



BRITISH COLUMBIA LAW INSTITUTE

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Year in Review: Member Report to Board September 11, 2019 (website version)

INTRODUCTION

This report summarizes project milestones and highlights activities for the period September 2018 to September 2019:

PROJECTS

1. Completed Projects (3)

- [Employment Standards Act Review](#) released December 2018
 - Consultation generated 710 online responses and 26 detailed submissions
 - 71 recommendations
 - The ministry carried out a consultation in February 2019
 - A first set of amendments were introduced in spring 2019, many of which were informed by and/or reflecting recommendations
- [Health Care Consent, Aging and Dementia: Mapping Law and Practice in British Columbia](#) released February 27 2019 including 12 page plain language version.
 - Consultation included: 65 key informant interviews; 13 focus groups involving 58 people; 28 respondents to online survey of caregivers; 9 presentations during the research period
 - 34 recommendations: Law Reform (12); Practice Support and health care provider education (13); Systemic barriers and structural change (4); access to justice and information (5).
 - The educational booklet funded by the Law Foundation of BC will be published with the release of the video funded by the Notary Foundation.
 - Krista James has been invited to participate in over 10 conferences and meetings of health care providers, lawyers and community to discuss health care consent

- [Strata Property Law Reform project](#)
 - 6-year project released a total of 5 consultation papers and 5 final reports
 - 5th and final report released summer 2019
 - Total number of recommendations: 206
 - As each report was published Kevin Zakreski was invited to present on the topic to the Allard Hall Condominium law class
 - Recommendations from the 1st report “Terminating a Strata” released in February 2015 were introduced and passed in late 2015
 - 3rd report released January 2019 report on Governance Issues was informed by 290 responses.

2. Continuing Projects (4)

- Builders Lien Act Reform Project (Ministry of Attorney General)
- Health Care Consent, Aging and Dementia: Mapping Law and Practice in BC – Video project (Notary Foundation)
- Inclusive Investing: Respecting the Rights of Vulnerable Investors through Supported Decision Making (Law Foundation of Ontario)
- Update to a Practical Guide to Elder Abuse and Neglect Law in Canada (Department of Justice Canada).

3. New Projects (2 commenced in the period; funding for 2 confirmed Sep 2019)

- [Pension Division Review Project](#)
 - Review of Part 6 of FLA and related legislation (2019- 2020)
- [Modernizing the Child, Family and Community Service Act Project](#)
 - Funded by Law Foundation of BC (Sep 2018-Sep 2020)
 - a focused review of the Act to identify outdated provisions and operational incompatibilities and gaps within the statute itself and with legislation that intersects with this act;
 - comparative legal research into legislative models that support policy and practice related to youth aging into the community.
- Capacity and Assessment Tribunal: The Law Foundation of BC confirmed funding for a study paper. Work will begin in October 2019
- Vancouver Foundation “[Develop](#)” grant confirmed to research and prepare an application for a multi-year project on supporting people living with dementia in decision-making (addressing Recommendation 22 [in Health Care Consent project](#)) (work will be carried out in fall 2019.)

4. Research Contracts (4)

- Research project for Ministry of Attorney General
- Research Contract for Ministry of Municipal Affairs and Housing
- Update to the [2009 Vanguard Report](#) for Council to Reduce Elder Abuse
- STEP (Society of Estate and Trust Practitioners) scoping study on the teaching of mental capacity within professional disciplines”

5. Consultations on Implementation of Past Projects (3)

- Consultations with Ministry of Attorney General on Trustee Act
- Consultations with Ministry of Attorney General on WESA and Probate Rules
- Participation on Working Group on Money Judgments Enforcement Act

6. Pending applications for multi-year funding under Law Foundation of BC Major Projects call (2)

- A2J Service Innovation Lab
- Legal capacity and A2J

PUBLICATIONS

Reports and Consultations Papers Published (9)

- Strata Property Act reform: 3 Consultation Papers and 3 final reports
- Employment Standards Act Reform: 1 consultation paper and 1 final report
- Health Care Consent, Aging and Dementia: Mapping Law and Practice in British Columbia: 1 final report (tools to follow)

EVENTS

Events and Consultations Attended (highlights) (9)

At each meeting of the board of directors, the “Project and Activity report” lists the many outreach, education and ongoing activities of BCLI and CCEL staff. Federal and international highlights from 2018/19 include:

Canada:

- Canadian Association of Gerontology conference and AGEWell conference, Vancouver, November 2018 (K James)
- Financial Consumer Agency of Canada (FCAC) consultation on development of code of conduct for delivery of banking services for seniors (January 2019) (K Cunningham)
- Ministry of Finance consultation on Open Banking (February 2019) (K Cunningham)
- Networking event with the Federal Minister for Seniors, Filomena Tassi organized by the United Way Lower Mainland (February 2019) (K James)
- House of Commons Standing Committee on the Status of Women regarding study into older women and poverty/vulnerability (April 2019) (K James)
- Annual Meeting of the Uniform Law Conference of Canada (member of BC Delegation) St Johns Newfoundland, August 2019 (K Cunningham). Note: K Cunningham has been appointed Chair of the ULCC Civil Section for the September 2019 to August 2020 year.

International events attended by Executive Director K Cunningham:

- Annual Plenary and panel presentations on supported decision making at Australian Guardianship & Administration Council conference, Canberra, Australia, March 2019

- Presentations on supported decision making and role of BC Public Guardian and Trustee at World Congress on Adult Guardianship, Seoul Korea, October 2018
- Chaired panel on decision making models in Canada, Australia, Ireland at STEP Worldwide 3rd Global Congress held in Vancouver, BC in September 2018

FUNDING

1. Continuing Funding Grants (2)

- Continuing funding of \$400,000 from the Law Foundation of British Columbia renewed
- Funding from the Ministry of Attorney General for British Columbia renewed for \$175,000

2. New Project Grants, Contracts and Funding¹ (9)

- Law Foundation of British Columbia (Modernizing the Child, Family and Community Services Act Project)
- Notary Foundation (Health Care consent video project)
- Ministry of Municipal Affairs and Housing (Research contract)
- CREA funding to update Vanguard report
- Department of Justice Canada: update Practical Guide to Elder Abuse in Canada
- Canada Summer Youth Grant (for summer student)
- STEP Academic Community
- Law Foundation of British Columbia (Capacity & Assessment Tribunal Study paper)
- Vancouver Foundation “Develop Grant” to develop proposal for multiyear project to address Recommendation 22 in Health Care Consent project (Fall 2019).

DIRECTORS AND STAFF

Board of Directors: During the period the terms expired for: Tino Di Bella, Honourable Kenneth Mackenzie QC, Jan Christiansen, Susan Mercer, Janis Sarra, Andrea Rolls, Dylan Mazur. On October 3, 2019 Brent Olthuis will step down.

We welcomed Honourable Marion Allan, Tejas Madhur, Jennifer Davenport, Leanne Rebantad, Michelle LeBrun, James Deitch, and Dylan Merrick. On October 4, 2019, Timothy Outerbridge joins the board. Board member details are available on the BCLI website

Emeritus Members: During the period we also welcomed back two former members as members emeritus: Professor Robert Howell and Professor Joost Blom QC.

Volunteers: During the period 90 individuals served on project advisory committees

Staff:

- Departures: Elizabeth Pinsent (Office Manager); Rachel Kelly (Research Lawyer – PT)
- Joined: Shauna Nicholson (Legal Assistant); Maria Sokolova (Research Lawyer – PT)
- Summer Students: Kristen Weedmark; Sara Pon (PT; continuing fall 2019)

¹ Excludes funds received as part of commitments to multiyear funding grants reported in past years but paid in installments during the period and funding payable upon project completion.