees of a federally-regulated employer).
- #31-LawLINE.
- #1-Access Justice, #34-Lawyer Referral Service, #51-Salvation Army Pro Bono Lawyer Consultation Program, #45-Private Bar Lawyers.
- #33-Law Students' Legal Advice Program (See Chapter 6 "Employment Law" for useful information on unjust dismissal).

Before meeting with a lawyer or advocate, complete the form, ***Preparing for Your Interview***, in Part 3 of this Guide (page 57). Make sure you bring copies of all documents relating to your case.

## *I've been turned down for Employment Insurance benefits*

If you have been employed for a minimum number of hours (currently between 420 and 650, depending on where you live in BC) over the past several months, (usually 12), and are now out of work through no fault of your own, you may be entitled to Employment Insurance ("EI") benefits.

If you have applied for EI benefits and have been turned down, you can appeal **within 30 days** of the decision to the EI Board of Referees. Further, some decisions of the Board can be appealed to an EI Umpire **within 60 days** of the Board's decision.

### **First steps**

1. Get a "Notice of Appeal to Board of Referees" by phone at 1-800-206-7218 or online. Visit Resource #53 in Part 2 of this guide (page 50) for the website link.
2. Complete and submit the form.

### **What happens next**

Service Canada will send you an "Acknowledgement of Receipt" of your appeal, together with a copy of the original decision denying you benefits. They will later mail you an Appeal Docket containing relevant documents and a Notice of Hearing.

You may bring a lawyer or advocate to your Board of Referees Hearing. You will have an opportunity to present your case, and the Board may ask you questions. In some cases, your employer may attend the hearing and give evidence.

The Board will mail you their written decision in about 10 days. If you don't like the Board's decision, you can appeal it to the "Umpire". Check with Service Canada about how to do this.

### **Where to get help**

See Part 2- *Resources*, starting on page 43, for a list of helpful resources. Your best bets are:

- #53-Service Canada – Employment Insurance.
- #44-PovNet.
- #1-Access Justice, #34-Lawyer Referral Service, #51-Salvation Army Pro Bono Lawyer Consultation Program, #45-Private Bar Lawyers.
- #33-Law Students' Legal Advice Program (See Chapter 8 "Employment Insurance" for useful information on unjust dismissal).
- #13-Community Legal Assistance Society.

Before meeting with a lawyer or advocate, complete the form, ***Preparing for Your Interview***, in Part 3 of this Guide (page 57). Make sure you bring copies of all documents relating to your case.

## *I've been cut off Workers' Compensation benefits*

Workers' Compensation is a system of benefits for people who are injured at work—regardless of whose fault it is. Workers' Compensation is operated by a government agency called WorkSafeBC.

Almost all employers have to pay into Workers' Compensation. You can get compensation for lost pay until either you can return to work, or your disability stabilizes. You are entitled to rehabilitation services to help you get back to work, and you may be entitled to a pension if your injury results in a permanent disability.

### First steps

1. If a decision limits or cuts you off benefits, you can ask for a review of it by a Review Officer. You must apply for this review **within 90 days** after the decision, or the review may be turned down. [You can get the "Request for Review" and "Request for Disclosure" forms by phone to 1-888-967-5377 or online at the WorkSafe BC website, [www.worksafebc.com](http://www.worksafebc.com). Click on "Forms" link, then the "Workers" link under the heading "WorkSafeBC Forms", and scroll down to Form 63M1, "Request for Review" and Form 25M13, "Request for Disclosure".]
2. Complete the Request for Review with as much relevant information as you can. Send it to the WorkSafe BC Review Division.

### What happens next

The Review Officer will review your Request for Review and other relevant documents, and provide you with a decision within 6 months.

If you don't like the Review Board decision, you can appeal it to the Workers' Compensation Appeal Tribunal. You must file this appeal **within 30 days** after the Review Board decision or the appeal may be turned down.

### Where to get help

See Part 2- *Resources*, starting on page 43, for a list of helpful resources. Your best bets are:

- #60-Workers' Advisers.
- #44-PovNet.
- #31-LawLINE.
- #1-Access Justice, #34-Lawyer Referral Service, #51-Salvation Army Pro Bono Lawyer Consultation Program, #45-Private Bar Lawyers.
- #13-Community Legal Assistance Society.
- #33-Law Students' Legal Advice Program (See Chapter 7 "Workers' Compensation" for useful information on Workers' Compensation issues).
- The WorkSafeBC website, [www.worksafebc.com](http://www.worksafebc.com), has a lot of information about Workers' Compensation, including copies of appeal decisions.

Before meeting with a lawyer or advocate, complete the form, **Preparing for Your Interview**, in Part 3 of this Guide (page 57). Make sure you bring copies of all documents relating to your case.



If you are off work for more than a couple of weeks, you will probably receive quite a few letters from WorkSafeBC. Read these carefully, because each one could be a decision denying or limiting benefits.

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.



Bankruptcy costs money. The simplest will cost you about \$1400. 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 maintenance payments, court fines and some student loans, that won't go away after a bankruptcy.

## *I don't have enough money to pay my debts*

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 the 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. There are for-profit as well as not-for-profit Credit Counselling Services that can assist you in planning and applying for such a loan. [See #17-Credit Counselling Society of BC in Part 2 of this Guide.]
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 will need a Trustee in Bankruptcy to assist you. [Try the Yellow pages of your phone book under "Bankruptcy" or see #4-Bankruptcy BC in Part 2 of this Guide for contact information for Trustees in 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, furniture, appliances, work tools, 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 9 months) the bankruptcy debts will be cancelled. You will find it difficult to borrow money for a number of years after a bankruptcy.



### Where to get help

See Part 2- *Resources*, starting on page 43, for a list of helpful resources. Your best bets are:

- #17-Credit Counselling Society of BC.
- #4-Bankruptcy BC.
- #44-PovNet.
- #31-LawLINE.
- #1-Access Justice, #34-Lawyer Referral Service, #51-Salvation Army Pro Bono Lawyer Consultation Program, #45-Private Bar Lawyers.
- #33-Law Students' Legal Advice Program. (See Chapter 10, "Creditors' Remedies and Debtors' Assistance, for useful information on "Getting Out of Debt".)

Before meeting with a lawyer or advocate, complete the form, **Preparing for Your Interview**, in Part 3 of this Guide (page 57). Make sure you bring copies of all documents relating to your case.

## *The bank is threatening foreclosure on my home*

When a bank or other institution lends you money to buy a home, they take a **mortgage** on it. A mortgage is registered against the title of your home, and if you don't make the promised payments, the bank may be able to **foreclose** on your home, which means you may have to pay them the entire amount owing on the mortgage or your house will be sold and the bank will be paid out of the proceeds of the sale. 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. You should either get legal advice right away or meet with the lender to see if you can arrange manageable payment terms.
2. If you can't work things out with the lender, the lender will probably send you a copy of a BC Supreme Court **Petition** asking for an Order Nisi of foreclosure. An **Order Nisi** will state the amount still owing on the mortgage and establish a time period — usually 6 months, but sometimes shorter — during which you can **redeem**, or pay off the mortgage. 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 receive a Petition of foreclosure, you must file an **Appearance within 7 days**, (indicating that you want to be given all court documents and may want to attend any court hearings), and deliver a **Response** to the Petitioner **within 8 days** of filing the Appearance, together with **affidavits** (sworn written statements) telling your side of the story.

[You can get a blank Appearance, Response and Affidavit at any Supreme Court Registry or most Service BC (Government Agent) Offices. Call Enquiry BC at 1-800-663-7867 for information on the one nearest you. Supreme Court forms are also available online at the Courts of BC website, [www.courts.gov.bc.ca](http://www.courts.gov.bc.ca). Click on Supreme Court, then Practice and Procedures, then Act, Rules and Forms. For information on what should go into an affidavit, see #35-Legal Services Society Publications in Part 2 of this Guide, for a copy of the publication, "Can't Pay Your Mortgage? What you can do if you're facing foreclosure".]

### 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 of the mortgage, the best you can hope for is a longer period of time to arrange for other financing to pay out the lender, and, if it is necessary to sell the house, an order that you have conduct of the sale instead of the bank.

### **Where to get help**

See Part 2- *Resources*, starting on page 43, for a list of helpful resources. Your best bets are:

- #17-Credit Counselling Society of BC.
- #44-PovNet.
- #31-LawLINE.
- #1-Access Justice, #34-Lawyer Referral Service, #51-Salvation Army Pro Bono Lawyer Consultation Program, #45-Private Bar Lawyers.
- #35-Legal Services Society Publications: "Can't Pay Your Mortgage? What you can do if you're facing foreclosure".

Before meeting with a lawyer or advocate, complete the form, ***Preparing for Your Interview***, in Part 3 of this Guide (page 57). Make sure you bring copies of all documents relating to your case.

## *A debt collector is harassing me*

Your creditors (people you owe money to) are allowed to take reasonable steps to collect the debt, including hiring a Collection Agent. However, a debt collector can't threaten, coerce, intimidate or harass you, a member of your household, a neighbour or friend, or your employer by:

- calling too often or at inappropriate times;
- using threatening, profane, intimidating or coercive language;
- exerting undue, excessive or unreasonable pressure;
- 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 and then deal with you at home (not work—except once if they can't reach you at home) from 7 am to 9 pm Monday to Saturday, or 1 pm to 5 pm on Sunday. They can't call you on statutory holidays.

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

### **First steps**

1. If a professional debt collector is breaking one of the rules described above, tell them so. If they don't stop, record the dates, times and content of the communications they have with you and others about the debt. (Consider using the free Star-57 (dial \*57) program from Telus to trace calls made to you from the debt collector).
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 or 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*" on page 22.
4. If a Collection Agent is using unreasonable debt collection methods, contact Consumer Protection BC at 1-888-564-9963 and ask to speak with the Complaints Manager for the collection agency you are dealing with.

### **Student Loans**

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

- 1-800-667-0135 about federal student loans, or
- 1-250-387-6100 about provincial student loans.

### What happens next

If you contact BPCPA, the Complaints Manager will contact the collector if he or she feels the practice is unreasonable and ask the collector to stop the practice. The BPCPA 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*" on page 5 in this Guide.

### Where to get help

See Part 2- *Resources*, starting on page 43, for a list of helpful resources. Your best bets are:

- #14-Consumer Protection BC.
- #31-LawLINE.
- #1-Access Justice, #34-Lawyer Referral Service, #51-Salvation Army Pro Bono Lawyer Consultation Program, #45-Private Bar Lawyers.
- #35-Legal Services Society Publications: "Consumer Law and Credit/Debt Law".
- #33-Law Students' Legal Advice Program (See "Chapter 10- Creditors' Remedies and Debtors' Assistance", for useful information on "Harassment by Debt Collectors").

Before meeting with a lawyer or advocate, complete the form, **Preparing for Your Interview**, in Part 3 of this Guide (page 57). Make sure you bring copies of all documents relating to your case.



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, the name of the collection agent and contact Consumer Protection BC (see page 45 in this guide).

*I bought a product from a door-to-door salesperson and no longer want it*

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 don't get 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 #14-Consumer Protection BC in Part 2 of this Guide for contact and website information.]

### **Where to get help**

See Part 2- *Resources*, starting on page 43, for a list of helpful resources. Your best bets are:

- #14-Consumer Protection BC.
- #1-Access Justice, #34-Lawyer Referral Service, #51-Salvation Army Pro Bono Lawyer Consultation Program, #45-Private Bar Lawyers.
- #35-Legal Services Society Publications: "Consumer Law and Credit/Debt Law".
- #33-Law Students' Legal Advice Program. (See "Chapter 9-Consumer Protection", for useful information on "Direct Sales".)

Before meeting with a lawyer or advocate, complete the form, ***Preparing for Your Interview***, in Part 3 of this Guide (page 57). Make sure you bring copies of all documents relating to your case.

## *My car broke down and the dealer won't fix it*

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 (lied about) an important thing about the car. If this happens, you may have to sue the seller in court.

If you buy a car from someone in the course of their business (for example, from a new or used car dealer), there are implied (unspoken but legally binding) conditions under the provincial Sale of Goods Act that the car is reasonably fit for the purpose for which it is intended and that it will be durable for a reasonable period of time.

A used car dealer may say that the above ***implied conditions*** do not apply. He or she must do so "expressly" in the Sales Agreement.

### **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 can't reach an agreement with the seller, you may decide to report the circumstances to Consumer Protection BC or the Better Business Bureau. [See #14-Consumer Protection BC in Part 2 of this Guide for contact and website information.]
3. If the seller claims that the implied conditions of fitness and durability under the Sale of Goods Act don't apply, speak with a lawyer. [See below under "Where to get help".]

### **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 page 5 in this Guide under the heading, "*I need to take someone to court*" for information on how to sue.

### **Where to get help**

See Part 2- *Resources*, starting on page 43, for a list of helpful resources. Your best bets are:

- #14-Consumer Protection BC.
- #1-Access Justice, #34-Lawyer Referral Service, #51-Salvation Army Pro Bono Lawyer Consultation Program, #45-Private Bar Lawyers.
- #35-Legal Services Society Publications: "Consumer Law and Credit/Debt Law".
- #33-Law Students' Legal Advice Program. (See "Chapter 9-Consumer Protection", for useful information on "Contracts for the Sale of Goods".)

Before meeting with a lawyer or advocate, complete the form, ***Preparing for Your Interview***, in Part 3 of this Guide (page 57). Make sure you bring copies of all documents relating to your case.

# Complaints about Police and Other Authorities

△ Top

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

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



Many urban police forces (including the City of Nelson) and some tribal police forces (including the Kitasoo Xaixais Police Service and Stl'at'imx Tribal Police) are under provincial authority. Complaints about these forces need to go to the Office of the **Police Complaints Commissioner (BC)**. See #43 in Part 2-*Resources* for contact and website information, including an online complaint form.

## *I was harassed or assaulted by the police*

Most parts of rural BC are policed by the RCMP. You can make a complaint about the on-duty conduct of an RCMP police officer to the officer-in-charge of the local detachment, or to the Commission for Public Complaints (CPC) against the RCMP.

### **First steps**

1. Make notes about what happened, where and when. Include the name of the officer if you know it.
2. Contact people who witnessed the incident. Ask them to write down what happened and give you a copy. They should include their name, address and phone number.
3. If you were injured, seek medical attention. Take pictures of your injuries.
4. Complete and send in a **Complaint** form to the RCMP station or the Commission for Public Complaints against the RCMP. [You can obtain a Complaint form from any RCMP station, or from the Commission for Public Complaints against the RCMP. See #50-RCMP Public Complaints Commission, in Part 2 of this Guide for contact and website information, including an online Complaint form.]

### **What will happen next?**

Your complaint will be investigated by another RCMP officer. In minor cases, the investigator will attempt to resolve the complaint informally. In more serious cases, the investigator will investigate further. Discipline may be imposed on the officer in question, and you will be provided with a report of what happened.

If you are not satisfied with the informal resolution or the investigator's report, you can submit a **Request for Complaint Review** to the Chair of the Commission for Public Complaints against the RCMP. The Chair may deny your request, order a further investigation or, in very serious cases, order a public hearing.

### **Where to get help**

See Part 2- *Resources*, starting on page 43, for a list of helpful resources. Your best bets are:

- #50-RCMP Public Complaints Commission.
- #43-Police Complaints Commissioner British Columbia.

## Complaints About Police and Other Authorities

- #6-BC Civil Liberties Association, #13-Community Legal Assistance Society.
- #1-Access Justice, #34-Lawyer Referral Service, #51-Salvation Army Pro Bono Lawyer Consultation Program, #45-Private Bar Lawyers.
- #33-Law Students' Legal Advice Program. (See "Chapter 20- Public Complaints Procedure", for useful information on "Complaints Concerning Police Conduct".)

### *A government worker was abusive to me*

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 BC Ombudsman. The Ombudsman can deal with complaints about provincial government ministries, municipal and regional governments, Crown corporations and government boards. It can also deal with complaints about hospitals, health agencies, schools, colleges, universities and self-regulated professions such as the Law Society, College of Physicians and Surgeons and Registered Nurses Association of British Columbia.



The process below focuses on the provincial Ombudsman, who has no jurisdiction to deal with complaints about federal ministries or agencies. To make a complaint against a **federal ministry** or agency, call Service Canada at 1-800-622-6232 or visit their website at [www.servicecanada.gc.ca](http://www.servicecanada.gc.ca). Service Canada will direct you to available internal complaint processes.

### **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 your complaint is not resolved by the agency, complete and send in a Complaint Form within one year of the action you are complaining about. [See #41-Ombudsman, in Part 2 of this Guide for contact and website information on the BC Ombudsman complaint process. The website has an online complaint form.]

### **What will happen next?**

You will be contacted by a worker from the Office of the Ombudsman 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 Ombudsman will conduct a further investigation and may make recommendations to the agency and, if necessary, to the legislature. For the most serious issues, the Ombudsman may issue a Public Report.

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

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

### Where to get help

See Part 2- *Resources*, starting on page 43, for a list of helpful resources. Your best bets are:

- #41-Ombudsman. The Ombudsman website has “useful contacts” to make complaints about non-governmental service providers such as lawyers, doctors and banks.
- #33-Law Students’ Legal Advice Program (See “Chapter 20- Public Complaints Procedure”, for useful information on “Complaints Concerning Police Conduct”.)
- #1-Access Justice, #34-Lawyer Referral Service, #51-Salvation Army Pro Bono Lawyer Consultation Program, #45-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.

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.

Before meeting with a lawyer or advocate, complete the form, **Preparing for Your Interview**, in Part 3 of this Guide (page 57). Make sure you bring copies of all documents relating to your case.



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

## *I was abused in a Residential School*

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 Residential School.

For years, a person had to sue in court to get compensation for abuse suffered in Residential School. Now, the federal government provides compensation through its Resolution and Individual Affairs Sector of Indian and Northern Affairs Canada (“INAC”).

The program offers two types of specific compensation:

- **Common Experience Payment**-this is payable to all former students of residential schools. You are entitled to \$10,000 for your first year (or part of a year) of residence plus \$3,000 for each additional year of residence, regardless of the level of abuse you may have suffered.
- **Independent Assessment Process**-under this process, a victim of physical, sexual or psychological abuse at Residential School may apply for additional compensation based on the severity and frequency of the abuse.

### First Steps

1. Because bringing up this 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. (See Resource #30 in Part 2 of this Guide for contact and website information. The Society provides counselling services and referrals to other services near you.
2. Get and complete an application for a Common Experience Payment from Indian Residential Schools of Indian and Northern Affairs Canada (IRSINAC). [See #29-Indian Residential Schools Resolution, in Part 3 of this Guide (page 57) for contact and website information, including an online application form.
3. If you personally suffered physical, sexual or psychological abuse at Residential School, get and complete an application for the Independent Assessment Process from Indian Residential Schools IRSINAC. [See #29 in Part 2 of this Guide for contact and website information, including an online application form.] It is a good idea to get a friend, counsellor or advocate assist you with completing this application.

### What happens next?

**Common Experience Payment:** IRSINAC will verify the years that you attended Residential School and process a payment. If they have any questions, they will contact you. There is currently a backlog of applications, so the payment may not come for several months.

**Independent Assessment Process:** Your application will go to an **adjudicator** who will hold a hearing to decide how much compensation you are entitled to. IRSINAC says that this hearing is not intended to challenge your claim, but just to ensure they have all the facts. You can be represented by a lawyer at this hearing and IRSINAC will contribute to your legal fees.

### Where to get help

See Part 2- *Resources*, starting on page 43, for a list of helpful resources. Your best bets are:

- #29-Indian Residential Schools (IRSINAC).
- #30-Indian Residential School Survivors Society.
- #1-Access Justice, #34-Lawyer Referral Service, #51-Salvation Army Pro Bono Lawyer Consultation Program, #45-Private Bar Lawyers.

Before meeting with a lawyer or advocate, complete the form, ***Preparing for Your Interview***, in Part 3 of this Guide (page 57). Make sure you bring copies of all documents relating to your case.



Funding is available through IRSRC to assist clients in completing applications and paying lawyers to assist with claims hearings. Ask about these services when you contact IRSRC.



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've been denied or cut-off welfare.
- I need to apply for disability benefits.

## *I have no money for food or shelter*

The BC Ministry of Housing and Social Development (MHSD) is responsible for providing welfare support in the province, except where the applicant lives on an Indian Reserve, in which case the responsibility lies with Indian and Northern Affairs Canada (INAC) and the program is administered by Indian Bands and Tribal Councils.

Both MHSD and INAC can provide funds for shelter and support to people who qualify for welfare. In some cases, they can also provide "hardship benefits" for people who don't qualify for welfare. Workers at MHSD and Indian Bands will also know about emergency shelters in the area.

### **First steps**

1. Drop in to the local office of the MHSD. If there isn't one in your town, call Enquiry BC at 1-800-663-7867 and ask to be connected with the Ministry of Housing and Social Development (MHSD) Call Centre.
2. When you get through to the Call Centre, tell them you want to apply for income assistance. If you have an urgent need for shelter, food or medication, you need to tell the worker and ask for an **Emergency Needs Assessment**. An Emergency Needs Assessment should be completed within 24 hours. **If you don't ask for one**, the Ministry will make an appointment for you several days or even weeks later.
3. Call Centre workers will help you to complete an **income assistance application** over the phone.

### **What happens next**

If you qualify for income assistance, your worker will get funds to you right away. If you don't, you may qualify for a **hardship benefit**. You may have to repay this benefit when you can afford to do so.

### **Where to get help**

See Part 2- *Resources*, starting on page 43, for a list of helpful resources. Your best bets are:

- #35-Legal Services Society Publications: "Your Welfare Rights: A Guide to BC Employment and Assistance", "Social Assistance on Reserve in British Columbia".
- #7-BC Employment and Assistance website for online orientation and further information.
- #44-PovNet, for contact and website information for welfare advocates near you.
- #31-LawLINE.
- #1-Access Justice, #34-Lawyer Referral Service, #51-Salvation Army Pro Bono Lawyer Consultation Program, #45-Private Bar Lawyers.

Before meeting with a lawyer or advocate, complete the form, **Preparing for Your Interview**, in Part 3 of this Guide (page 57). Make sure you bring copies of all documents relating to your case.

## *I have been denied or cut off welfare*

Most people get welfare through the provincial government Ministry of Housing and Social Development (MHSD). However, people living on an Indian Reserve get welfare through the Band or Tribal Council in the area they live. The process below is roughly the same on and off reserve.

If you have had a welfare benefit denied, cut off or reduced, you may be able to ask for a reconsideration of that decision. If you are not satisfied with the results of the reconsideration, you may be able to appeal the decision to an appeal tribunal.

### **First steps**

1. Ask your worker why the benefit was denied, cut off or reduced. Get them to tell you what law or policy they based their decision on.
2. Ask your worker to prepare and provide you with a **Request for Reconsideration** form. Make sure that any evidence the Ministry used to make their decision is attached to the form.
3. Complete the Request for Reconsideration form and return it to the welfare office **within 20 business days**. In completing the form, focus on how the Ministry applied the welfare rules incorrectly.



It is very important to make your best case when you are requesting a reconsideration. Supply as much information as you can. If you have to appeal a decision after reconsideration, **you may be limited to the information you used** in your original Request for Reconsideration.

### **What happens next**

You should receive a response to your reconsideration within a couple of weeks. If you don't, call the supervisor at the welfare office.

The reconsideration decision will say whether or not the benefit will be granted or continued. It should also specify the law or policy on which the reconsideration decision was based, and indicate whether you may appeal the decision to an **Appeal Tribunal**.

If you don't agree with the reconsideration decision:

1. Decide whether to appeal or simply re-apply for the benefit. In some cases, it may be easier and quicker to re-apply for the benefit with more evidence than you gave the first time. Welfare advocates can help you make this decision. [See #44-PovNet for contact and website information for welfare advocates in your area.]
2. Get a copy of a **Notice of Appeal to the Employment and Assistance Appeal Tribunal** from the welfare office.
3. Complete the Notice of Appeal and return it to the welfare office **within 7 days** after you received the reconsideration decision.



If you live on an Indian 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.

### Where to get help

See Part 2- *Resources*, starting on page 43, for a list of helpful resources. Your best bets are:

- #35-Legal Services Society Publications: "Your Welfare Rights: A Guide to BC Employment and Assistance", "Social Assistance on Reserve in British Columbia".
- #7-BC Employment and Assistance website. Click on "Reconsideration and Appeals".
- #44-PovNet, for contact and website information for welfare advocates near you.
- #31-LawLINE.
- #1-Access Justice, #34-Lawyer Referral Service, #51-Salvation Army Pro Bono Lawyer Consultation Program, #45-Private Bar Lawyers.

Before meeting with a lawyer or advocate, complete the form, ***Preparing for Your Interview***, in Part 3 of this Guide (page 57). Make sure you bring copies of all documents relating to your case.

## *I need to apply for a disability benefit*

If you have disabilities, you may qualify for either Persons with Disabilities ("PWD") benefits, or Persons with Persistent Multiple Barriers ("PPMB") benefits.

To qualify for PWD benefits, you must:

- be at least 18 years of age;
- have a severe mental or physical impairment that is likely to last at least two years;
- be restricted continuously or for extended period in daily activities; and
- need help or supervision because of the disability.

If you do not qualify for PWD benefits but have a medical condition that seriously, but temporarily, affects your ability to look for, accept or continue employment, you may qualify for Persons with Persistent Multiple Barriers ("PPMB") benefits. Please note that PPMB benefits are only available to people who have been on welfare for 12 out of the previous 15 months.



Try to get help from a friend or 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- PWD Benefits

1. Ask your ministry worker for an application for PWD benefits.
2. 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, nurse, or psychiatric nurse.
3. Mail your application to the address on the application.

### First steps- PPMB Benefits

1. Tell your ministry worker you want to apply for PPMB benefits. He or she will do an assessment of your non-medical barriers to employment (eg: lack of education, literacy or work history) and give you a medical report form for your doctor to complete.
2. Your doctor must complete the application, including details about why your medical condition stops you from looking for, accepting or continuing to work.
3. Get the completed medical report form from your doctor and take it to your worker.

### 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. See page 32 above under the heading, “*I have been denied or cut off welfare*”, as the process is the same.

### Where to get help

See Part 2- *Resources*, starting on page 43, for a list of helpful resources. Your best bets are:

- #35-Legal Services Society Publications: “Your Welfare Rights: A Guide to BC Employment and Assistance”, “Social Assistance on Reserve in British Columbia”.
- #2-Advocacy Access.
- #44-PovNet, for contact and website information for welfare advocates near you.
- #31-LawLINE.
- #1-Access Justice, #34-Lawyer Referral Service, #51-Salvation Army Pro Bono Lawyer Consultation Program, #45-Private Bar Lawyers.



If you have contributed to the Canada Pension Plan through your employment and have a disability that prevents you from working 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 website, [www.hrsdc.gc.ca/en/isp/cpp/cpptoc.shtml](http://www.hrsdc.gc.ca/en/isp/cpp/cpptoc.shtml).

## *My landlord wants to evict me*

If you rent your home from someone else, you are probably covered by the **Residential Tenancy Act**. If so, your landlord needs to have a good reason to evict, you such as if you do damage to his or her property, seriously disturb your neighbours or don't pay your rent. The landlord can also ask you to leave if he or she is doing major renovations or getting a close relative to move into your place.

The landlord must give you written notice before you can be evicted:

- **10 days** in advance if you haven't paid your rent on time.
- **one month** in advance if you or your guests put your landlord's property at risk or used it for an illegal purpose. The landlord may get an order for shorter notice if you have been involved in illegal activity.
- **one month** in advance if you have broken a material term of your tenancy agreement, such as:
  - being repeatedly late in paying rent,
  - subletting your place without the landlord's consent,
  - damaging the place beyond reasonable wear and tear,
  - jeopardizing safety, or
  - unreasonably disturbing your neighbours
- **2 months** in advance if the landlord is doing major renovations or a close family member moves in.

### First steps

1. If you are being evicted for not paying your rent, you can pay it within **5 days** of receiving the eviction notice. If you do this, the notice of eviction will be cancelled, unless the landlord is claiming that you have repeatedly been late in paying your rent.
2. Otherwise, if you believe the landlord does not have good reason to evict you, get and complete a **Tenant's Application for Dispute Resolution** available from the Residential Tenancy Branch or most Service BC (Government Agent) Offices. [See #52-Service BC, or #49-Residential Tenancy Branch, in Part 2 of this Guide for contact and website information]. The application is available on the Residential Tenancy Branch website.
3. Send the completed application or take it in to a Residential Tenancy Office or Service BC (Government Agent) Office together with a filing fee of \$50. If you can't afford \$50, you can apply at the office to have the fee waived. You generally need to file the application within **10 days** of receiving the eviction notice.

### What happens next?

Residential Tenancy Branch staff will look at your application. After the application has been approved and you have paid your \$50, you will receive **Hearing Documents**. You need to serve a copy of these documents on your landlord.

At the hearing with a **Dispute Resolution Officer**, the landlord will have to give evidence of why he or she wants to evict you. You will then be given the chance to say why you shouldn't be evicted. The Dispute Resolution Officer will make a decision about whether or not you can stay in your place. If you don't like the decision, you can apply to review it by completing an **Application to Review a Dispute Resolution Officer's Decision or Order** and paying a \$25 filing fee. However, there will only be a review if you missed the original hearing, you have new evidence that was not available at the time of the original hearing, or the decision was obtained by fraud. Otherwise, only a Supreme Court Judge can change a Dispute Resolution Officer's decision. You will need advice from a lawyer to do this.

### Where to get help

See Part 2- *Resources*, starting on page 43, for a list of helpful resources. Your best bets are:

- #56-Tenant Resource & Advisory Centre.
- #49-Residential Tenancy Branch.

- #44-PovNet, for contact and website information for tenancy advocates near you.
- #31-LawLINE.
- #1-Access Justice, #34-Lawyer Referral Service, #51-Salvation Army Pro Bono Lawyer Consultation Program, #45-Private Bar Lawyers.

Before meeting with a lawyer or advocate, complete the form, **Preparing for Your Interview**, in Part 3 of this Guide (page 57). 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.

## Human Rights

[△ Top](#)

### *I am being discriminated against or sexually harassed*

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, religion, age, sex, sexual orientation, marital or family status, disability or criminal record. Some aspects of discrimination in the workplace are excused if the discrimination is a *bona fide* (reasonable and necessary) occupational requirement.

#### **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 or tribal councils and national airlines or railways—are federally regulated.
3. To make a complaint against a provincially regulated employer, call the BC Human Rights Tribunal at 1-888-440-8844 or fill out the online complaint form at their website: [www.bchrt.bc.ca](http://www.bchrt.bc.ca). Complaint forms are also available at most Service BC (Government Agent) Offices. Generally complaints must be filed within 6 months of the discriminatory act.

4. To make a complaint against a federally regulated employer, call the Canadian Human Rights Commission at 1-888-643-3304 or fill out the online complaint form at their website: [www.chrc-ccdp.ca](http://www.chrc-ccdp.ca). Click on "Resolving Disputes", then "Dispute Resolution", then "Dispute Resolution Process".

### 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 and/or pay you compensation for the harm done to you.



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 Part 2- *Resources*, starting on page 43, for a list of helpful resources. Your best bets are:

- #8-BC Human Rights Coalition.
- #13-Community Legal Assistance Society, if the discrimination is based on disability.
- #44-PovNet, for contact and website information for human rights advocates near you.
- #1-Access Justice, #34-Lawyer Referral Service, #51-Salvation Army Pro Bono Lawyer Consultation Program, #45-Private Bar Lawyers.

Before meeting with a lawyer or advocate, complete the form, ***Preparing for Your Interview***, in Part 3 of this Guide (page 57). Make sure you bring copies of all documents relating to your case.

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.
- I want to help a friend or relative manage their affairs.

## *I want to write a will*

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.

Wills can be very complicated, but they can also be very simple.

### **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 “Wills Guide for British Columbia” 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 at [www.publiclegaled.bc.ca](http://www.publiclegaled.bc.ca). Click on “Publications”, and then “Writing Your Will”.

### **What happens next**

Your will needs to be witnessed by two adults who are neither beneficiaries nor spouses of beneficiaries of your will. 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 with the BC Vital Statistics Agency. The forms can be picked up at most Service BC (Government Agent) Offices or completed online at [www.vs.gov.bc.ca](http://www.vs.gov.bc.ca). Click on “Application Forms”, scroll down to “Wills” and click on “Application for Filing a Wills Notice”. The fee is \$17.00. When you die, your Executor is required to do a search for any Wills Notices in the Vital Statistics Registry. It speeds up the estate process if your Wills Notice is there.

### **Where to get help**

See Part 2- *Resources*, starting on page 43, for a list of helpful resources. Your best bets are:

- #42-People’s Law School. See their publication “Writing Your Will”.
- #59-Vital Statistics Agency.
- #35-Legal Services Society Publications: “How to Make a Will and Settle an Estate: A Guide for First Nations People Living on Reserve”.
- #31-LawLINE.
- #1-Access Justice, #34-Lawyer Referral Service, #51-Salvation Army Pro Bono Lawyer Consultation Program, #45-Private Bar Lawyers.

Before meeting with a lawyer or advocate, complete the form, ***Preparing for Your Interview***, in Part 3 of this Guide (page 57). Make sure you bring copies of all documents relating to your case.





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 Indian and Northern Affairs Canada Estates Officer can provide information about estates on reserve. Toll Free: 1-888-917-9977.

## *I am the executor or administrator of an estate*

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 Estate Administration 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 (eg utilities) of the death.

### **What happens next**

If the estate is worth \$10,000 or more, and there was a will, the executor will have to apply to the BC Supreme Court for a **Grant of Probate**. If the estate is worth \$10,000 or more and there is no will, someone (usually the next-of-kin) will have to apply to the BC Supreme Court for **Letters of Administration**. It is only after obtaining one of these court orders and following some additional formalities that the estate should be distributed.

### **Where to get help**

See Part 2- *Resources*, starting on page 43, for a list of helpful resources. Your best bets are:

- #42-People's Law School. See their publication, "Choosing an Executor, Being an Executor".
- #31-LawLINE.
- #35-Legal Services Society Publications: "How to Make a Will and Settle an Estate: A Guide for First Nations People Living on Reserve".
- #1-Access Justice, #34-Lawyer Referral Service, #51-Salvation Army Pro Bono Lawyer Consultation Program, #45-Private Bar Lawyers.

The Self Counsel Press also has excellent publications on administering estates, including "BC Probate Kit". This publication is available at most bookstores and most Service BC (Government Agent) Offices, or by ordering online at [www.self-counsel.com/ca/](http://www.self-counsel.com/ca/).

Before meeting with a lawyer or advocate, complete the form, **Preparing for Your Interview**, in Part 3 of this Guide (page 57). Make sure you bring copies of all documents relating to your case.

## *I want to help a friend or relative manage their affairs*

There are now a number of options for assisting people who have trouble dealing with their financial and personal affairs. Some of these options are:

- Powers of Attorney
- Representation Agreements
- Committeeship

### **Powers of Attorney**

A **Power of Attorney** is a document you (the **Donor**) can sign to give someone else the power to conduct your financial affairs. You have to be mentally capable to give a Power of Attorney, but you can make the power **enduring**, so that it is still in effect if you later lose your mental capacity.

#### **First steps**

1. Identify an 'attorney'. This should be someone you trust with your money (for example, a spouse, friend or immediate family member).
2. Get legal advice or at least review the resources described below:
  - You will want to consider whether to do a "general" power of attorney, or one limited to specific tasks.
  - You will also want to consider whether the power should be "enduring" (continuing even if you become mentally incapable).
3. Draft and sign the Power of Attorney and have it witnessed. Make a number of certified copies. A lawyer or notary public can certify copies.

A sample *power of attorney* can be found in the People's Law School publication "Power of Attorney". See Resource #42 in Part 2 for the website where you can download this publication.

### **Representation Agreements**

A **Representation Agreement** is a document prepared for a person (the **Donor**) who, though they may be mentally incapable of making a contract or managing their health care, can still trust another person and communicate their desire for that person (their **Representative**) to make decisions on their behalf.

A Representation Agreement can authorize a Representative to make some or all of a wide variety of decisions on behalf of the Donor, such as:

- routine financial decisions;
- health and personal care decisions;
- hiring legal counsel;
- overriding the Donor's refusal of help or medical treatment;
- selling real estate;
- making arrangements for the Donor's minor children.



You must be at least 19 years of age to make a Representation Agreement in British Columbia. You must also be at least 19 to make a will, unless you are or have been married or you are an active member of the armed forces or a mariner at sea.

### First steps

1. The person wanting a Representation Agreement needs to identify a representative. This needs to be someone they trust, not only with their money, but with other decisions they may wish to include in their Representation Agreement.
2. Speak with legal or health care professionals for advice on the contents of a Representation Agreement.
3. Draft and sign the Representation Agreement and have it witnessed. Make a number of certified copies. A lawyer or notary public can certify copies. See below, under "Resources", for further information about Representation Agreements.

Self-help kits for Representation Agreements can be purchased for \$50 from **Nidus Personal Planning Resource Centre and Registry**. See Resource #40 in Part 2 of this guide for contact information.

## Committeeships

Where a person is not mentally capable of managing his or her affairs, a family member or the Public Trustee can apply to the Supreme Court of British Columbia for an order declaring the person to be mentally incapable and appointing a **Committee** with the authority to handle financial affairs for them. Once a Committee is appointed, the person has no further say about the affairs over which the Committee has authority.

### First steps

1. Discuss with the person's family doctor to decide if Committeeship is necessary.
2. Have the person examined by two medical doctors, who must then swear an Affidavit (in front of a lawyer or notary public) saying that the person is mentally incapable and provide the reason for the incapacity.
3. Complete an Affidavit describing the assets, income, expenses and liabilities of the incapable person and a list of his or her next-of-kin. These documents need to be filed with the application for Committeeship in the BC Supreme Court Registry and copies of them served on the incapable person and the Public Trustee.
4. Make the application in court.

## What happens next

Once the Power of Attorney, Representation Agreement or Committeeship is in place, the attorney, representative or committee—as the case may be—will have the legal authority described in the document and must act in the utmost good faith in the best interests of the donor.

A donor with mental competency can withdraw a Power of Attorney or Representation Agreement. A Committeeship can only be withdrawn by Court Order.

## Where to get help

See Part 2- *Resources*, starting on page 43, for a list of helpful resources. Your best bets are:

- #47-Public Guardian and Trustee. See their publications, including "It's Your Choice: A Guide to Making a Representation Agreement".
- #40-Nidus Personal Planning Resource Centre and Registry
- #31-LawLINE.
- #1-Access Justice, #34-Lawyer Referral Service, #51-Salvation Army Pro Bono Lawyer Consultation Program, #45-Private Bar Lawyers.

Before meeting with a lawyer or advocate, complete the form, **Preparing for Your Interview**, in Part 3 of this Guide (page 57). Make sure you bring copies of all documents relating to your case.

**Tips  
&  
Notes**

You can also apply for committee of a mentally incapable person's personal and medical decisions. This application and the responsibilities that come with it can be complex. You may wish to speak with a lawyer before proceeding.



Dylan Thorstenson photo

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

Contact information for government services is available through:

**Provincial:** Enquiry BC (Service BC): **1-800-663-7867**  
 Lower Mainland: 604-660-2421  
 Victoria: 250-387-6121  
 TDD: 1-800-661-8773

**Federal:** Service Canada: **1-800-622-6232**

This guide refers to many websites for further legal information. To find a free public access computer, try visiting your local public library (Resource #48), a local Service BC office (Resource #52), a local college, university or Courthouse Library (Resource #15), if you have one. You may be able to get some assistance with finding your information from these locations also.

1	<p><b>Access Justice</b></p> <p><a href="http://accessjustice.ca">accessjustice.ca</a></p> <p>1-604-878-7400 Toll Free: 1-877-762-6664</p>	<p>Western Canada Society to Access Justice. Access Justice operates free legal clinics in a number of communities throughout BC. Clients who meet the financial means test (see website for details) can receive ½ hour of free legal advice and sometimes follow up advice and assistance. Access Justice lawyers do not provide legal representation in court or tribunals but can make referrals to lawyers registered with the Pro Bono Law of BC roster [see #46 below under Pro Bono Law].</p>
2	<p><b>AdminLawBC.ca</b></p> <p><a href="http://adminlawbc.ca">adminlawbc.ca</a></p> <p>No phone service available.</p>	<p>Subtitled "A Guide to Administrative Law in BC", this website includes introductory videos which describe tribunals - the specialized government agencies, boards and commissions that make laws affecting our daily lives. The site also features a BC Administrative Law Directory which lists information and website links to over 100 federal and provincial tribunals.</p>
3	<p><b>Advocacy Access</b></p> <p><a href="http://bccpd.bc.ca">bccpd.bc.ca</a></p> <p>1-604-872-1278 Toll Free: 1-800-663-1278 TDD: 1-604-875-8835 TTY: 1-604-875-8835</p>	<p>Advocacy Access is a service of the 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, Schedule C health benefits and Canada Pension Plan disability benefits.</p> <p>Website: Click on "Publications" and then "Advocacy Access" for access to a number of fact sheets about disability-related legal issues.</p>
4	<p><b>Bankruptcy BC</b></p> <p><a href="http://bankruptcy-british-columbia.com">bankruptcy-british-columbia.com</a></p> <p>No phone services available.</p>	<p>This website has a number of links that provide information on the bankruptcy process, as well as contact information for bankruptcy trustees in communities throughout BC.</p> <p>Website: Click on "Frequently Asked Questions" for general information about bankruptcy, or "Find an Expert Near You" to find a bankruptcy trustee in your area.</p>
5	<p><b>BC Centre for Elder Advocacy and Support</b></p> <p><a href="http://bceas.ca">bceas.ca</a></p> <p>1-604-437-1940 Toll Free: 1-866-437-1940</p>	<p>The BC Centre for Elder Advocacy and Support (BCCEAS) is a non profit organization that helps older adults. They operate a toll free Seniors Information and Helpline that provides information and referrals, an Elder Law Clinic in Vancouver, publications and workshops, and an online "Ask a Legal Question" service.</p>

## Resource Guide

6	<p><b>BC Civil Liberties Association</b></p> <p><a href="http://bccla.org">bccla.org</a></p> <p>1-604-687-2919</p>	<p>The BC Civil Liberties Association (“BCCLA”) provides information, assistance and advice about making complaints against the police. It also provides representation on selected civil liberties cases that have a reasonable likelihood of success, and may result in important changes to law or policy.</p> <p>Website: Click on the appropriate link under the heading “Issues”.</p>
7	<p><b>BC Employment and Assistance (BCEA)</b></p> <p><a href="http://hsd.gov.bc.ca/bcea.htm">hsd.gov.bc.ca/bcea.htm</a></p> <p>1-866-866-0800</p>	<p>The Employment and Assistance program of the BC Ministry of Housing and Social Development administers income assistance (welfare) benefits. Their website provides links to online orientation, work search guidelines and information on fraud and appeals.</p>
8	<p><b>BC Human Rights Coalition</b></p> <p><a href="http://bchrcoalition.org">bchrcoalition.org</a></p> <p>1-877-689-8474</p>	<p>The BC Human Rights Coalition (“BCHRC”) provides initial information and advice about human rights issues and assistance with preparing a human rights complaint. BCHRC will provide representation before the BC Human Rights Tribunal on complaints that raise novel or systemic issues. There is no cost for the services.</p> <p>Website: Click on “Law” or “Process”.</p>
9	<p><b>BC Laws</b></p> <p><a href="http://bclaws.ca">bclaws.ca</a></p> <p>No phone services available.</p>	<p>This website is maintained by the BC Queen’s Printer and includes BC Statutes and Regulations, Orders in Council, and Regulations Bulletins. It has a simple search function, and is current 7-14 days after changes in legislation.</p>
10	<p><b>BC/Yukon Society of Transition Houses</b></p> <p><a href="http://bcysth.ca">bcysth.ca</a></p> <p>1-800-661-1040</p>	<p>The Society provides contact information about transition houses and other victim services throughout BC and the Yukon, and resources for transition house staff.</p> <p>Website: Click on “Resources and Publications” for their “Family Law Resource Manual”. It contains a lot of information about the legal system from the perspective of victims of family violence.</p>
11	<p><b>CANLII</b></p> <p><a href="http://canlii.org">canlii.org</a></p> <p>No phone services available</p>	<p>Canadian Legal Information Institute.</p> <p>This website has comprehensive links to legislation, regulations and court cases from across Canada.</p>
12	<p><b>Clicklaw</b></p> <p><a href="http://clicklaw.bc.ca">clicklaw.bc.ca</a></p> <p>No phone services available</p>	<p>Clicklaw is a website operated by Courthouse Libraries BC which highlights the public legal education resources of 24 BC publishers and resource providers. It is organized in three sections: Solve Problems, Learn &amp; Teach, Reform &amp; Research. Solve Problems organizes topics by categories such as your money, your safety, your family, your communities, law in your daily life, and your legal system.</p> <p>Clicklaw plans to include more resources over time, with content similar to the Electronic Law Library, and to add a Google Help Map feature of referral resources.</p>
13	<p><b>Community Legal Assistance Society</b></p> <p><a href="http://clasbc.net">clasbc.net</a></p> <p>1-888-685-6222</p>	<p>The Community Legal Assistance Society (“CLAS”) provides primarily “test-case” advice and representation for people with disability, employment insurance, poverty and Workers’ Compensation problems. Services are limited to cases that could advance the law or policy in these areas. CLAS also provides advice and representation at the BC Review Panel to persons detained under the BC Mental Health Act.</p> <p>Website: Click on “Publications”. Try “Judicial Review: A Lay Person’s Guide”.</p>

14	<p><b>Consumer Protection BC</b></p> <p><a href="http://bpcpa.ca">bpcpa.ca</a></p> <p>1-888-564-9963</p>	<p>This authority is the “watchdog” for consumer complaints including unfair debt collection practices.</p> <p>Website: Click on “Consumer Help” and then “Resolving Problems” for information about how to make a general complaint about a seller or debt collector.</p>
15	<p><b>Courthouse Libraries BC</b></p> <p><a href="http://courthouselibrary.ca">courthouselibrary.ca</a></p> <p>1-604-660-2841 Toll Free: 1-800-665-2570</p>	<p>Operates courthouse libraries around the province with print and electronic information on all areas of the law, and a toll-free number for legal reference questions.</p> <p>Website: click on “Research Resources” then “Links” for federal and provincial statutes and regulations, court judgments, and court rules and forms for Provincial Court (Small Claims, Family and Criminal) and BC Supreme Court. The website also provides an “Ask a Question” email service under “Frequent Requests” on the home page.</p> <p>Phone: check the Yellow pages of your phone book for contact information for local courthouse libraries or call 1-800-665-2570.</p>
16	<p><b>Courts of BC</b></p> <p><a href="http://courts.gov.bc.ca">courts.gov.bc.ca</a></p> <p>No phone service available</p>	<p>This website from the provincial government provides information about Provincial and Supreme Courts, and the Court of Appeal.</p> <p>Links include recent judgments, contact information and resources for self-represented litigants (people going to court on their own).</p>
17	<p><b>Credit Counselling Society of B.C</b></p> <p><a href="http://nomoredebts.org">nomoredebts.org</a></p> <p>1-888-527-8999</p>	<p>This not-for-profit society provides information, assistance and financial advice to clients with problems with debt or insolvency.</p> <p>Website: Under the “Learning Centre” drop-down box, click on “FAQ”.</p>
18	<p><b>Dial-a-Law</b></p> <p><a href="http://dialalaw.org">dialalaw.org</a></p> <p>1-604-687-3221 Toll Free: 1-800-565-5297</p>	<p>A Canadian Bar Association service. This telephone service provides recorded information about various legal problems. The scripts are also available online.</p> <p>Phone: recorded information on a variety of legal topics.</p> <p>Website: covers a variety of legal topics.</p>
19	<p><b>Duty Counsel</b></p>	<p>See page 52 for a detailed explanation about duty counsel lawyers.</p>
20	<p><b>Electronic Law Library</b></p> <p><a href="http://bclibrary.ca/ell">bclibrary.ca/ell</a></p> <p>No phone service available</p>	<p>This website has links to legal resources with information on a variety of legal topics.</p> <p>Website: Click on “Law by Subject” and then the appropriate topic.</p> <p><b>NOTE:</b> This service will be replaced by <a href="http://www.clicklaw.bc.ca">Clicklaw (www.clicklaw.bc.ca)</a> in 2010.</p>
21	<p><b>Elizabeth Fry Society of Greater Vancouver</b></p> <p><a href="http://elizabethfry.com">elizabethfry.com</a></p> <p>1-604-520-1166 Toll Free: 1-888-879-9593</p>	<p>This non-profit community-based organization works with women and youth in conflict with the law.</p>

## Resource Guide

22	<p><b>Employment Standards Branch</b></p> <p><a href="http://labour.gov.bc.ca/esb">labour.gov.bc.ca/esb</a></p> <p>1-800-663-3316</p>	<p>BC Government. The Branch administers the provincial Employment Standards Act and regulations. Information about employment standards is available over the phone and on the website.</p> <p>Website: Click on "Get Self-help Information" and then "Guide to Employment Standards Act" or "Download Self-help pdf version".</p>
23	<p><b>Family Justice Centres and Family Advice Lawyer Project</b></p> <p><a href="http://ag.gov.bc.ca/family-justice/">ag.gov.bc.ca/family-justice/</a></p> <p>1-800-663-7867</p>	<p>BC Government. Family Justice Centres have Counsellors who can provide information and assistance with family-related legal issues such as custody, access, 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 Kelowna, Nanaimo and Vancouver provide legal advice through a Family Advice Lawyer Project.</p> <p>Phone: Call Enquiry BC at 1-800-663-7867 and asked to be connected with the Family Justice Centre nearest you.</p>
24	<p><b>Family Law in BC</b></p> <p><a href="http://familylaw.lss.bc.ca">familylaw.lss.bc.ca</a></p> <p>No phone service available</p>	<p>Legal Services Society. This website contains information and self-help guides for people facing family-related legal problems.</p> <p>Website: Click on a topic under "Your legal issue" or click on the shortcut to "self-help guides" for information on filling out Family Court forms and preparing for Family Court.</p>
25	<p><b>Family Maintenance Enforcement Program</b></p> <p><a href="http://fmep.gov.bc.ca">fmep.gov.bc.ca</a></p> <p>1-604-678-5670 Victoria: 250-220-4040 Toll Free: 1-800-668-3637</p>	<p>FMEP helps clients enforce court orders for child support and spousal support.</p> <p>Phone: 1-800-668-3637 for information or 1-800-663-3455 to enrol in the program.</p> <p>Website: Click on "How to Enrol" or "Resources".</p>
26	<p><b>Federal Court of Canada</b></p> <p><a href="http://fct-cf.gc.ca">fct-cf.gc.ca</a></p> <p>1-800-622-6232</p>	<p>The Federal Court provides Rules and Forms and information about Federal Court procedures.</p> <p>Phone: Call Service Canada at 1-800-622-6232 (TTY 1-800-926-9105) and ask to be connected to the Federal Court Registry in Vancouver.</p> <p>Website: Click on "Court Process and Procedures".</p>
	<p><b>Government Agent Offices</b></p>	<p>Government Agent offices are now known as Service BC. Please visit resource #52. Website: <a href="http://servicebc.gov.bc.ca/services/contact">servicebc.gov.bc.ca/services/contact</a> Phone: 1-800-663-7867</p>
27	<p><b>Helpline for Children in BC</b></p> <p>no area code needed: 310-1234</p>	<p>BC Government. Toll-free service set up to receive calls about child abuse or suspected child abuse.</p> <p>Website: <a href="http://mcf.gov.bc.ca/getting_help/help.htm">mcf.gov.bc.ca/getting_help/help.htm</a> TDD: 1-866-660-0505</p>
28	<p><b>Human Resources and Skills Development Canada</b></p> <p><a href="http://hrsdc.gc.ca">hrsdc.gc.ca</a></p> <p>1-800-622-6232</p>	<p>Government of Canada. This office is responsible for federal employment standards.</p> <p><b>Employment Standards</b> Phone: Call Service Canada at 1-800-622-6232 and ask to be connected to the HRSDC office nearest you.</p> <p>Website: The easiest way to get a Payment Claim Kit is to go directly to: <a href="http://www.hrsdc.gc.ca/en/lp/lo/opd-igp/opd/700-10a1.shtml#appa_1">www.hrsdc.gc.ca/en/lp/lo/opd-igp/opd/700-10a1.shtml#appa_1</a>.</p>



	HRSDC Labour Program 1-800-641-4049	For information on unjust dismissal, try <a href="http://www.hrsdc.gc.ca/eng/labour/index.shtml">www.hrsdc.gc.ca/eng/labour/index.shtml</a> . Click on "Employment Standards", then (in the paragraph text on the right, not in the sidebar menu) click on "Employment Standards Publications", then click on "Unjust Dismissal".
29	<b>Indian Residential Schools of Indian and Northern Affairs Canada</b>  <a href="http://www.ainc-inac.gc.ca/ai/rqpi/index-eng.asp">www.ainc-inac.gc.ca/ai/rqpi/index-eng.asp</a>  1-866-879-4913	Indian and Northern Affairs Canada. This Government of Canada office provides information and assistance to former Indian residential school students seeking compensation.  Website: Under the heading, " In This Section" click on "Common Experience Payment- for information and application forms dealing with the common experience payment available to most former residential school students.  Click on "Independent Assessment Process" for information about additional compensation for seriously abused students and an online application for this additional compensation.
30	<b>Indian Residential School Survivors Society</b>  <a href="http://www.irsss.ca">www.irsss.ca</a>  1-800-721-0066	The Indian Residential School Survivors Society is a not-for-profit organization that provides survivors with support and referrals. They can also help survivors start healing circles.  Website: The IRSSS website contains some useful forms and templates for claimants. Click on "What's New" and scroll down for a link to a sample affidavit for making a Common Experience claim. Other forms are available through the link "Forms".
31	<b>LawLINE</b>  <a href="http://lss.bc.ca">lss.bc.ca</a>  1-866-577-2525  <b>NOTE:</b> This service will end as of April 1, 2010.	LawLINE is a toll-free telephone service run by the Legal Services Society, staffed by lawyers and paralegals. It provides advice and information on certain legal issues for financially eligible callers. For clients who cannot afford a lawyer but do not qualify for legal aid representation, the LawLINE will also provide assistance, advice and limited representation on a variety of legal issues. Services are generally limited to 3 hours. Representation does not include appearances in court or tribunals. LawLINE arranges immediate access to telephone interpreters for clients who have difficulties with the English language. LawLINE will also make referrals to lawyers registered with the Pro Bono Law of BC roster [see #46 below under Pro Bono Law].  Website: Under "Legal aid representation", click "LawLINE".
32	<b>LawLink</b>  <a href="http://lawlink.bc.ca">lawlink.bc.ca</a>  No phone services available.	This Legal Services Society website provides plain language legal information for low income people. It is arranged under topics such as Aboriginal, Consumer and Debt, Family, Immigration and Refugee, Housing, Pensions and Benefits, Wills and Trusts, Welfare, and Work.  Note: This service will be replaced by Clicklaw ( <a href="http://www.clicklaw.bc.ca">www.clicklaw.bc.ca</a> ) in 2010.
33	<b>Law Students' Legal Advice Program</b>  <a href="http://lslap.bc.ca">lslap.bc.ca</a>  Lower Mainland only: 604-822-5791	The website contains the "LSLAP Manual", an excellent source of information about the law and legal procedure on a variety of legal topics.  Website: Click on "LSLAP Manual", then "View Current Manual" and then the appropriate Chapter.  Phone: for appointment bookings in the lower mainland only.
34	<b>Lawyer Referral Service</b>  <a href="http://cba.org/bc/">cba.org/bc/</a>  1-604-687-3221 Toll Free: 1-800-663-1919	The Canadian Bar Association's Lawyer Referral Service provides referrals to volunteer lawyers in private practice who specialize in various areas of the law. For a fee of \$25 plus tax, a client is entitled to up to 30 minutes of consultation with a lawyer where the lawyer may provide information, assistance or summary advice about the client's legal issue.  Website: Click on "CBA Initiatives" and then "Lawyer Referral".

## Resource Guide

<p>35</p>	<p><b>Legal Services Society</b></p> <p><a href="http://lss.bc.ca">lss.bc.ca</a></p> <p>1-866-577-2525</p> <p><b>NOTE:</b> Many of Legal Services Society programs will change as of April 1, 2010. Please check the website <a href="http://www.lss.bc.ca">www.lss.bc.ca</a> or call 1-866-577-2525 to obtain current information at that time.</p>	<p>The Legal Services Society (LSS) is the primary organization for free or low cost legal information, advice and representation for low-income people in BC. In addition to providing lawyers for eligible clients (see page 54-55), it provides advice services such as duty counsel (see page 52) and LawLINE (Resource #31).</p> <p>LSS legal information services include legal information outreach workers (LHOWs). LHOWs are staff members at LSS regional centres who provide information in person and over the phone, can help you find self-help resources on the internet, and refer you to other LSS services. (<b>NOTE:</b> The LHOW service in all offices except Vancouver will end as of April 1, 2010.) LSS also provides the Family Law in BC website and publishes a variety of legal materials, including:</p> <ul style="list-style-type: none"> <li>• "Aboriginal People and the Law in British Columbia"</li> <li>• "Can't Pay Your Mortgage? What You Can Do If You're Facing Foreclosure"</li> <li>• "Consumer Law and Credit/Debt Law"</li> <li>• "Living Together or Living Apart: Common-Law Relationships, Marriage, Separation, and Divorce"</li> <li>• "Parents' Rights, Kids' Rights: A Parent's Guide to Child Protection Law in BC"</li> <li>• "Representing Yourself in a Criminal Trial"</li> <li>• "Social Assistance on Reserve in British Columbia"</li> <li>• "Your Welfare Rights: A Guide to BC Employment and Assistance"</li> </ul> <p>LSS also publishes fact sheets and pamphlets on a wide variety of legal issues.</p> <p>Phone: 1-604-601-6075 for information on ordering LSS publications. Phone the LSS regional centre closest to you to speak to an LHOW or call the LSS Call Centre at 1-866-577-2525.</p> <p>Website: On home page, click on "Publications" and choose a publication by title, subject or language.</p>
<p>36</p>	<p><b>Legal Aid Representation</b></p>	<p>See page 54 for a detailed explanation about legal aid representation.</p>
<p>37</p>	<p><b>Multilingolegal.ca</b></p> <p><a href="http://multilingolegal.ca">multilingolegal.ca</a></p> <p>no phone service available</p>	<p>Multilingolegal describes itself as "A site where community workers and newcomers can find legal information and community resources in their own languages". The site organizes information by 9 languages: Arabic, Chinese, English, French, Korean, Persian, Punjabi, Spanish and Vietnamese.</p>
<p>38</p>	<p><b>National Parole Board</b></p> <p><a href="http://npb-cnrc.gc.ca">npb-cnrc.gc.ca</a></p> <p>1-800-874-2652</p>	<p>The Government of Canada's National Parole Board is responsible for (among other things) granting pardons for criminal convictions.</p> <p>Website: Click on "Pardons" and then "Pardon Application Guide".</p>
<p>39</p>	<p><b>Native Courtworkers</b></p> <p><a href="http://nccabc.ca">nccabc.ca</a></p> <p>1-604-985-5355</p>	<p>The Native Courtworker and Counselling Association ("NCCA") 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.</p> <p>Website: Click on the appropriate link for general information about aspects of the court system.</p>
<p>40</p>	<p><b>Nidus Personal Planning Resource Centre and Registry</b></p> <p><a href="http://www.nidus.ca">www.nidus.ca</a></p> <p>1-604-408-7414</p>	<p>Nidus Personal Planning Resource Centre is a not-for-profit organization that provides public legal education on representation agreements and other personal planning tools, training and support for volunteers and groups, and coaching for representatives and monitors.</p> <p>Contact them for a telephone or personal appointment.</p>

41	<p><b>Ombudsman</b></p> <p><a href="http://ombudsman.bc.ca">ombudsman.bc.ca</a></p> <p>Victoria: 250-387-5855 Toll Free: 1-800-567-3247</p>	<p>The BC Government's Office of the Ombudsman provides information and assistance in making complaints against provincially regulated government agencies or employees.</p> <p>Website: Click on "Frequently Asked Questions" for general information, "Complaint Forms" for the online complaint form, or "Useful Contacts" for information about making complaints about lawyers, banks, doctors and other professionals.</p>
42	<p><b>People's Law School</b></p> <p><a href="http://publiclegaled.bc.ca">publiclegaled.bc.ca</a></p> <p>1-604-331-5400</p>	<p>The People's Law School provides free legal education and information including publications on the legal system and a variety of legal issues, including:</p> <ul style="list-style-type: none"> <li>• "Child Support in BC- Information for Parents"</li> <li>• "Choosing an Executor, Being an Executor"</li> <li>• "Power of Attorney"</li> <li>• "Working in BC- Your Legal Rights and Responsibilities"</li> <li>• "Writing your Will"</li> </ul> <p>Phone to order publications or find out about courses.</p>
43	<p><b>Police Complaints Commissioner (BC)</b></p> <p><a href="http://opcc.bc.ca">opcc.bc.ca</a></p> <p>1-800-663-7867</p>	<p>This office is responsible for handling complaints against officers of municipal or tribal police forces. Staff provide information about the complaints process and some assistance with making a complaint.</p> <p>Phone: Call Enquiry BC at 1-800-663-7867 and ask to be connected to the Office of the Police Complaint Commissioner. Website: Click on "FAQs" or "Making a Complaint".</p>
44	<p><b>PovNet</b></p> <p><a href="http://povnet.org">povnet.org</a></p> <p>No phone services available.</p>	<p>PovNet is a network of anti-poverty advocacy organizations that maintains information on legal issues and resources of interest to people living in poverty.</p> <p>Website: Click on "Find an Advocate" to find an advocacy organization near you, or "Online Resources" for information on resources—legal and non-legal—for people living in poverty.</p>
45	<p><b>Private Bar Lawyers</b></p>	<p>See page 56 for a detailed description about hiring private bar lawyers.</p>
46	<p><b>Pro Bono Law of BC</b></p> <p><a href="http://probononet.bc.ca">probononet.bc.ca</a></p> <p>no phone services provided</p>	<p>Pro Bono Law of BC maintains a roster of lawyers who will take on a limited number of cases pro bono (free of charge) within their geographic area and within their area of practice. The level of services may extend to representation in courts or tribunals.</p> <p>Note: Lawyers on the roster receive referrals from Access Justice, the LawLINE, the Salvation Army Pro Bono Lawyer Consultation Program and some of the other agencies listed in this guide. Look under the appropriate heading for their contact information.</p>
47	<p><b>Public Guardian and Trustee</b></p> <p><a href="http://trustee.bc.ca">trustee.bc.ca</a></p> <p>1-800-663-7867</p>	<p>The BC Government 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. The Public Guardian and Trustee provides information on aspects of adult guardianship such as representation agreements.</p> <p>Phone: Call Enquiry BC at 1-800-663-7867. Ask to be connected with the Office of the Public Guardian and Trustee. Website: Click on "Reports and Publications", scroll down to "Publications" under the heading "Adult Guardianship".</p>
48	<p><b>Public Libraries</b></p> <p><a href="http://bclibrary.ca">bclibrary.ca</a></p> <p>Phone: Look in the Yellow pages under "Libraries".</p>	<p>Public libraries are located in over 243 communities throughout British Columbia. 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 cannot give legal advice, but they can help you find legal information in their library, on-line or throughout the public library system.</p> <p>Website: Provides contact information for public libraries.</p>

## Resource Guide

<p>49</p> <p><b>Residential Tenancy Branch</b></p> <p><a href="http://rto.gov.bc.ca">rto.gov.bc.ca</a></p> <p>1-604-660-1020 Victoria: 250-387-1602 Toll Free: 1-800-665-8779</p>	<p>BC Government. The Branch administers the provincial Residential Tenancy Act. Staff provide information and some assistance to clients with problems with their residential landlords. The website has forms and good information about residential tenancy law and procedure.</p> <p>Website: Click on the appropriate link under the headings, "Know Your Rights &amp; Responsibilities", "Resolving Issues", "How to Apply for Dispute Resolution", or "Completing the Dispute Resolution Process".</p>
<p>50</p> <p><b>RCMP Public Complaints Commission</b></p> <p><a href="http://cpc-cpp.gc.ca">cpc-cpp.gc.ca</a></p> <p>1-800-665-6878</p>	<p>This office is responsible for handling complaints against members of the RCMP. Staff provide information about the complaints process and some assistance with making a complaint.</p> <p>Phone: 1-800-665-6878 or TTY 1-866-432-5837.</p> <p>Website: Click on "Make a Complaint".</p>
<p>51</p> <p><b>Salvation Army Pro Bono Lawyer Consultation Program</b></p> <p><a href="http://probono.ca">probono.ca</a></p> <p>1-604-694-6647</p>	<p>The Salvation Army operates free legal advice clinics for financially eligible clients in several communities in British Columbia. Lawyers from the community volunteer their services and provide legal information, assistance and advice during clinic hours only. They do not provide representation but can make referrals to lawyers registered with the Pro Bono Law of BC roster [see Resource #46 Pro Bono Law].</p> <p>Phone for information about the pro bono clinic nearest you.</p>
<p>52</p> <p><b>Service BC</b></p> <p><a href="http://servicebc.gov.bc.ca/services/contact">servicebc.gov.bc.ca/services/contact</a></p> <p>1-800-663-7867</p>	<p>Service BC Offices (formerly called Government Agent Offices) are the business offices of the provincial government in about 60 communities in rural British Columbia. They have written and online pamphlets and government forms as well as public access computer terminals. Although Service BC staff cannot give legal advice, they can be helpful with issues involving the provincial government, and making referrals to other services.</p> <p>Phone: Call Enquiry BC at 1-800-663-7867 and ask for the Service BC Office nearest you, or look in the Blue Pages of your phone book under "Service BC- Government Agent".</p>
<p>53</p> <p><b>Service Canada</b></p> <p><a href="http://servicecanada.gc.ca">servicecanada.gc.ca</a></p> <p>1-800-622-6232</p> <p>Employment Insurance: 1-800-206-7218</p>	<p>Service Canada is the main point of contact for federal government services. Staff can give contact information to make a complaint about a worker in a federal government ministry or agency. There are 55 local walk-in offices in BC.</p> <p>Phone: Call 1-800-622-6232 and ask to be connected with the appropriate federal government ministry or agency.</p> <p>Website: Click on the appropriate link for services, or click on "Find a Service Canada Centre Near You".</p> <p><b>Employment Insurance</b> Phone: 1-800-206-7218 or TTY 1-800-529-3742. To appeal a decision that denied you EI benefits, click on the links under the heading, "Appeals to the Board of Referees" or try <a href="http://www.ae-ei.gc.ca/eng/home.shtml">www.ae-ei.gc.ca/eng/home.shtml</a>.</p>
<p>54</p> <p><b>Small Claims Court</b></p> <p><a href="http://ag.gov.bc.ca/courts/civil/smallclaims/">ag.gov.bc.ca/courts/civil/smallclaims/</a></p> <p>1-800-663-7867</p>	<p>BC Government. The Court has registries in various communities in BC. These registries (and the website) have Small Claims forms and guides to help people prepare for Small Claims Court.</p> <p>Phone: Call Enquiry BC at 1-800-663-7867 and ask for the Small Claims Court Registry nearest you, or look in the Blue Pages of your phone book under "Court Services". Website: for guides to filling out Small Claims forms and preparing for Small Claims Court.</p>

55	<p><b>Supreme Court Self-help Centre</b></p> <p><a href="http://supremecourtselfhelp.bc.ca">supremecourtselfhelp.bc.ca</a></p> <p>no phone service available</p>	<p>The Centre provides information to people representing themselves in BC Supreme Court.</p> <p>Website: Click on "Online self-help resources" for information on filling out BC Supreme Court forms and preparing for Supreme Court. The site has many useful links such as "Preparing for Trial in Supreme Court".</p>
56	<p><b>Tenant Resource &amp; Advisory Centre</b></p> <p><a href="http://tenants.bc.ca">tenants.bc.ca</a></p> <p>1-604-255-0546 Toll Free: 1-800-665-1185</p>	<p>The Tenant Resource &amp; Advisory Centre ("TRAC") is a not-for-profit society that provides information, advice and occasional representation for tenants with residential tenancy problems.</p> <p>Website: Click on "Tenants' Survival Guide and Fact Sheets page".</p>
57	<p><b>Victims Info</b></p> <p><a href="http://victimsinfo.ca">victimsinfo.ca</a></p> <p>no phone service available</p>	<p>This 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.</p>
58	<p><b>VictimLINK</b></p> <p><a href="http://communityinfo.bc.ca/victim_s.htm">communityinfo.bc.ca/victim_s.htm</a></p> <p>1-800-563-0808 TDD: (call collect) 0-604-875-0885 Text: 1-604-836-6381</p>	<p>Provides information and referrals to all victims of crime, and crisis support to victims of family and sexual violence. Workers refer callers to community, social, health, justice and government resources, including victim services, transition houses, and counselling resources. They also provide information on the justice system, relevant federal and provincial legislation and programs, crime prevention, safety planning, protection order registry, and other resources. VictimLINK provides service in over 100 languages, including 17 North American aboriginal languages.</p>
59	<p><b>Vital Statistics Agency</b></p> <p><a href="http://vs.gov.bc.ca">vs.gov.bc.ca</a></p> <p>1-800-663-7867</p>	<p>Provincial government office for the following services: birth registrations, marriage certificates, death certificates, adoption registrations, wills registry, and legal name changes.</p> <p>Phone: you can call a local Service BC agent for information about vital statistics. Call Enquiry BC at 1-800-663-7867 and ask for the Service BC Office nearest you, or look in the Blue Pages of your phone book under "Service BC-Government Agent".</p>
60	<p><b>Workers' Advisers</b></p> <p><a href="http://labour.gov.bc.ca/wab/">labour.gov.bc.ca/wab/</a> Click on "Forms", "Fact Sheets" or "Publications".</p> <p>Enquiry BC: 1-800-663-7867 to connect to the nearest WA office.</p>	<p>BC Government. Workers' Advisers are a service of Ministry of Labour and Citizens' Services. They provide information, assistance, advice and occasional representation to clients on Workers' Compensation issues. Advisers will review client files, and advise and assist them in preparing a Request for Review by the Review Division or an Appeal by the Appeal Division. Workers' Advisers may represent workers at the review or appeal on some cases. If the issue presents complex legal questions, Workers' Advisers may make referrals to lawyers specializing in Workers' Compensation issues. There are no financial eligibility requirements but services are limited. Workers' Advisers may turn down clients who have access to other resources.</p>

## **Resource #19 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. Duty counsel services include:

### **1. *Brydges Line***

If you have been arrested or detained or you are under active investigation for a criminal offence for which you have not yet been charged, you can access emergency legal telephone advice from a lawyer by phoning the Legal Services Society "Brydges Line" at 1-866-458-5500, regardless of your financial status. You can also call if you have been detained by Canada Immigration at a border crossing.

Brydges Line lawyers provide one-time advice at the time of your emergency. This service is available 24 hours a day, 7 days a week. You will have to make other arrangements for ongoing legal services.

### **2. *Criminal Duty Counsel (Provincial Court)***

Duty counsel lawyers attend almost all criminal remand proceedings in provincial courtrooms throughout the province. They provide unrepresented clients (in or out of custody) with assistance and advice about the charges against them, court procedures and legal rights regardless of the client's financial status. They also provide representation at bail hearings and, as time permits, representation on guilty pleas.

The priority for criminal duty counsel is to assist people who will appear in court that day. You will have to make other arrangements for ongoing legal services. 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.

For local information about criminal duty counsel, check the white pages of your phone book under "Legal Aid" or call Enquiry BC at 1-800-663-7867 for the number of your nearest legal aid office or LSS Regional Centre.

### **3. *Family Duty Counsel (Provincial Court)***

Duty counsel lawyers attend many Family Court proceedings at most provincial courtrooms throughout the province. If you do not qualify for a legal aid lawyer, you may qualify for help from family duty counsel. They provide unrepresented clients with assistance and advice about family law or child protection issues. They can also provide courtroom representation on simple matters. Family duty counsel services in Provincial (Family) Court are available on most first appearance dates, on a drop-in basis. (Duty counsel may be able to help even if you are not financially eligible but priority is always given to qualified clients who have to appear in court that day.) Bring any paperwork relating to your case. Note that you will have to make other arrangements for ongoing legal services.

### **4. *Family Duty Counsel (Supreme Court)***

Duty counsel lawyers are available at the busiest Supreme Courts across BC. If you do not qualify for a legal aid lawyer, you may qualify for help from family duty counsel. They provide legal advice about custody, access, guardianship, child support, court procedures, tentative settlement agreements, and limited advice on property division. Duty counsel can also provide representation on simple or unopposed family-related legal proceedings in Supreme Court. Family duty counsel services in Supreme Court are available on most first appearance dates, on a drop-in basis. (Duty counsel may be able to help even if you are not financially eligible but priority is always given to qualified clients who have to appear in court that day.) Bring any paperwork relating to your case. You should try to speak with Supreme Court duty counsel before going to court. Note that you will have to make other arrangements for ongoing legal services.



You can call ahead to find out on what days of the week or month family duty counsel is present at the courthouse. It may also be possible to meet with duty counsel before your court date. To contact your local court registry for the family duty counsel schedule, see the list of phone numbers on the LSS website (<http://www.lss.bc.ca/>). Click on "Legal Aid-Legal Advice", then "family law matters", then "How to find Provincial (or Supreme) Court family duty counsel". You can also call your local legal aid office or LSS Regional Centre to find out family duty counsel schedules.

### **5. Family Advice Lawyers**

Family advice lawyers are duty counsel who are available in Kelowna, Nanaimo, Port Alberni and Vancouver. You must be referred by a family justice counsellor or a child support officer (except in Port Alberni which offers drop-in service for financially eligible clients at the courthouse).

For more information about family advice lawyers in Kelowna, Nanaimo, or Vancouver, contact Enquiry BC at 1-800-663-7867 and ask to be connected to a family justice counsellor's office. In Port Alberni, contact the local court registry for more information.

### **6. Phone and Website**

For criminal duty counsel, check the white pages of your phone book under "Legal Aid" or call Enquiry BC at 1-800-663-7867 for the number of your nearest legal aid office or LSS Regional Centre.

For more information about family advice lawyers in Kelowna, Nanaimo, or Vancouver, contact Enquiry BC at 1-800-663-7867 and ask to be connected to a family justice counsellor's office. In Port Alberni, contact the local court registry for more information.

## **Resource #36 LEGAL AID REPRESENTATION**

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, family, mental health or immigration problems. The following legal issues are covered:

**Criminal charges** (of all but the least serious offences) where the client, if convicted, is likely to:

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

Also covered are:

- aboriginal clients where a conviction would affect their ability to follow a traditional livelihood of hunting and fishing,
- youths charged with federal offences, and
- clients with a physical condition or disability or a mental or emotional illness that makes it impossible for them to represent themselves.

**Family cases** where the client needs:

- an immediate court order to ensure their own or their child's safety and security,
- to overcome a serious denial of access to their children; or
- to prevent the permanent removal of a child from the province.

Exceptions may be considered where, for instance, only the appointment of a lawyer can avoid a significant injustice, or where the client is unable to represent him or herself due to a mental or physical disability or trauma from past abuse.

**Child protection** cases where:

- the Ministry of Children and Family Development has taken or has threatened to take child(ren) away,
- there are custody and access issues related to a child in the care of the Ministry of Children and Family Development.

**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.

**Victims of or witnesses to crime** where the defence lawyer asks for the disclosure of personal information.

Note: Whether or not any particular case is to be covered by legal aid is ultimately a decision made by LSS.



## Eligibility

Youths charged with federal offences are entitled to legal aid representation regardless of their financial status. Other applicants for legal representation must have a net monthly household income equal to or less than the amounts in the following table.

There are also asset limits and some allowable deductions.

Household size	Net monthly income
1	\$1,400
2	\$1,950
3	\$2,500
4	\$3,050
5	\$3,600
6	\$4,160
7 or more	\$4,715

### Applying for legal aid representation

You can apply for legal aid representation over the phone at 1-866-577-2525 or in person at a Legal Services Society office or at an office of a local agent authorized to take legal aid applications.

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.

Note that if you don't qualify for representation, you may still be financially eligible for advice services such as duty counsel or LawLINE. (You don't have to be financially eligible to receive legal information from LSS.)

### Phone and Website

Phone: You can apply for legal aid representation over the phone at 1-866-577-2525.

Website: [www.lss.bc.ca](http://www.lss.bc.ca). To find the address and hours of the office nearest you, click on the appropriate link under the "Legal Aid—Legal Aid Offices" drop-down box.

NOTE: Many of Legal Services Society programs will change as of April 1, 2010. Please check with the website or call the central phone # (1-866-577-2525) to obtain current information at that time.

## **Resource #45 PRIVATE BAR LAWYERS**

As well as Lawyer Referral Service, Resource #35, 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 (eg 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 the Yellow pages of the phone book. Many of the ads will state whether the firm offers "free initial consultations".

Pro Bono legal services are more difficult to find. However, many lawyers register their availability to do pro bono work with the Pro Bono Law of BC Roster. You can be referred to one of the roster lawyers through such services as Access Justice (Resource #1), the LawLINE (Resource #31) or the Salvation Army Pro Bono Lawyer Consultation Program (Resource #51).

# Part 3: Preparing for your Interview

Complete this form before speaking with a lawyer or advocate:

### Information about you

Name:

Telephone:

Address:

Date of Birth:

Social Ins. No.:

Postal Code:

### What happened?

Write down what happened in order. Include dates, times, locations, names. Use more paper if necessary.

Lined area for writing the interview details.

## Preparing for your Interview

### Other people involved

Write down the names, telephone numbers and addresses of the other party and any witnesses.

<b>Name:</b>	<b>Telephone No.:</b>	<b>Address:</b>

### Documents

On a separate piece of paper, list all of the documents you have relating to the incident. Use the following headings and **bring the documents to your meeting**:

<b>Date:</b>	<b>Description of document:</b>	<b>Received from:</b>	<b>Addressed to:</b>

A guide for non-legal professionals to learn where to direct clients when common legal problems occur.

**Topics include:**

- Family Law
- Criminal Law
- Employment Issues
- Consumer & Debt Problems
- Complaints Against Authority
- Housing
- Welfare & Disability
- Wills & Estates
- Human Rights
- Suing or Being Sued

Also inside:

**LEGAL RESOURCE GUIDE**

A listing of places to turn to when a client presents a problem.

**INTERVIEW WORKSHEET**

Prepare your clients for their interviews with legal professionals.

The interview worksheet ensures all documents and information are together in one place.

Funded by:



Find this guide online at:

**clicklaw.bc.ca**

2nd Edition, November 2009

**Learn how to help when a client says:**

*I have a legal problem!*

