British Columbia Law Institute &

Canadian Centre for Elder Law

Annual Report 2018

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# The year in review



## Thomas L. Spraggs



# Report of the Chair

This is my first annual report as Chair of the British Columbia Law Institute.

I joined the board in 2012. Since then I have had the privilege of serving as Treasurer and Vice Chair, and chairing the Advisory Committee for the Project on Technology, Remoteness, Disability and Evidence.

Our board is comprised of 16 members, each of whom brings special expertise, knowledge and skills to the team. I look forward to working with them in 2019.

We welcomed 5 new members in 2018:

- Dr Tesh Dagne
- Emily Clough
- Tejas Madhur
- Dr. Elizabeth Adjin-Tettey
- Jennifer Davenport

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We also welcomed back:

- Dr. Janis Sarra
- The Honourable Marion J. Allan
- Professor Joost Blom Q.C. as a member emeritus.

In 2018, we also said good-bye to four long time members.

Rosario (Tino) Di Bella

Tino's contributions to BCLI over the past 10 years are numerous.

During his tenure as the appointee of the CBA BC and then the Attorney General for BC, he served as Treasurer, Chair, and Past Chair and sat on the Executive Committee, Audit Risk and Finance Committee and Strategic Planning Committee.

He also also a member of three project committees: The Wills, Estates and Succession project, the Common Law Tests of Capacity project and Probate Rules Reform.

 Hon. Kenneth C. Mackenzie, Q.C., S.J.D

Justice Mackenzie is a retired Justice of the Court of Appeal, British Columbia. Mr. MacKenzie was appointed as a member at large to the BCLI Board in 2012.

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During his term he served on the Nominating Committee and chaired the Program Committee.

Jan Christiansen

Jan served as appointed of the Law Society of BC for six years. During his term he served on the Audit Risk and Finance Committee.

Prof. Robert G Howell

Professor Howell was appointed by the Dean of the Faculty of Law at the University of Victoria from 2008 to 2018. During his ten year tenure Professor Howell served on two project committees, Real Property Law Reform and Employment Standards Act Reform, as well as the Audit, Risk and Finance Committee and the Program Committee. He contintues to offer

his academic expertise as a member emeritus.

In addition to an engaged board, BCLI has a strong team of lawyers whose expertise at the work they do is second to none. As I look at the projects that are winding up in late 2018 and early 2019, I reflect on the commitment of our many project volunteers who bring invaluable experience and expertise to project committee meetings. Their commitment to making law reform recommendations that will balance the policy options and needs of all stakeholders is core to ensuing our reports maintain their reputation for indepenece and non-paritanship.

The range and complexity of the projects highlight the importance of our work which often occurs outside of the political cycles. It is what makes BCLI

and other law reform organizations unique.

BCLI's purposes are set out in its constitution:

- promote the clarification and simplification of the law and its adaptation to modern social needs,
- promote improvement of the administration of justice and respect for the rule of law, and
- promote and carry out scholarly legal research

The BCLI seeks to identify areas of the law that no longer meet the needs of British Columbians and emerging law reform needs. The CCEL seeks to understand how older adults are impacted by the law and identify how the law needs to adapt to meet the needs of this population.

The BCLI and CCEL staff and the program committee turn their mind to current and emerging issues on an ongoing basis. In 2019, BCLI's staff and program committee will consider opportunities to enhance the process as it seeks to define its law reform agenda for 2020 and beyond.

Highlights of current processes include:

#### Issue identification:

Investigating social and legal issues through formal and informal discussions and processes to determine law reform needs;

## Research, writing and consultation:

Carrying out the legal research, analysis, writing and consultation to carry out projects with the assistance of experts working in the field; • Knowledge Mobilization: Carrying out knowledge mobilization activities during a project to obtain feedback about issues, raise awareness of issues, and seeking to achieve consensus on recommendations to address the legal issues under study;

# Ongoing outreach and program development:

Ongoing outreach activities to support understanding of law reform needs and project recommendations; sharing findings and recommendations of past projects; maintaining and developing key stakeholder relationships on past projects; consulting on new project opportunities.

Critical to our work is hearing from the legal profession, stakeholders and the public about problems with current laws, including gaps and inconsistencies. In 2019 we will be working towards establishing a more structured process for receiving suggestions. In the meantime, ideas can be sent to bcli@bcli.org.

Foreshadowing 2019, we know that the Law Foundation of BC will be conducting a review of its "Law Reform" funding program. We look forward to the process which will allow us to step back and consider the nature of independent non-partisan law reform and how we can continue to contribute to this work in effective ways.

Thomas L. Spraggs
Chair, BCLI



## Kathleen Cunningham



# Report of the Executive Director

2018 saw staff focused on bringing three large projects to completion.

- the Employment Standards Act Reform project. See Spotlight on page 17.
- the Strata Property Law Phase 2 project and
- the project on "Health Care Consent, Aging and Dementia: Mapping Law and Practice in British Columbia"

Having already released two final reports on terminating a strata and complex stratas, the BCLI released 3 more consultation papers in 2018: Governance Issues in March 2018; Insurance Issues in September 2018, and Common Property, Land Titles, and Fundamental Changes for Stratas in December 2018. We look forward to the final reports in the first half of 2019 and are grateful to the committee members for their perseverance with this project that will, by its end, have continued for six years. We thank the project's nine funders for their ongoing financial support for the project.

The Health Care Consent project's final report has been completed and will be presented to the board for approval early in 2019. This project has generated significant interest among the health care professions seeking to better understand

BC's health care consent laws. It has also shone a light on how decisions are being made about the health care of patients. While representation agreements are being used by some, there is room for improved understanding of representation agreements, the role of the adult and the role of the representative.

Decison making is also the focus of the ongoing project "Inclusive Investing: Respecting the Rights of Vulnerable Investors through Supported Decision Making", as 2018 draws to a close, we are seeing increased discussion and interest in decision making models generally, and supported decision making specifically, for both health care and financial management.

(cont.)

Supported decision making remains a challenging concept for many, particularly those in the legal prefession and service providers who are required to obtain informed consent to decisions made by patients or clients.

CCEL's work and the work of many others around the world are helping us to understand the issues and develop strategies to move towards this new paradigm.

In addition to our projects, I was privileged to attend 2 international conferences and will attend a 3rd in March 2019 to share BC experiences. In September 2018, I chaired a panel on evolving decision-making models in Canada, Ireland and Australia at the STEP Worldwide Global Congress hosted in Vancouver, BC.

In October I was invited to speak on at the World Congress on Adult Guardianship in Seoul Korea— about supported decision making in BC, as well as the role of the Public Guardian and Trustee of BC in responding to financial abuse of vulnerable adults. I have also been invited to present at the Australian Guardianship and Administration Council national conference in Canberra in March 2019. The theme will be "Upholding rights, preventing abuse and promoting autonomy". The opportunity to share the BC experience on supported decision making legislation, and responses to elder abuse and neglect, on an international stage and to learn from other jurisdictions working on these issues reinforces the importance of CCEL's work.

BC is not alone in looking for practices for dealing with these issues and the willingness of academics and practitioners to share their knowledge and learning is encouraging. Given its past and present work on these topics, the Canadian Centre for Elder Law is well positioned to maintain its leadership role in both of these fields.

In the fall of 2018, the Law Foundation of BC provided a grant for a project dealing with certain aspects of the Child, Family and Community Services Act. Background work has started on that project which will pick up

momentum in 2019.

As the year came to a close Colin Galinski agreed to chair a project committee on Pension Division under the Family Law Act. Working with Colin we identified a number of pension specialists and are grateful for their enthusiastic agreement to participate on a project committee.

This project was commenced at the request of the Ministry of the Attorney General, one of our two ongoing funders, as part of its larger review of the new Family Law Act which came into force in March 2013. The committee will start meeting early in 2019.

I look forward to working with the staff, board and funders in 2019 as we begin to chart out our law reform project priorities for 2020 and beyond.

Kathleen Cunningham Executive Director, BCLI



#### Krista James

# Reflecting on 15 years of Elder Law



# Report of CCEL's National Director

In 2018 the Canadian Centre for Elder Law celebrated 15 years of work on law and policy issues linked to aging.

#### A lot has happened in 15 years.

- 8 Canadian Elder Law Conferences
- 3 National Seniors Day events
- 2 International Women's Day gatherings
- 33 projects
- 2 promising practices tools
- 9 reports
- 13 study papers
- 10 videos
- 36 educational tools
- 7 project advisory committees
- 53 consultation focus groups
- 4475 tweets
- 3 National Directors

and too many webinars, presentations, interviews, and community meetings to count.

## **Relationships that Support our Work**

We are a tiny shop.

It is volunteers, collaborations, and partnerships that makes our work possible.

On our website you will find an anniversary slide show recognizing some of the people who have contributed to our work over the years.

In recent years we are increasingly moving projects forward through collaboration.

For example, we have collaborated with:

 West Coast LEAF (the Older Women's Dialogue Project);

(cont.)

- Alzheimer Society of BC (the Health Care Consent, Aging and Dementia Project, Inclusive Investing);
- Continuing Legal Education Society of BC (the Canadian Elder Law Conference);
- <u>Inclusion BC</u>
   (the *Inclusive Investing Project*);
- Vancouver Lower Mainland <u>Multicultural Family Support</u> Services Society

   (Older Immigrant Women Project);
- <u>FAIR Canada</u>
   (Vulnerable Investor Project);
- University of Victoria Institute on Aging and Lifelong Health
   (Elder Abuse in Chinese and South

#### Asian Communities Project);

• Richmond Cares, Richmond
Gives (Power of Attorney Elder
Abuse Awareness Project).



Laura Tamblyn Watts, Krista James with CCEL's first Program Director Margaret Isabel Hall

Collaboration helps us to develop a more robust understanding of legal issues, engage a greater diversity of people, and enhance our capacity.

# Reporting on our Work in New Ways

We have grown from a legal research division to a larger scale operation that undertakes law reform and public legal education work.

On our website you will find our ten law reform reports, including the first one on <u>Financial Arrangements</u>
<u>Between Older Adults and Family</u>
<u>Members: Loans and Guarantees</u>
(2004) and our latest report
<u>Conversations about Care</u>: The Law and Practice of Health Care Consent for People Living with Dementia in British Columbia (2019).

You will also see shorter law reform reports and studies on elder law issues which were published by the BCLI prior to the official birth of the CCEL, such as Private Care

(cont.)

Agreements Between Older Adults and Friends or Family Members (2002).

One of the significant changes in our work in recent years is that we now produce plain language summary versions of our reports. For an example, take a look at the <a href="12-page">12-page</a> Conversations about Care report.

Another change is that for one project we produced versions of our reports in multiple languages: for the second Older Women's Dialogue Project (OWDP) we produced a summary version in Chinese, Punjabi, Urdu, French, English; the first OWDP summary report was published in these language, plus Farsi, Dari, Spanish, Polish, and Russian.

These changes in how we talk about our work reflect a desire to be more accessible and to report back to everyone with whom we consulted.

The Older Women's Dialogue Project involved extensive consultation with women from many language communities, and so reporting out in many languages also felt appropriate to us. The plain language reports have been well-received, and we are hoping to continue this practice.

#### **Expanding our Impact**

Another change in recent years is a greater emphasis on legal education, and creating resources in different formats.

Over the years we have developed:

- An educational <u>wall calendar</u> (Be a Savvy Senior);
- Documentary-style <u>videos</u>
   (Older Women's Dialogue Project);
- <u>Posters</u>
  (Elder Abuse in Chinese and South Asian Communities Project);

- <u>Brochures</u>
   (Dental Elder Abuse Response);
- An <u>animation</u> (Be a Savvy Senior);
- A legal rights <u>handbook</u>
   (Older Women's Legal Education Project);

A charting tool

(The Counterpoint Project).

We developed an infographic on Barriers to Trans Inclusion for the Canadian Human Rights Commission, a series of educational <u>webinars</u> for Age-Friendly Business, and a workshop on elder abuse for Seniors First BC.

We have had a good <u>15-year run</u>.

We look forward to new projects and collaborations in the upcoming years.

*Krista James*National Director, CCEL

# Our People



## BCLI Board of Directors

BCLI's Directors bring experiences from across the legal profession and the community. They include practicing lawyers and notaries, retired judges, academics, and public policy professionals. Together, they provide BCLI with the perspective and guidance necessary to serve the law reform needs of the people of British Columbia.

Our Board members at the end of 2018 are:

Dr. Elizabeth Adjin-Tettey Dean of the University of Victoria Faculty of Law appointee

The Hon. Marion J. Allan Member at large

Emily Clough Attorney General of British Columbia appointee

Dr. Tesh W. Dagne Dean of the TRU Faculty of Law appointee

Jennifer A. Davenport Law Society of British Columbia appointee

Oliver Fleck, Secretary Canadian Bar Association (British Columbia) appointee

Mathew Good Canadian Bar Association (British Columbia) appointee

> Margaret H. Mason, Q.C., Treasurer Law Society of British Columbia appointee

Dylan Mazur Member at large

Susan Mercer Society of Notaries Public for British Columbia appointee

> Brent Olthuis Member at large

Tejas Madhur Attorney General of British Columbia appointee

> Lisa A. Peters, Q.C., Past Chair Member at large

Andrea L. Rolls, Vice Chair Member at large

Prof. Janis Sarra
Dean of the UBC Peter A. Allard School of Law appointee

Thomas L. Spraggs, Chair Member at large

#### **Board Committees**

The volunteer members of BCLI's Board of Directors also serve on board committees. At the 12 September 2018 board meeting, committee membership was confirmed for September 2018—2019.

| 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.                              | <b>Members:</b> Oliver Fleck, Margaret Mason, Lisa A. Peters, Q.C., Andrea Rolls, Thomas L. Spraggs, Kathleen Cunningham (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.                             | <b>Members:</b> Prof. Elizabeth Adjin-Tettey, Oliver A. Fleck, Mathew P. Good, Margaret H. Mason, Q.C., Dylan Mazur, Brent Olthuis, Thomas L. Spraggs  |
| 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: Prof. Elizabeth Adjin-Tettey, Hon.<br>Marion Allan, Tesh Dagne, Mathew P. Good,<br>Susan Mercer, Brent B. Olthuis, Lisa A. Peters,<br>Q.C., Dr. Janis Sarra, and Arthur L. Close, Q.C.<br>(member emeritus) |
| Strategic Plan Committee — meets as needed and assists the Board of Directors in the review and update of the strategic plan.   | Members: Emily Clough, Oliver A. Fleck,<br>Margaret H. Mason, Q.C., Andrea L. Rolls, Thomas<br>L. Spraggs, Prof. Joost Blom, Q.C. (member<br>emeritus), Kathleen Cunningham (ex officio)                             |
| Nominating Committee — meets at least once per year and assists the Board of Directors relating to the appointment of members, officers, and committee members.   | <b>Members:</b> Hon. Marion J. Allan,Emily Clough,<br>Dylan T. Mazur, Andrea L. Rolls  |

#### **Members Emeritus**

Arthur L. Close, Q.C.

Joost Blom, Q.C.

Prof. Robert G. Howell

D. Peter Ramsay, Q.C.

#### **BCLI's Judicial Liaisons**

Madam Justice Lauri Ann Fenlon Court of Appeal for British Columbia

Mr. Justice Peter Voith Supreme Court of British Columbia

Judge Malcolm MacLean Provincial Court of British Columbia

#### **BCLI'S Patrons**

The Honourable Robert J. Bauman Chief Justice of British Columbia

The Honourable David Eby, Q.C. Minister of Justice and Attorney General of British Columbia

The Honourable Chief Justice Christopher Hinkson Chief Justice of the Supreme Court of British Columbia

The Honourable Melissa Gillespie Chief Judge of The Provincial Court of British Columbia

#### **BCLI Staff during 2018**

Executive Director Kathleen Cunningham

Senior Staff Lawyer Greg Blue, Q.C.

Staff Lawyer and BCLI Secretary Kevin Zakreski

National Director, CCEL and Staff Lawyer Krista James

> Staff Lawyer Valerie Le Blanc

Social Media Coordinator Benedicte Schoepflin

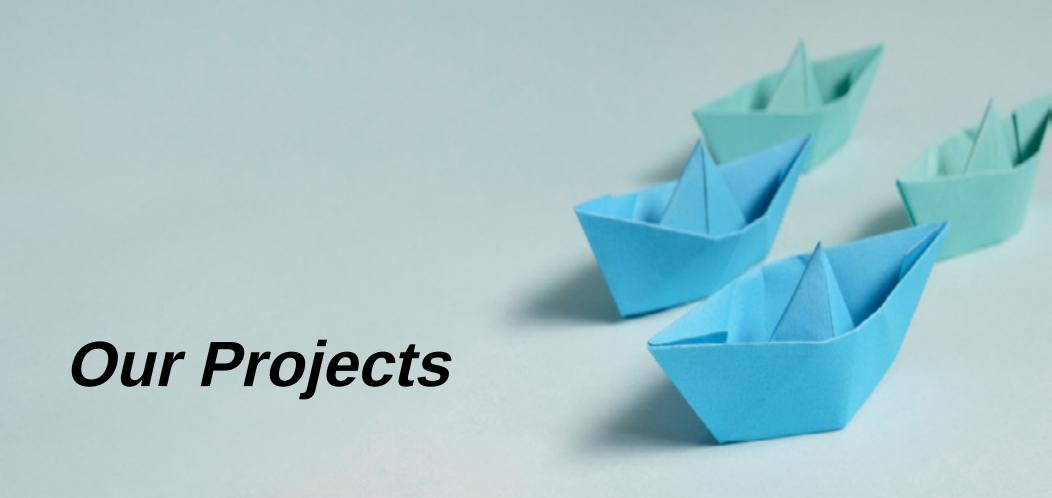
Research Lawyer Rachel Kelly

Legal Assistant Shauna Nicholson

Legal Resarch Assistant (Summer 2018) Gurinder Cheema

Legal Resarch Assistant (Spring 2018) Emily Amirkhani

> Office Manager Elizabeth Pinsent



#### **BCLI**

## Completed Projects

#### **Employment Standards Act Reform Project**

**Project Manager: Gregory Blue Q.C.** 

Funders: Law Foundation of BC; the Ministry of Labour, the Coalition of BC Businesses, the British Columbia Government and Service Employees' Union, the Hospital Employees' Union, and the Vancouver and District Labour Council. The BC Federation of Labour also provided invaluable assistance to BCLI in its efforts to secure funding for the project.

**Committee:** Tom F. Beasley (Chair), David Ages, Doug Alley, Prof. R. G. Howell, Susan P. Arnold, Dan Cahill, Devyn Cousineau, Charles Gordon, Don Jordan, Q.C., Bruce A. Laughton, Q.C., Peter F. Parsons, Andrea Zwack, Michael Tanner (Ministry Liaison / Observer)

The Report on the Employment Standards Act is the product of a law reform project which BCLI began in 2014.

The goal of the <u>Employment Standards Act Reform Project</u> was to carry out a thorough analysis of the Employment Standards Act and develop recommendations for reform to allow the Act to better address the contemporary needs and circumstances of British Columbia's workplaces.

The Employment Standards Act Reform Project was the first comprehensive review of employment standards legislation in British Columbia by a neutral, independent body since the Thompson Commission's report was issued in 1994.

The final report was released in December 2018. It was preceded by a consultation paper published in June 2018 to gather public comment on tentative recommendations for changes to the ESA.

The consultation paper attracted an extensive response, which was carefully considered in the process of finalizing the recommendations embodied in the report. The report contains 71 recommendations for reform of the ESA.

#### Ongoing Projects

#### **Strata Property** — **Phase Two**

Project Manager: Kevin Zakreski

**Funders:** Real Estate Foundation of BC, Notary Foundation of BC, BC Ministry of Municipal Affairs and Housing, Real Estate Council of BC, Real Estate Institute of BC, Association of BC Land Surveyors, Strata Property Agents of BC, Vancouver Island Strata Owners Association, Condominium Home Owners Association of BC.

Committee: Patrick Williams (Chair), Veronica Barlee, Larry Buttress (2013-2016), Garth Cambrey, Tony Gioventu, Ian Holt (2016-2017), Tim Jowett, Alex Longson (from 2016), Judith Matheson (2013-2016), Elaine McCormack, Susan Mercer (from 2016), Doug Page (2013-2014), David Parkin, Allen Regan, Stanley Rule (2013-2016), Sandy Wagner, Ed Wilson

This multi-year <u>project</u> builds on the research and consultation carried out in phase one which identified issues to be addressed. The goal is to provide recommendations for legislative reform of selected strata-property issues.

The final report on the first issue, termination of a strata, was released in February 2015. Government implemented the recommendations with amendments to the Strata Property Act introduced in November 2015. The committee continued its work in 2016 with a focus on the next topic, complex stratas. The final report was issued in 2017.

The project continued in 2018 and released three consultation papers: Governance Issues (March 2018), Insurance Issues for Stratas (September 2018) and Common Property, Land Titles, and Fundamental Changes for Stratas (December 2018).

We look forward to releasing final reports on all three subjects in 2019. Upon completion, the project reports will provide a framework for the next generation of strata

#### **Builders Lien Act Reform**

Project Manager: Greg Blue, Q.C.

Funder: BC Ministry of Attorney General

**Committee:** Donald A. Thompson (Chair), Leslie J. Armistead, Arthur L. Close, Q.C., Heather Ferris, Helmut K. Johannsen, James R. White, Dirk Laudan, David Mckenzie, J. Marc MacEwing, Karen Martin, Tyler Nyvall, Marina Pratchett, Q.C.

The Builders Lien Act is a complex piece of legislation that is one of the major cornerstones of construction and insolvency law. It gives contractors, material suppliers, and individual workers several forms of security for payment for work done or materials supplied to a building site, most notably a lien on the land.

This major law reform project is a comprehensive review and overhaul of the Builders Lien Act.

The consultation paper is expected to be released in 2019.

#### **BCLI**

#### New Projects

#### **Pension Division Review Project**

Project Manager: Kevin Zakreski

Funder: BC Ministry of Attorney General

Committee: Colin Galinski (Chair), Cynthia Callahan-Maureen, Stephen Cheng, Stephanie Griffith, Darryl Hrenyk, Gail Johnson, Hon. Peter Leask, QC, Margaret H. Mason, QC, Beatrice C. McCutcheon, Jacqueline G. McQueen, Michael J. Peters.

The Pension Division Review Project is dedicated to a review of part 6 of British Columbia's Family Law Act which came into force in 2013. When a spousal relationship breaks down, the Family Law Act provides for the division of family property between the spouses. Pensions represent a particularly complex form of property to divide. The Family Law Act contains a comprehensive set of rules that apply to this process, along with the Division of Pensions Regulation under the Pension Benefits Standards Act that came into force September 30, 2015.

The goal of this project is to consider the new rules and make recommendations for reform of part 6 of the Family Law Act and the Division of Pensions Regulation. The project committee will begin to meet in early 2019.

A consultation paper is expected for late 2019/early 2020.

# Modernizing the Child, Family and Community Service Act Project

Project Manager: Kevin Zakreski

Funder: Law Foundation of BC

Committee: Corinne P. Feenie—Co-chair, Katrina M. L. Harry—Co-chair, Holly Anderson, Fiona M. Beveridge, Jennifer Davenport, Meena H. K. Dhillon, Robert W. Evans, Meghan Felbel, Carly Hyman, Serena Kullar, Claudia Liddle, Crystal Reeves, Brandi Stocks

In the fall of 2018, the Law Foundation of BC provided funding for this two year <u>project</u> which has two dimensions: (1) a focused review of the Child, Family and Community Service Act to identify outdated provisions and operational incompatibilities and gaps within the statute itself and with legislation that intersects with this act; (2) comparative legal research into legislative models that support policy and practice related to youth aging into the community.

The committee will begin to meet in 2019 and a consultation paper is expected in the first half of 2020.

# PROJECT SPOTLIGHT:

## **Employment Standards Act Reform Project**

At its December 2018 board meeting the board approved the release of the Final Report of the Employment Standards Act Reform Project.

Beginning in late 2014, the project was a challenging one. It was the first comprehensive review of the Act in two decades. The committee rose to the challenge of completing the work in time for the BC government to consider the policy options canvassed in the report as it moved forward on its election commitment to review the Act.

The consultation ran from June 18, 2018 to August 31, 2018. Stakeholders could comment on recommendations in writing or through an online survey. 24 detailed written submissions were received and a record breaking 710 online responses were submitted.

The final report made 71 recommendations.

On February 28, 2019 the Ministry announced a month long consultation on six themes:

- Theme 1 Increasing protection of child workers
- Theme 2 Transforming the Employment Standards Branch
- Theme 3 Supporting families through difficult times with jobprotected leaves of absence
- Theme 4 Strengthening workers' ability to recover wages/monies owed
- Theme 5 Clarifying hours of work and overtime standards
- Theme 6 Improving fairness for terminated workers

The consultation referred to the BCLI report for background information. Bill 8, the Employment Standards Amendment Act, 2019 had first reading on April 29, 2019 and Royal Assent was on May 30, 2019.

For information on amendments that reflect BCLI recommendations see Greg Blue QC's blog post of April 30, 2019.

We look forward to monitoring additional amendments in the coming months and years.

BCLI is grateful for the generous funding which made this work possible.

Funders included The Law Foundation of British Columbia, the Ministry of Labour, the Coalition of BC Businesses, the British Columbia Government and Service Employees' Union, the Hospital Employees' Union, and the Vancouver and District Labour Council.

The BC Federation of Labour also provided invaluable assistance to BCLI in its efforts to secure funding for the project.

#### **CCEL**

#### **Ongoing Projects**

# **Health Care Consent, Aging and Dementia: Mapping Law and Practice in BC**

**Project Manager: Krista James** 

Funder: Law Foundation of BC

Committee: Barbara Lindsay (Chair), Dr. Heather D'Oyley, Dr. Elisabeth Drance, Tara Fitzgerald, Isabel Grant, Laura Johnston, Michael Kary, Alison Leaney, Martha Jane Lewis, Isobel Mackenzie, Jim Mann, Dr. Deborah O'Connor, Lisa A. Peters, Michael Vonn, Penny A. Washington, Alix Adams (Ministry Liaison / Observer), Scott Wingrove (Ministry Liaison / Observer)

This project commenced in October 2016 and continued to late 2018. The final report, <u>Conversations about</u>

<u>Care:</u> The Law and Practice of Health Care Consent for People Living with Dementia in British Columbia will be released in early 2019.

The work is a collaboration with the Alzheimer Society of BC and involved extensive comparative legal research on informed consent and interrelated areas of the law, as well as community and key stakeholder consultation.

The project report identifies 34 areas for law and practice reform. It will be supported by a plain language educational resource on health care consent rights, also to be released in 2019/early 2020.

# Inclusive Investing: Respecting the Rights of Vulnerable Investors through Supported Decision Making

Project Manager: Valerie Le Blanc

Funder: Law Foundation of Ontario Access to Justice Fund

**Committee:** Jim Emmerton (Chair), Tim Ames, Lauren Bates, Emily Clough, Kurt Goddard, Ken Gracey, Mario Gregorio, Robert Lattanzio, Alison Leaney, Barbara Lindsay, Marian Passmore, Karla Verschoor, Eleanor Wong.

This multi-year project is exploring the notion of using supported decision making in the investment process to maximize an investor's access to investment options while minimizing loss of autonomy and unnecessary interventions such as guardianship.

It will also learn from the investment and securities regulatory field what level of knowledge they currently have

on supported decision-making and will draw out key areas of concern or knowledge gaps which they may have.

The project focuses on investors from two communities who are using supported decision making in their lives – people with intellectual disabilities and adults living with Alzheimer's or other forms of dementia.

Since October 2018, over 80 interviews have been completed with people with lived experience, investment professionals, lawyers, academics and community agencies in British Columbia, Ontario, the United States and internationally.

The project is expected to issue its final report and at least one resource for investors and investment advisors in 2020. The project is guided by an advisory committee with members from BC and Ontario.

#### Completed Projects

#### <u>Older Women's Dialogue Project — Phase 3</u>

**Project Manager: Krista James** 

Funder: Canadian Women's Foundation

**Committee:** Andrea Rolls (Chair), Shashi Assanand, Anne Beveridge, Elsie Dean, Donna Dickison, Jill Hightower, Linda Light, Bella Maude, Gertrude Pierre, the Hon. Lynn Smith, Q.C.

Based on the Phase One report, and in collaboration with Vancouver & Lower Mainland Multicultural Family Support Services Society, the CCEL produced the video "No Voice".

No Voice weaves together the stories of four older women, with imagery the women collected to illustrate their emotional experiences of isolation, fear and loss.

The women worked together to identify a topic of importance to them, develop their stories, and edit the video.

The video was developed to explain how the family law system failed them; and to identify ways to better support them as survivors of abuse.

The goal is to share older women's experiences in order to help stakeholders in the family law system to understand better the barriers women face, and how to provide more adequate support.

# ABTISH COLUMBIA LAW INSTITUTE

#### 2018 AT A GLANCE





**5 Active Projects** 



Contributions to blogs and articles: 14

Presentations: 26



29 Publications



Student involvement: 3



4 Consultations 1,167 Responses



Media mentions and interviews: 34



588 newsletter subscribers



66 Committee Members
20 Meetings



64,581 website users 155,695 page views



5 Partners



1,619 Twitter followers



8,766 Downloads



465 Facebook followers

+ 14.5%

# Appreciation

The BCLI thanks all of its friends, supporters, colleagues and collaborators over the years. In particular we thank the many committee members for generously sharing your time and expertise, and a special thank you to our funders for our 2018 projects.

#### **Funders in 2018:**

Law Foundation of British Columbia

Ministry of Attorney General for British Columbia

Notary Foundation of British Columbia

Real Estate Foundation of British Columbia

Real Estate Council of British Columbia

Real Estate Institute of British Columbia

Strata Property Agents of British Columbia

Association of British Columbia Land Surveyors

Vancouver Island Strata Owners Association

Condominium Home Owners Association

Ministry of Municipal Affairs and Housing for British Columbia

Coalition of BC Businesses

BC Government Employees Union

Health Employees Union

Ministry of Labour for British Columbia

Law Foundation of Ontario Access to Justice Fund

AGE-WELL NCE (Aging Gracefully across Environments using Technology to Support Wellness, Engagement and Long Life NCE Inc.)

Ministry of Social and Family Development, Adult Protection Service, Singapore

# British Columbia Law Institute & Canadian Centre for Elder Law



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