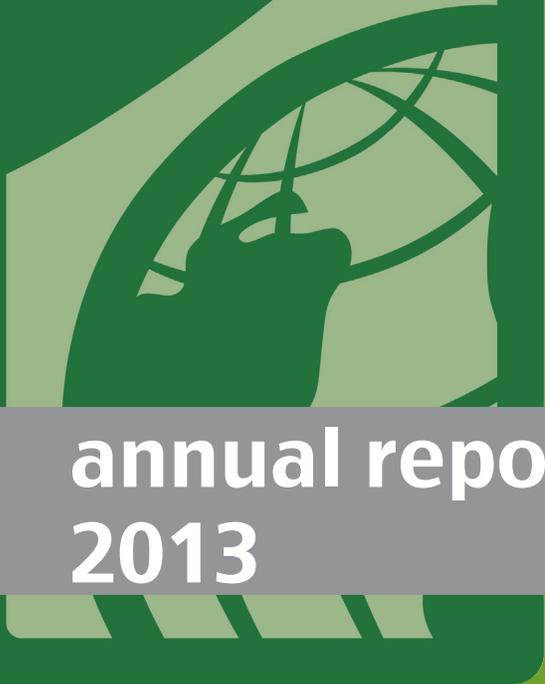




**BRITISH COLUMBIA
LAW INSTITUTE**



**CANADIAN CENTRE
FOR ELDER LAW**



**annual report
2013**



REPORT OF THE CHAIR

The British Columbia Law Institute has managed another successful year of good progress. Having been Chair of BCLI since September 2012, this will be my last report as the Chair. The two years have passed quickly and are marked by many positive developments.

BCLI / CCEL has achieved significant successes in 2013. Perhaps the most impactful work for British Columbians has been BCLI's work in supporting the implementation of the new wills, estates and succession legislation (WESA) and accompanying probate rules, in force as of March 31, 2014. I am pleased to have been involved in the WESA law reform initiative since its beginning with BCLI's WESA law reform project resulting in the publication of the report, *Wills, Estates and Succession: A Modern Legal Framework* in 2006. WESA provides updates and improvements to benefit all British Columbians.

During the fiscal year (ends March 31), BCLI and CCEL completed 10 projects, that are described in more detail with this Annual Report and range from the development of practical guides and tools for responding to elder abuse to traditional law reform projects such as the *Franchise Act*, *BC Project* with recommendations to introduce franchise legislation in BC. During the same period we have developed 7 new projects also with a range of purposes from the *DEAR - Dental Elder Abuse Response* project to a major law reform project relating to the *BC Strata Property Act*. The development and completion of these projects demonstrates our continuing focus on:

- excellence in legal research and law reform work; and;
- development and expansion of important relationships with government, collaborators and other key stakeholders.

While carrying out its core activities, BCLI and CCEL continue to contribute to legal research and law reform activities in the broader community in several ways:

- **Uniform Law Conference of Canada (ULCC)** - In addition to BCLI staff contributing as part of the BC delegation to the ULCC meetings, both Arthur Close, QC, (BCLI *member emeritus*) and Jim Emmerton, (BCLI Executive Director) are participating in ongoing ULCC law reform projects;
- **10th Anniversary CCEL** - On October 1, 2013, CCEL celebrated its 10th anniversary and National Seniors Day with a celebration and information exchanges involving over 100 guests, collaborators and key stakeholders;
- **International Women's Day** - CCEL participated in International Women's Day in March of both 2013 and 2014 by presenting stories featuring older women's issues as part of the *CCEL Older Women's Dialogue Project*; and
- **2014 FOLRAC Symposium** - With the Law Reform Commission of Saskatchewan, BCLI co-hosted, at the UBC Law Faculty, the 2014 FOLRAC Symposium of the Federation of Law Reform Agencies of Canada. Jim Emmerton is

the President of FOLRAC.

Funding Challenges

For various reasons, the funding of legal research and law reform activities is ever more challenging. BCLI has responded effectively by maintaining exceptionally low costs and by developing some new and innovative sources and means of funding. The Board remains sensitive to the fact that the ongoing financial position of BCLI is fragile and welcomes all contributions made to sustain this important work.

Appreciation

All those associated with BCLI and CCEL continue to apply great experience, expertise, and dedication to our work. The small BCLI/CCEL staff completes very substantial outputs of legal research, law reform recommendations and many related activities demonstrating great dedication, expertise and efficiency. The volunteer Board members dedicate many hours in review and discussion that provide exemplary governance of BCLI/CCEL in addition to the critical oversight and approvals of the various work. And including volunteer Board members, over 100 expert volunteers contribute important expertise and real-world experience to BCLI/CCEL's projects. Finally, in addition to expressing my appreciation to the staff, Board and other volunteers, I express sincere thanks to all of the organizations and people who provide funding of our work. In a time of significant financial restraints, we most appreciate the continued support that is provided.

Conclusion

It is abundantly evident that the successes recounted here indicate the great work of a vibrant

and committed legal research and law reform agency. It has been a privilege to Chair the BCLI Board during the past two years. I can confidently report that the Board continues to be grateful for the great results achieved by the BCLI / CCEL staff in collaboration with all of our various volunteers and other supporters. I express my sincere appreciation for the support of funders, government and the substantial contributions of scores of dedicated and expert volunteers through whom it is possible for the vital work of BCLI and CCEL to continue.

“...the successes recounted here indicate the great work of a vibrant and committed legal research and law reform agency.”



R. C. (“Tino”) Di Bella
Chair

R.C. Di Bella



REPORT OF THE EXECUTIVE DIRECTOR

The British Columbia Law Institute (BCLI) and Canadian Centre for Elder Law (CCEL) are busily focused on multiple projects and activities that continue to exemplify our persistent dedication to excellence in legal research and law reform. As we proceed with the ongoing work, it is worthwhile to contemplate some perennial challenges that affect law reformers and ultimately, all of us:

1. Why does it take so long to make needed changes in laws?
2. What benefit is provided by law reform work that is independent? Can't the Government do it?
3. If independent legal research and law reform are useful activities, why is there not greater financial support in British Columbia?

1. Why does it take so long to make needed changes in laws?

In some instances, the impatience implicit in the question has merit; changes in laws sometimes entail more time than is warranted. More often a lapse of significant time between identifying the need for change and implementation of law reform is needed.

Not surprisingly, changes in law usually involve weighing the merits of several objectives that are often in apparent conflict.

A simple question such as, *Should assisted living legislation in British Columbia regulate the keeping of pets?* - provides a good example. While a

first look might suggest a simple question meriting a simple answer, a closer look requires some greater circumspection:

- Are there other statutes or bylaws that adequately deal with the keeping of pets?
- Are the other statutes or bylaws relating to the keeping of pets appropriate for an assisted living setting?
- Should assisted living legislation protect assisted-living neighbours who are allergic to cats or other animals?
- Should assisted living legislation protect those working in assisted living residences from the risks of exposures to pets?

Simply put, good research and analysis are needed to ensure that solutions are appropriate before laws are changed. In a world of sound-bites and increasingly rapid communications, it is important to recognize that the development of good solutions to complex problems requires appropriate time and deliberation. Law reform questions involving complex situations require considerable research and analysis, and public and government consideration to find the best solutions.

Should BC strata law be amended to provide a different process for dissolving a strata corporation? This complex question is under review in BCLI's *Strata Property Law: Phase Two* project and involves legal research, consideration by an expert Project Committee and a public consultation process.

Subsequent to the work of a law reform agency such



Alison Leaney, R. C. Di Bella, Jim Emmerton and Laura Tamblin Watts listen attentively during the Canadian Centre for Elder Law's 10th Anniversary Celebration.

as BCLI, the government must assess whether to introduce legislation and the government's decision-making will be influenced by additional factors such as relative urgency, budgetary considerations, divergent public views, etc.

In recent years, several jurisdictions have explored processes to facilitate earlier legislative adoption by government of reform recommendations made by law reform agencies. At the 2014 FOLRAC Symposium, the Scottish Law Commission presented its new initiative directed to providing a more efficient process for passage of some non-controversial recommendations. This most interesting discussion:

- Provided inspiration for others to consider whether similar processes could be developed elsewhere; and
- Revealed that a proposed efficient adoption process will always be subject to the question - what is truly 'non-controversial'?

In the end, good law reform, like good wine, is worth waiting for. It is essential to creating a better, more just society for all.

2. What benefit is provided by law reform work that is independent - can't the Government do it?

Independent law reform agencies play an important, sometimes crucial role in law reform in common law democracies.

In our democracy, governments set out to govern, including passing law reforms, in the best interests of the public. There are several ways in which independent law reform agencies make essential contributions to the government's objective of working in the best interests of the public.

- a) **Policy Development** - Often challenges arise for which a legislative solution is not obvious. Given the political party nature of our democracy, a government may want to have objective, detailed research and analysis on an issue at an early stage before making policy decisions directed to changing the law. An independent non-partisan, non-political law reform agency such as BCLI, can undertake the needed research and analysis to provide recommendations that are unfettered by political assumptions and suggest the best legislative solution before

government commits to a particular direction of reform.

b) **Expertise and Efficiency** - A typical law reform agency, including BCLI, operates with very small staff of dedicated, professional, experienced law reformers. Legal research and law reform techniques and processes comprise a unique professional specialty. Maintaining a small group of such people in an independent agency is financially efficient and effectively sustains the availability to government and the public of this unique professional expertise.

c) **Attracting Volunteer Experts** - Experts and people experienced in various areas of law are attracted to voluntary participation in an independent, non-partisan and non-political process of law reform. Volunteers feel that their time is provided for the right reasons:

- There is no political agenda - conclusions are reached on their merit;
- Excellent, innovative decisions are developed through collective deliberations. Volunteers extend their knowledge and expertise through this collaboration.
- Volunteers experience satisfaction from their involvement in a process that results in improving the law.

3. If independent legal research and law reform are useful activities, why is there not greater financial support in British Columbia?

A reality is that the funding provided to law reform agencies is quite limited for several reasons.

a) **Rational, Objective Process** - Good legal research and law reform work is rational, objective and thorough. While the work may be recognized as valuable and relevant, unlike other causes, there is no strong emotive draw to supporting legal research and law reform. Unlike legal research and law reform work, other organizations competing for limited financial resources often

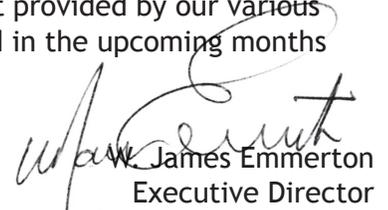
have strong emotional appeals, such as for medical research or emergency relief.

b) **Longer Time Horizon** - It is customary that significant amounts of time elapse between the time that a law reform project commences and the time when the project's law reform recommendations are implemented in new laws. Supporters of law reform agencies are asked to take a long-term strategic view often directed to systemic change while others are often seeking support for programs that offer near-term results.

d) **Efficiency** - Legal research and law reform work at BCLI is carried out in an exceptionally efficient manner through the dual efficiencies of a small low-cost staff and the substantial added value from about 100 volunteer experts on project committees and the volunteer board. Since 2008 there has been no general increase in staff salaries. While this exceptional financial efficiency is laudatory, it cannot continue indefinitely.

BCLI is proud of its work since inception in 1997. BCLI has an excellent governance Board, expert and experienced staff, dedicated volunteers and essential collaborating stakeholders. These provide the strong capabilities needed to continue completing current projects, to identify and undertake new vital legal research and law reform projects for British Columbians and to support older adults in Canada.

Thank you to everyone who has contributed to the success of the British Columbia Law Institute and Canadian Centre for Elder Law in 2013. I am especially grateful to be associated with our exceptional staff, board and volunteer project committee teams. With these exceptional and generous people we continue to express our sincere appreciation for the financial support provided by our various supporters last year and in the upcoming months and years.


W. James Emmerton
Executive Director



REPORT OF THE NATIONAL DIRECTOR

This past year the Canadian Centre for Elder Law celebrated 10 years of work. Last October 1—a date which is now recognized in Canada as National Seniors Day—we invited members of the community to come together to talk about exciting initiatives they are involved in, and celebrate recent achievements in advancing law and policy change to address the experiences of older people. I saw a number of lawyers in the room that day; I remain grateful that many lawyers are passionately advocating for seniors’ rights in Canada. But I was reassured to see the space dominated by older activists and people working with non-profit organizations that engage around social equality, seniors’ rights and the inclusion of people from diverse cultures and communities.

One of the challenges we have been exploring over the last few years is how to better engage community in law reform, legal education, and law and policy research on issues impacting older people. How can we enhance our capacity to respond to community need, and do work that is meaningful at a grassroots level? How does this commitment to be engaged in, and with, community require us to rethink our methods? The past few years have been an experiment of sorts. The risks we have taken in trying to do things differently have reaped positive change for us an organization. But learning is ongoing.

In 2013, we were moving forward more projects in partnership. We have been working with the West

Coast Women’s Legal Education and Action Fund, Volunteer Richmond Information Services, and Archer Dental. We have also been engaged by the Canadian Network for the Prevention of Elder Abuse and Atira Women’s Resources Society to support projects they are leading. Working with, and for, different organizations is helping us to connect with different communities. Collaborating with partners who bring different expertise to the table is enhancing our work. It also helps to keep us humble.

This past year we published materials in languages other than English and French. We produced work in Spanish, Chinese, Punjabi, Farsi, Dari, Polish and Russian. This process of developing works in other languages afforded us an opportunity to work with new community partners, and

Krista James

connected us with a whole new layer of community. To be sure, working in a multi-lingual context brought new challenges. But we think this work is important. Older people’s experiences are diverse and deeply impacted by language and culture. If we work exclusively in English we are ignoring and excluding a large proportion of the population.

This past year we embarked on some research in the area of supported decision-making, a topic of importance to people with disabilities and older adults. Historically there has often been a degree of separation between communities engaged around

disability issues and seniors' issues. Still, it was more challenging than we expected to bring people from the disability community to the table. There is a need to build cross-sectoral understanding and trust in order to address issues in a more robust manner. But trust often has to be earned. We are keen to participate further in this process of bridging disability and seniors communities, of producing work that acknowledges differing perspectives on issues.

In 2013, during the planning period for our second International Women's Day event celebrating older women, the project advisory committee decided to highlight the experiences of older immigrant women and Aboriginal elders. We are very interested in learning more about the experiences of seniors from these communities so we can move forward work that is more responsive to their realities. Offering this space for telling story is for us an early step in an attempt to build trust and relevance. You will have to follow our work in upcoming years to see if this approach is achieving progress.

Engaging further with community has meant the opportunity to work with even more inspiring older people and community members. On a personal level, this part of our work remains one of my greatest privileges.

Not surprisingly, changing the way we do our work presents many challenges. Hopefully it makes the work more meaningful and impactful for seniors in our communities



Krista James
National Director
Canadian Centre for Elder Law

CURRENT MEMBERS AND DIRECTORS OF BCLI

Name	Appointed By	Since	Most Recent	Term Expiry
Hon. Marion Allan	CBA BC	08/01/2013	08/01/2013	07/31/2016
Prof. Joost Blom, Q.C.	At large	12/05/2007	12/12/2012	12/03/2017
Roy Cammack	Society of Notaries Public, B.C.	08/01/2013	08/01/2013	07/31/2016
Jan Christiansen	The Law Society of British Columbia	12/01/2012	12/01/2012	11/30/2015
R. C. (“Tino”) Di Bella	Canadian Bar Association, B.C. Branch	04/01/2008	04/01/2011	03/31/2014
Prof. Doug Harris	University of British Columbia, Faculty of Law	04/01/2012	04/01/2012	03/31/2014
Prof. Robert Howell	University of Victoria, Faculty of Law	09/01/2008	09/01/2013	08/31/2018
Fiona Hunter	The Law Society of British Columbia	05/01/2009	05/01/2012	04/30/2015
Hon. Kenneth C. Mackenzie, Q.C.	At large	01/11/2012	01/11/2012	01/10/2015
Dr. Richard Oppong	TRU Law	09/19/2013	09/19/2013	11/30/2017
Lisa Peters	At large	10/04/2010	10/04/2013	10/03/2016
Peter Ramsay, Q.C.	At large	06/06/2002	09/19/2012	09/30/2015
Andrea Rolls	At large	04/01/2010	03/31/2013	03/19/2016
Stanley Rule	At large	10/04/2010	10/04/2013	10/03/2016
Thomas Spraggs	Attorney General of British Columbia	09/19/2012	09/19/2012	09/18/2017
<i>Members Emeriti</i>				
Gregory Steele, Q.C.	Board of BCLI	01/11/2012	01/11/2012	01/10/2015
Arthur Close, Q.C.	Board of BCLI	09/19/2012	09/19/2012	09/18/2017

Board of Directors and Judicial Liaisons

During 2013, we have had a number of changes in the Board of Directors and Judicial Liaisons.

Mr. Justice Peter Willcock, who was the Judicial Liaison representing the Supreme Court, BC was appointed to the Court of Appeal, BC. **Right now, the Supreme Court Judicial Liaison position remains vacant.**

Notary Richard Evans left the Board in July 2013 and as replacement we welcomed Notary Roy Cammack. Thank you to Mr. Evans for his great work on the Board including serving on the Audit, Finance & Risk Committee.

Prof. Margaret Hall, appointed by the Dean, Thom-

son Rivers Law also left the Board. We welcomed her replacement, Dr. Richard Oppong. Thank you to Prof. Hall for her service to the Board.

Mimi Chen, appointed by the Canadian Bar Association, left the board in July 2013. Thank you to Ms. Chen for her work on the Board.

Early in 2014, Geoff Plant, Q.C., left the Board upon the completion of his two terms as an appointee of the Attorney General, BC. Thank you to Mr. Plant for his valued counsel and advice.

Honourable Marion Allan was appointed as a member and Director by the Canadian Bar Association BC Branch in August 2013.

Executive Committee - meets as required and has the full power of the Board of Directors, except for the approval of commitments over \$ 75,000 or matters delegated to another Committee of the Board.

Below is a summary of our current staff.

Executive Director Jim Emmerton	National Director, CCEL / Staff Lawyer Krista James
Senior Staff Lawyer Greg Blue, Q.C.	Staff Lawyer & Secretary Kevin Zakreski
Research Lawyer Alexandre Blondin	Office Manager Elizabeth Pinsent
Project Contractor (part-time) Laura Tamblyn-Watts	Researcher (part-time) Raissa Dickinson
Office Administrator (part-time) Sarah Chao	

The reference to “At large” in the adjacent table indicates the 6 members/directors who are appointed by the 9 ‘institution-appointed’ members. Traditionally, one “At large” member/director has been a non-lawyer, currently Andrea Rolls.

BOARD COMMITTEES

Members include Peter Ramsay, Q.C., Prof. Joost Blom, Q.C., R.C. (Tino) Di Bella, Geoff Plant, Q.C., and Jim Emmerton (ex officio).

Audit, Finance & Risk Committee - meets at least four times per year and assists the Board of Directors in fulfilling its oversight responsibility relating to financial, accounting and risk matters.

Members include Lisa Peters (Chair), R.C. (Tino) Di Bella, Richard Evans, Fiona Hunter, Jan Christiansen, and Roy Cammack.

Program Committee - meets at least twice per year and assists the Board of Directors in fulfilling its responsibilities relating to the development and approval of law reform projects and public education and outreach projects.

Members include Prof. Joost Blom, Q.C. (Chair), Dean Mary Anne Bobinski, Arthur Close, Q.C., Christine Elliott, and Prof. Robert Howell.

Nominating Committee - meets at least once per year and assists the Board of Directors relating to the appointment of members, officers and committee members.

Members include Prof. Joost Blom, Q.C., R. C. (Tino) Di Bella (Chair), Fiona Hunter, and D. Peter Ramsay, Q.C.

Strategic Plan and Succession Committee - meets as needs and assists the Board of Directors in review and update of the strategic plan and currently, to develop succession planning and recruitment.



BRITISH COLUMBIA LAW INSTITUTE

Members include R.C. (Tino) Di Bella (Chair), Peter Ramsay, Q.C., Andrea Rolls, Thomas Spraggs, and Jim Emmerton (*ex officio*).

In 2013, BCLI had three **Judicial Liaisons**:

- Honourable Madam Justice Mary Newbury, Court of Appeal of B.C.
- Honourable Justice Peter Willcock, Supreme Court of B.C.
- Honourable Judge Gurmail Gill, Provincial Court of B.C.

Volunteers

During the year, BCLI benefited greatly from the substantial contributions of over 100 volunteers on the Board, on Project Committees and through research and other assistance. A special thank you to all of our volunteers.

PROJECTS AND ACTIVITIES REPORTS

BCLI

COMPLETED PROJECTS AND ACTIVITIES

ASSISTED LIVING, B.C.

Project Coordinator: Jim Emmerton

Project Committee: Linda Angus, Joan Braun, Lori Dennis, Jim Emmerton, Jennifer Fox, Sandra Golithly, Fiona Hunter, Ann Howard, Carly Hyman, Zoe Jackson, Al Jina, Mike Krabbendam, Martha Jane Lewis, Marg McNeil, Jane Anne G. Purdie, Q.C., Danielle Scott, Marlene Williams

A combined BCLI / CCEL project, the Assisted Living, BC project reviewed of issues affecting the assisting living regime in BC including a public consultation and final report with 50 recommendations for law reforms.

CONTRIBUTION AFTER SETTLEMENT UNDER THE NEGLIGENCE ACT

Project Managers: Kevin Zakreski

This project provided a review of the *Negligence Act, BC* framework for the apportionment of liability in the circumstance where less than all of

the defendants have settled prior to trial and the subsequent judgment assesses a greater portion of liability than reflected in the settlement. The project report reviews the issues and proposes amendment of the *Negligence Act, BC* that will support, not discourage settlements.

FRANCHISE ACT, BC PROJECT

Project Manager: Greg Blue, Q.C.

Project Committee: Though no formal Committee was convened BCLI obtained the advice of leading experts in franchise law: James M. Bond, Q.C., Leonard Polsky, Blair Rebane, and Tony Wilson.

British Columbia does not have franchise legislation. This project considered whether the *Uniform Franchises Act* should be enacted in British Columbia and, if so, what adjustments to it and existing provincial laws would be needed to facilitate its implementation in this province. Among its key features, the *Uniform Franchises Act* deals with disclosure, the duty of fair dealing, rights to rescission, damages for misrepresentation, and dispute resolution.

Following receipt of public input on a consultation paper issued in 2013, BCLI prepared a final report completed in March 2014.

RATIONALIZING AND HARMONIZATION OF BC COMMON-LAW TESTS OF CAPACITY

Project Manager: Kevin Zakreski

Project Committee: Andrew MacKay (Chair), R.C. Tino Di Bella, Russell Getz, Kimberley Kuntz, Roger Lee, Barbara Lindsay, Catherine Romanko, Laurie Salvador, Jack Styan, and Geoffrey White.

There is no unified concept of mental capacity in law. The project provided research of the different standards of mental capacity that are currently applied in British Columbia law and investigated the feasibility and desirability of eliminating inconsistencies and anomalies in the tests of mental capacity.

Following detailed review of non-statutory tests of mental capacity in BC, BCLI has provided a final report with scholarly review of the issues and recommendations for reforms.

WILLS ESTATES AND SUCCESSION ACT ROLL-OUT

Activity Leader: Greg Blue, Q.C.

BCLI provided assistance with the roll-out of the new *Wills Estates & Succession Act* (WESA) and Probate Rules brought into force on March 31, 2014. CLE BC and BCLI collaborated to develop and present a program to inform lawyers and other professionals on the implications of the new Act and Rules.

2014 FOLRAC SYMPOSIUM

Activity Leader: Jim Emmerton

In February 2014, BCLI and the Law Reform Commission of Saskatchewan co-hosted the 2014 Symposium of the Federation of Law Reform Agencies of Canada. Held at 18-month intervals, the FOLRAC Symposium provides an opportunity for the law reform agencies of Canada and other interested in

law reform issues and processes to meet and exchange knowledge on various topics. The theme of the 2014 Symposium was *Engaging the Public and Government*. A special feature of the 2014 Symposium was a presentation by Malcolm McMillan, Chief Officer of the Scottish Law Commission of information relating to that agency's new process for consideration and passage of its law reform recommendations.

CURRENT PROJECTS

STRATA PROPERTY LAW - PHASE 2

Project Manager: Kevin Zakreski

Project Committee: Larry Buttress, Garth Cambrey, Tony Gioventu, Jim Jowett, Judith Matheson, Elaine McCormack, Doug Page, David Parkin, Allen Regan, Stanley Rule, Sandy Wagner, Ed Wilson, Patrick Williams (Chair)

The *Strata Property Act* was brought into force in July 2000. Since that time, some important new issues have emerged and some perennial issues have become in need of reconsideration. This phase-two project, begun in mid-2013, builds on the research and consultation carried out in phase one, with the goal of providing recommendations for legislative reform of selected strata-property issues. These issues are: (1) fundamental changes (including cancellation of strata plans and winding up of strata corporations); (2) complex stratas; (3) leasehold stratas; (4) common property; (5) selected governance issues; (6) selected insurance issues; (7) selected land-title issues.

This is large project expected to require about 3.5 years to complete.

TECHNOLOGY, REMOTENESS, DISABILITY, EVIDENCE

Project Manager: Greg Blue, Q.C.

Project Committee: Thomas L. Spraggs (Chair), Master Douglas Baker, David Bilinsky, Dr. Gary Birch, Brad Birt, Marla Gilsig, Jess Hadley, Dennis Hori, Prof. Frederic Lederer, Gord Lemire, Michael Llitchfield, Prof. Rebecca Morgan, Margaret Ostrowski

Funded by the Law Foundation of BC, this project has two aspects: (a) a law reform aspect aimed at removing the remaining legal and procedural barriers to the use of cost-efficient assistive and other technology to allow reception of evidence from witnesses who cannot provide the evidence by in-person viva voce testimony, and (b) an educational aspect in generating practice support material to familiarize lawyers, judges, tribunal members, and court and tribunal staff with the capabilities of the currently available range of assistive communications technology adaptable to court and administrative tribunal procedures, as well as those of technologies undergoing development.

ULCC CROSS-JURISDICTIONAL RECOGNITION OF PERSONAL PLANNING DOCUMENTS

Representative to ULCC: Arthur Close, Q.C., *member emeritus*

This joint Uniform Law Conference of Canada / Uniform Law Conference (USA) project is developing recommendations for legislative changes to encourage willingness to consider harmonization of laws relating to cross-jurisdictional recognition of personal planning documents. Recommendations developed in the Project will be considered for approval by the Uniform Law Conference of Canada.

ULCC VITAL STATISTICS ACT

Project Chair: Jim Emmerton

Project Executive Committee: Josée Dubé, Jim Emmerton (Chair), Michelle MacFarlane, and Lynn Romeo

The federal, provincial and territorial vital statistics regimes require updating as significant relevant social changes have developed in the past twenty years in such areas as reproduction, definition marriage, and sexual identification. This 3-4 year project will carry out legal research and develop a new *ULCC Vital Statistics Act* that can be used as a model for adoption in Canada. In addition to providing a Chair for the project, BCLI is providing research and writing and is working with three committees, the Executive Committee, the national Vital Statistics Council and a ULCC Working Group.

GOVERNMENT CONSULTATIONS

From time-to-time, on confidential request, BCLI supports government on policy and drafting considerations relating to potential implementation of various BCLI law reform recommendations.

CCEL

CCEL completed a number of projects and activities in 2013 and is continuing several others.

COMPLETED PROJECTS AND ACTIVITIES

CANADIAN ASSOCIATION OF OCCUPATIONAL THERAPISTS (CAOT)

Project Manager: Krista James

This legal research and writing project was carried out without an advisory committee.

CCEL prepared a legislative review and tables summarizing the laws in Canada relating to elder abuse for use by CAOT.

FRAUD EDUCATIONAL TOOLKIT FOR SENIORS

Project Manager: Krista James

For Economic and Social Development Canada (formerly Human Resources and Skills Development Canada), CCEL produced an educational toolkit for seniors in Canada on the subject of responding to and protecting themselves from fraud.

The set of tools included:

- a bilingual national fraud protection calendar;
- a series of five fact sheets (English and French versions); and
- a short animated fraud protection video (English and French versions).

The calendars were distributed in Canadian cities through seniors centres, and the other materials can be found on the CCEL website.

OLDER WOMEN'S DIALOGUE PROJECT: YEAR ONE

Project Managers: Krista James

Advisory Committee: Honourable Marion Allan, Shashi Assanand, Penny Bain, Anne Beveridge, Elsie Dean, Susan Henry Jill Hightower, Linda Light, Andrea Rolls, Carol Ross, and Honourable Justice Lynn Smith

The purposes of the Older Women's Dialogue Project were to 1) engage older women in law reform and public policy development, 2) enhance the capacity of professionals and practitioners from diverse sectors to understand issues through a lens that considers the impact of aging, ageism, sex discrimination and the imbalance of power between men and women; and 3) raise awareness of the major law and policy issues that must be addressed to improve the circumstances of older women.

To accomplish these goals, CCEL completed a three-phase project comprising 1) a series of consultation events to offer older women the opportunity to identify key issues requiring law reform, social change or public policy development, 2) a stream of the 2012 Canadian Conference on Elder Law focused on women and aging; and 3) in March 2013, an International Women's Day (IWD) event



focused on and celebrating older women.

Based on 22 consultation events with over 300 older women in 9 languages, CCEL produced a report that identified the various key issues affecting older women in the lower mainland.

POWERS OF ATTORNEY ELDER ABUSE AWARENESS (RICHMOND)

Project Manager: Krista James and Alexandre Blon-din

Most attorneys appointed under a Power of Attorney are lay people without specialized training on Powers of Attorney, usually family members. Power of Attorney law can appear complex and confusing, and much misuse is caused by lack of knowledge. The project's print resource is intended to provide basic information to a) seniors about their rights, and b) attorneys about their responsibilities to their elders.

Under the federal New Horizons for Seniors Program, the CCEL worked with Volunteer Richmond Information Services and an advisory committee to develop an educational tool on preventing financial elder abuse perpetrated through powers of attorney (POA) in Chinese. The project engaged a volunteer committee of Richmond seniors to develop the English prototype of a print resource, focus-test the Chinese language resource in Richmond, and start knowledge mobilization of the resource.

This project, which focused on one ethno-cultural community, was in a sense, a pilot project. The broader goal is to create resources appropriate and tailored to the multiple unique ethno-cultural communities in Richmond and other communities. Lessons from this project will be used to move forward further resource-development and awareness raising projects.

UNDERSTANDING THE LIVED EXPERIENCE OF SUPPORTED DECISION-MAKING IN CANADA

Project Manager: Krista James

In contract with the Law Commission of Ontario, the CCEL carried out legal and social research relating to understanding the lived experience of supported decision-making in Canada and wrote a research paper on the findings.

This research engaged individuals who have participated in supported decision-making, both professionally or personally, in order to enhance our understanding of how supported decision-making occurs in practice, within diverse communities, and share strategies and practices that enable supported decision-making to be an appropriate, effective and empowering tool. Research included:

1. A legal review of legislation in Canada that creates a framework for supported decision making;
2. Telephone interviews with key informants from BC, Yukon, Alberta, Manitoba and Saskatchewan who have expertise in relation to the use of supported decision-making in those jurisdictions; and
3. Interviews with people in BC who participate in supported decision making personally, using representation agreements, including:
 - a. Individuals using supportive decision making
 - b. Supported decision-makers designated under representation agreements
 - c. Individuals acting as monitors under section 12 of the Representation Agreement Act

d. Other people who form part of an individual's larger community of support.

CURRENT PROJECTS

BUILDING ON PROMISING APPROACHES ACROSS CANADA FOR HOUSING SENIOR WOMEN EXPERIENCING VIOLENCE

Project Manager: Krista James

In contract with Atira, the CCEL is carrying out research to identify organizations with promising approaches to housing senior women experiencing violence. CCEL's work comprises providing writing and leading the second year of work on Atira's multi-year project. CCEL work includes:

1. Identifying and connecting with all organizations across Canada to create a pan-Canadian inventory of safe/transitional housing programs for older women;
2. Creating a cross-Canada network of at least seven organizations/programs that house older women; and
3. Working with an advisory committee made up of representatives from each member of the network to develop a shared promising approaches document that builds on the first year of work by Atira.

This project is intended to benefit communities and organizations, which have developed, or intend to develop much needed safe housing for older women experiencing abuse or violence.

CNPEA KNOWLEDGE SHARING

Project Manager: Krista James

CCEL is providing management and other services for a multi-year project of CNPEA to develop a national knowledge sharing network on elder abuse prevention.

The objectives of the Project are to:

- Develop and expand relationships and information exchange among stakeholders working in elder abuse issues; and
- Develop a national hub to support information sharing.

As separate items, CCEL may contract with CNPEA for additional amounts to provide website support and/or research (in addition to an initial literature review). Assuming CCEL's role is renewed, CCEL's administration of the project will continue into 2016.

DEAR - DENTAL ELDER ABUSE RESPONSE

Project Manager: Krista James and Alexandre Blon-din

CCEL is supporting the Runnymede Dental Centre (Toronto) to create elder abuse awareness materials (poster and brochure) and develop a training module for use by older adult training volunteers. The immediate goals of the project are to (a) create elder abuse awareness materials, including a poster, and brochure for use by older adults using the clinic, (b) develop a training module for use by older adult volunteers, and (c) work with Runnymede to develop a program that will support senior volunteers to educate and support other seniors in issues of elder abuse awareness. CCEL is involved in all three components of this project.



OLDER WOMEN'S DIALOGUE PROJECT: YEAR TWO

Project Manager: Krista James

Based on the report of the first year, CCEL has developed the next phase of the project to develop specific needs for tools or reforms and carry out the work to deliver the tools and law reform recommendations. The Older Women's Dialogue Project explores:

- What are the pressing law and social policy issues impacting older women?
- What can we do to address these barriers to quality of life for older women?

The project involves collaboration with the West Coast Women's Legal Education and Action Fund. The project was initially funded by the United Way Lower Mainland and the Vancouver Foundation. The project is awaiting further funding decisions from the Vancouver Foundation and Employment and Social Development Canada.

Strategic Planning and Priorities

In February 2013, the Board approved a new 2014-2016 Strategic Plan.

The four key priorities established in the Plan are:

- 1) Recognizing that profound changes are occurring in legal systems, work to develop projects and initiatives relating the 'future of law';
- 2) Continue to explore opportunities to develop sustaining funding;
- 3) Develop and implement a management succession program; and
- 4) Continue focus on excellence in good governance, legal research and law reform work.

The British Columbia Law Institute and Canadian Centre for Elder Law acknowledge the critical support provided by our many supporters, partners and collaborators who play key roles in our successes. THANK YOU to:

Over 100 volunteer Board and project committee members	Ministry of Justice of BC
Advocacy Center for the Elderly (ACE)	Ministry of Labour of BC
Age Friendly Business	Minoru Activity Centre
Alberta Law Reform	National Association of Public Trustees and Guardians
Alberta Law Reform Institute (ALRI)	NICE Network
Atira Women's Resource Society	Pacific Arbour Retirement Communities
BC Adult Abuse and Neglect Prevention Collaborative	Parents Support Services Society of BC
BC Arbitration and Mediation Institute	Public Guardian & Trustee of BC
BC Association of Community Response Networks	Public Health Agency of Canada (PHAC)
BC Centre for Elder Advocacy and Support (BCCEAS)	Real Estate Foundation of BC
Boughton Law	Richmond Women's Resource Centre
Canadian Association of Gerontology	Royal Arch Monarch Apartments
Canadian Bar Association, BC Branch (CBABC)	S.U.C.C.E.S.S.
Continuing Legal Education Society of BC	Simon Fraser Open Spaces Project
Credit Financial Inc.	Simon Fraser University Gerontology
Downtown Eastside Women's Centre	Social Enterprise and Innovations Development (SEDI)
Federation of Law Reform Agencies of Canada	South Burnaby Neighbourhood House South
Gordon Neighbourhood House	Granville Seniors Centre
Housing Policy Branch of Minister of Energy, Mines and Natural Gas	The Law Foundation of BC
Human Resources and Skills Development Canada (HRSDC)	The Notary Foundation of BC
Immigrant Services Society	UBC Centre for Feminist Legal Studies
International Federation on Aging	UBC Faculty of Law
John Braithwaite Community Centre	United Way Lower Mainland
Langley Seniors Resource Centre	UVic Faculty of Law
Law Commission of Ontario	Thomson Rivers University Faculty of Law
Law Foundation of Ontario	Vancity Credit Union
Law Society of BC	Vancouver and Lower Mainland Multicultural Family Support Services
Lawson Lundell, LLP	West Coast Legal Education and Action Fund
Ministry of Finance of BC	West End Seniors Network
Ministry of Responsible for Housing	

BRITISH COLUMBIA LAW INSTITUTE & CANADIAN CENTRE FOR ELDER LAW



1822 East Mall
University of British Columbia
Vancouver, BC V6T 1Z1

Voice: 604-822-0142 Fax: 604-822-0144
E-mail: bcli@bcli.org Website: www.bcli.org



Attendees at the 2014 FOLRAC reception listen as the Hon. Christopher E. Hinkson, Chief Justice of the Supreme Court of British Columbia, delivers his address.