



British Columbia Law Institute & Canadian Centre for Elder Law

Annual Report 2015



THE YEAR IN REVIEW



Joost Blom, Q.C.

CHAIR, BOARD OF DIRECTORS

Report of the Chair¹

The British Columbia Law Institute (BCLI) and the Canadian Centre for Elder Law (CCEL) continue to be leaders in scholarly legal research and law reform and in outreach activities related to our work. The board and staff celebrated many achievements in 2015.

As law reformers we know that our work takes time and implementation of recommendations can take even longer. The year 2015 was noteworthy for the introduction of legislation that drew on three BCLI reports:

- In May 2015 the new *Societies Act* SBC 2015 c. 18 was introduced, incorporating many of the recommendations in the BCLI 2009 report on the Society Act. The new legislation will come into force November 28, 2016.
- In October 2015 a new *Franchises Act* (Bill 38) was introduced. It is substantially based on the Uniform Law Conference of Canada Uniform Franchises Act and recommendations in the BCLI 2014 report on a Franchise Act for BC.
- In November 2015 the *Natural Gas Development Statutes Amendment Act*, 2015, SBC 2015 ss 37-55 (Bill 40) implemented the recommendations of the BCLI Report on Terminating a Strata, released in February 2015. The legislation will come into force on July 13, 2016.

1. Although this report covers 2015, comments relating to post-2015 events are written as of early 2017, when it was posted.

Project Spotlight: The Canadian Conference on Elder Law

The Canadian Centre for Elder Law hosted the 7th Canadian Elder Law Conference: The Journey of Aging—the Law and Beyond. The two-day event, held on 12-13 November 2015, was BCLI's second successful collaboration with CLE BC. Sixty presenters engaged over 200 participants on a wide range of topics. We are particularly grateful to the event sponsors. Their generous contributions were used exclusively to provide bursaries to support attendance of nineteen local and national participants.

The BC Government also held consultations on the BCLI Report on the *Uniform Civil Enforcement of Money Judgments Act* (2005). The consultation closed on July 31, 2015 and we are optimistic that new legislation may be introduced in the near future.

OUR PEOPLE

BCLI could not do the work it does without the dedication and commitment of its staff and board members. In June 2015 we thanked Jim Emmerton for his 8 years of service as Executive Director at a special event held at the Law Foundation of BC offices. Jim guided the organization through a period of growth and stakeholder engagement. He oversaw the move to our current premises at the Allard School of Law, expanded the funding base for projects and strengthened relationships with

government, stakeholders and funders. We wish him well in retirement.

We also welcomed Kathleen Cunningham as Executive Director in June. No stranger to the BCLI and CCEL, she brings experience as both a past volunteer and board member as well as professional experience in policy and elder law. The Board looks forward to working with Kathleen as she leads the organization towards its 20th anniversary in 2017 and beyond.

The board saw changes too. We said thank you to the Law Society of BC appointee Fiona Hunter of Horne Coupar and Allard School of Law appointee Judith Mosoff,² and welcomed the Law Society of BC appointee Margaret Mason of the law firm Bull Housser and Professor Dennis Pavlich, appointee of the Allard School of Law. Peter

Ramsay's term as member at large also ended. The Board thanked Peter for his thirteen years of service, including his contributions as Chair of the board and his leadership on the Succession Law Reform Project and two related projects: the Probate Rules Reform Project, and the project on Recommended Practices for Wills Practitioners to Deal with Potential Testamentary Undue Influence. Finally, we welcomed member at large Frances Kelly, a senior practitioner with Community Legal Assistance Society.

I wish to thank the staff and board members for their ongoing dedication to the organization. The success of the BCLI and CCEL is a result of your commitment to our mission and values.

2. We note with great sadness that Judith Mosoff died in December 2015, only a few months after she left the BCLI Board

OUR FUNDERS AND VOLUNTEERS

Our staff could not do the work they do without the generous support and commitment of our funders and volunteers. The BCLI relies on annual funding and is grateful for the financial and in kind support it receives. There are three pillars to this support:

Core Funders: The BCLI could not do its works without core funding support from the Law Foundation of BC and the BC Ministry of Justice. Together, their support provides approximately 50% of our annual budget. In 2015 the Law Foundation of BC demonstrated its support for BCLI with a one-time increase in its operating grant to facilitate the first increase in staff salaries in eight years.

Project Funders: Project funding for BCLI and CCEL projects makes up the balance of our budget. In addition to

specific project funding from both the Law Foundation of BC and the BC Ministry of Justice, BCLI and CCEL received project funding from two BC government ministries, nine stakeholders, and 10 funders from provincial and federal government foundations as well as programs. This support demonstrates the broad support for our work and helps to expand awareness of our work with governments and stakeholders.

Volunteers: In addition to the volunteer time of our board members, our project and advisory committees, and consultation participants dedicate innumerable hours sharing their expertise. The value of the time committed by these senior lawyers and other experts, including our board members, is conservatively estimated at \$500,000 per year.

CONCLUDING THOUGHTS

This is my second and final year as Chair of the Board ended in September 2016. I am grateful to have had the opportunity to work with the staff and board to maintain and strengthen our organization. Thank you once again to all of our volunteers, supporters and funders. Your support and commitment motivate us to continue our work.

Joost Blom, Q.C.

Chair

British Columbia Law Institute



Kathleen
Cunningham

EXECUTIVE DIRECTOR

Report of the Executive Director

It is a privilege to be offered the opportunity to lead the BC Law Institute (BCLI) and the Canadian Centre for Elder Law (CCEL). As I take over from my predecessor Jim Emmerton, I wish to acknowledge both the early vision of our founding executive director, Arthur Close, and Jim's leadership in growing the organization to the one we have today.

Without their dedication to being the best that we can be and fostering the support and commitment of our funders, stakeholders and volunteers, coupled with a similar dedication of our staff, past and present, we would not enjoy the hard earned reputation we have today. As we look ahead to 2016 and beyond, it seems fitting to reflect on our past, present and future.

EIGHTEEN YEARS OF GROWTH

As first a volunteer committee member in the late 1990s, and then a board member, I have watched the organization grow and know firsthand the reputation for the depth and quality of the legal research and law reform work of our staff. I have also watched the CCEL evolve and am proud of the leadership role it plays in fostering discussion on the many

and varied legal issues affecting older adults in Canada.

DIVERSITY OF PROJECTS, VOLUNTEERS, FUNDERS, AND SUPPORTERS

Projects and volunteers

In 2015 we continued work on five major multi-year projects – the Builders Lien Act Reform Project, the Employment Standards Act Reform Project, the Strata Property Act Law: Phase Two Project, the CNPEA Knowledge Exchange and Phase Two of the Older Women's Dialogue Project. As I attended meetings of each committee, the experience and expertise of the committee members, and the quality of the discussions, was as lively and engaging as it has ever been. Our committee members volunteer hundreds of hours to our projects. They tell us that they appreciate these unique

opportunities to examine issues in detail, debate the options for reform and make recommendations to improve the law for our citizens.

Not all projects are, or need to be, multi-year. Shorter projects generate research and resources for the legal profession, governments, stakeholders and the public.

In 2015 we commenced three 12-18 month projects which will develop resources for seniors, seniors serving professionals, lawyers and other professionals. A fourth project will contribute to the ongoing discussion and research on how to improve access to justice for British Columbians. In these projects we benefit significantly from the contributions of experts in the field, local community leaders and law students.

Funders, stakeholders, collaborators and law reform colleagues

The importance of our relationships with funders, stakeholders, collaborators and colleagues cannot be underestimated. They all contribute to our success and inspire myself, our board and our staff.

To our funders, on behalf of the staff, I thank you for your ongoing support and faith in our process. Renewed core funding and contributions to our projects allow us to maintain the standards that are expected of us and adhere to the principles of impartiality and independence.

To the stakeholders, the professionals and experts who contribute to our projects and promote our work, we could not do the work we do without you. Your patience and willingness to participate in our processes help us to ensure the

broadest representation and the most thorough research and debate possible within the time and resources available.

To our collaborators, our relationships with you on various projects keeps us grounded in your realities and you expand our knowledge.

To our colleagues—fellow law reformers at the Uniform Law Conference of Canada, the Federation of Law Reform Agencies of Canada and the Commonwealth Association of Law Reform Agencies—your commitment to this work and the opportunities created to share best practices and discuss our unique and common challenges, reminds us that we are not alone and that our work benefits not only our local jurisdiction, but also helps to inform law reform in other jurisdictions.

PREPARING FOR THE FUTURE

Three themes have emerged in my discussions with staff, board members, funders and stakeholders over my first seven months:

- Our strength is in our independence, impartiality and the quality of our work.
- While many know who we are, many more do not – we need to continue tell our story and reinforce the important role we play in improving the laws that affect British Columbians and Canadians.
- Our funding sources are more diverse and our collaborations have increased. These developments introduce new challenges.

As we move into 2016 and develop the strategic plan that will take us into our

21st year, these messages will play an important role in helping us to define our strategic priorities.

In 2016 we will continue to build on our strengths and leverage opportunities. We will explore ways to address our challenges. I look forward to being able to report on many more achievements in 2016. As always, we encourage anyone with ideas for future work to share their ideas with us.

Kathleen Cunningham

Executive Director
British Columbia Law Institute
Canadian Centre for Elder Law



Krista James

NATIONAL DIRECTOR

Report of the National Director

Abuse of older people in our communities was the focus of the majority of CCEL projects commencing in and continuing into 2015. The year saw us working collaboratively around this topic at local, provincial and national levels. Continuing with the theme of giving voice to populations that are often ignored by law and policy, many of our projects were focused on sub groups of people experiencing elder abuse, such as women and ethno-cultural minorities.

In early 2015 we wrapped up a multi-year contract with Atira Women's Resource Society. Atira retained us as writer and researcher to support their Pan-Canadian project on promising approaches in housing women who are older and fleeing abuse. This work involved interviewing key informants from across Canada with experience supporting older women fleeing abuse, consulting with a national advisory committee of experts, distilling research findings into 11 promising practical and replicable strategies

emerging from practice across Canada and writing a [promising practices tool](#), which has now been published by Atira. The report identifies some of the barriers older women survivors of violence confront and describes the 11 promising practices using examples from the experience of key informants and committee members as well as fictitious scenarios developed from true stories of survival shared by committee members. The publication is available to assist transition and safe

houses to make their work more inclusive and responsive to the needs of older women, to help funders understand what services are required in order to enhance accessibility and inclusion, and to support people from diverse sectors to better understand abuse of older women.

In early 2015 we commenced two collaborative projects with funding from the BC Council to Reduce Elder Abuse (CREA). We worked with West Coast Legal Education and Action Fund to develop resources to enhance capacity to serve older women fleeing violence or abuse in BC. The tools will include a lengthy legal rights handbook entitled Roads to Safety: Legal Information for Older Women in BC, a two-part webinar series for services providers, and a set of wallet cards with emergency phone numbers (available in 12 languages). All of the tools will be available from the project webpage for the [Older Women's](#)

[Legal Education Project.](#)

CREA funding also provided us with the opportunity to collaborate with the University of Victoria Institute on Aging and Lifelong Health, Mosaic, Inter-Cultural Association of Greater Victoria and the National Initiative for the Care of the Elderly (NICE) on a project focused on elder abuse in Chinese and South Asian Communities. This second capacity-building project involved consultation with key stakeholders who work with older Chinese and South Asian adults who experience abuse and research into existing educational tools focused on serving this population. It will result in the publication of a series of elder abuse posters in Chinese and Punjabi. Updates on the Elder Abuse in Chinese and South Asian Communities Project are available from the [CCEL website](#).

In 2015, BC Campus published an online elder abuse learning resource, which included significant material contributed by the CCEL. Supported by the Government of BC Ministry of Advanced Education as part of the [BC Strategy to Reduce Elder Abuse](#). The [Elder Abuse Reduction Curricular Resource](#) is a modular resource for post-secondary educators, non-profit agencies, businesses and others to develop their own educational activities on abuse of older adults for staff, volunteers and students. The adaptable resource includes a PowerPoint presentation, an instructor's guide and an inventory of post secondary and community elder abuse prevention learning programs and resources from across the country.

2015 also marked the halfway point of our contract with the Canadian Network for the Prevention of Elder Abuse to support them to develop an

online knowledge sharing strategy and electronic information hub on elder abuse. After two years of work the bilingual [hub](#) was launched on September 1, 2015.

Finally, we continue to be involved with elder abuse practice through committee work and teaching. In 2015 we participated in tool evaluation conducted by NICE and attended meetings of the BC Adult Abuse and Neglect Prevention Collaborative. Staff delivered presentations on elder abuse, and notably CCEL Senior Fellow Laura Tamblyn Watts gave talks to professionals from sectors ranging from finance to social work, policing and health care.

It has been a productive year of building new collaborative relationships and contributing to resources that we hope will have a positive impact on the lives of older adults across the country. We look forward to working with you in 2016.

Krista James

National Director
Canadian Centre for Elder Law



OUR
PEOPLE

The Board of Directors

BCLI's Directors bring experiences from across the legal profession and the community. They include practicing lawyers and notaries, retired judges and academics. 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 2015 are:

Hon. Marion Allan

The Hon. Marion Allan was a Deputy Judge of the Supreme Court of the Yukon Territory for 22 years. As an advocate for elder law reforms, she has greatly contributed her expertise in civil litigation, judicial interpretation, legal research, law reform and legal education to BCLI and CCEL. She delivered the keynote speeches at the Canadian Conferences on Elder Law in 2005 and 2012. She returned to practice at Clark Wilson LLP in 2012 as a mediator and arbitrator.

Prof. Joost Blom, Q.C.

Prof. Joost Blom was awarded the designation of Queen's Counsel (for BC) in 1985. He served as Dean of the UBC Faculty of Law from 1997 to 2003 and is a former Bencher of the Law Society of BC. His research and writing has focused on the relationship between Contracts and Torts, on Conflicts of Laws, and on Comparative Law. He has brought his expertise in the

area of regulation, organizational leadership, finance and law reform to BCLI.

Roy Cammack

Mr. Cammack was appointed by The Society of Notaries Public for BC, effective August 1, 2013, for a term of three years. Mr. Cammack is the owner of Cammack & Co., Notaries Public. He has been actively engaged as a Notary since 1982 and specializes in real estate documents such as restrictive covenants, easements, rights of way and building schemes, transfers, mortgages and leases and personal planning documents including wills, powers of attorney, affidavits and representation agreements.

Jan Christiansen

Mr. Christiansen was called to the Bar of BC in 1981. Since

1981, he has practiced with Heather, Sadler Jenkins and is now Associate Counsel with the firm. His areas of practice include insolvency, commercial litigation, and general solicitor work. He has appeared as counsel in various Courts including the BC Court of Appeal, the BC Supreme Court, the BC Provincial Court, the Federal Court of Canada and the Tax Court of Canada.

R. C. (Tino) Di Bella

Mr. Di Bella graduated from University of Victoria Law School and was called to the BC Bar in 1980. He practices in wills and estates, estate litigation, insolvency and creditors' remedies, residential and commercial tenancies, and condominium law. Mr. Di Bella served on both the Estate Administration sub-committee of BCLI's Succession Law Project and the Project Committee of BCLI's Probate Rules Project.

Oliver Fleck

Mr. Fleck is a member of the Bars of British Columbia, Ontario, and Washington State. He serves as Administrative Crown Counsel with management responsibility for the Fort St. John Crown Counsel office. He is currently employed with the Criminal Justice Branch at BC Ministry of Justice and has worked with the Government of Canada in Ottawa, Ontario and Geneva, Switzerland from 1999 to 2012. Mr. Fleck has also volunteered with several organizations.

Prof. Bob Howell

Prof. Howell joined UBC Law School in 1980. He was

co-director of the International Intellectual Property Summer Program from 2002 to 2007 and currently teaches Property, Intellectual Property, Private International Law (Conflict of Laws), Managing Intellectual Property, Telecommunications, and Internet-related law. He has published extensively and has brought his expertise in the areas of intellectual property law, education, research, finance, and inter-disciplinary teams to BCLI.

Frances Kelly

Frances Kelly is a staff lawyer with the BC Human Rights Clinic and Community Law Program. Frances has argued a number of test cases which have advanced the rights of disadvantaged groups, before tribunals and all levels of court including the Supreme Court of Canada. She was counsel for the appellant in the 1999 decision [B.C. \(Superintendent of Motor Vehicles\) v. B.C. \(Council of Human Rights\) Superintendent of Motor Vehicles](#) ("Grismer") and counsel for the family in the landmark 2012 Supreme Court of Canada decision of [Moore v. British Columbia](#), which confirmed that students with disabilities have equal rights to education.

The Hon. Kenneth Mackenzie, Q.C.

Kenneth C. Mackenzie Q.C., S.J.D., is a recently retired Justice of the Court of Appeal of British Columbia. He was an associate professor of UBC's Faculty of Law, a member of the B.C. Law Reform Commission, a Justice of the B.C. Supreme Court from 1992 to 1998, and served on the B.C. Court of Appeal from 1998 to 2011. Mr. Mackenzie was appointed to the BCLI Board in 2012.

Margaret Mason

Margaret Mason leads the Charities and Tax-Exempt Organizations practice at Bull Housser & Tupper LLP. Her practice spans a broad range of issues which affect charities and not-for-profits including tax exempt status, governance, political activities and social enterprise. Margaret represents organizations across the sector including religious, environmental, sport, healthcare, social services, education, and research organizations as well as family and corporate foundations.

Prof. Richard Oppong

Dr. Richard Oppong is currently an Assistant Professor at Thompson Rivers University, Faculty of Law. One of his principal research interests is private international law (conflict of laws), with a special focus on Africa, and he has published several ground breaking works on the subject. Dr. Oppong's work has been cited frequently by courts and academic publications, and he is regularly consulted by law firms, international organizations, academics and academic institutions.

Prof. Dennis Pavlich

Dennis Pavlich is a professor in the Allard School of Law at UBC. A graduate of Witwatersrand University and Yale Law School, Professor Pavlich has been an academic for over 25 years. Professor Pavlich teaches courses on property law, the law of trusts and the western idea of law and is the author and editor of several books and articles including Condominium Law in British Columbia (Butterworths), Academic Freedom and

the Inclusive University (UBC Press) and, in 2010, Managing Environmental Justice (Rodopi).

Lisa Peters

Lisa Peters is a partner with the Vancouver law firm Lawson Lundell LLP, and is the head of that firm's legal research and opinions department. She is the author of numerous publications on legal research and private law generally, and has served as chair of the Legislation and Law Reform Committee of the Canadian Bar Association (BC Branch). Ms. Peters has been a member of the BCLI board since October 2010.

Andrea Rolls

Ms. Rolls has worked at the Ministry of Public Safety & Solicitor-General for more than 25 years and has held several very senior positions. Being an active advocate, she has overseen implementation of legislation and policy relating to child abuse, aboriginal issues, court systems, and family violence. Recently, she has overseen Ministry funding relating to seniors issues such as developing fact sheets on senior abuse and arranging funding for a victim services worker at BC Centre for Elder Advocacy And Support.

Stanley Rule

Stanley Rule is a partner with the Kelowna law firm Sabey Rule LLP, where his practice focusses on estate planning, probate, and estate administration. He is also a writer on legal issues and author of the "rule of law" blog. Mr. Rule has been a member at large on the BCLI board since October 2010.

Thomas Spraggs

Thomas Spraggs is the owner and operator of Spraggs & Company Law Corporation. Mr. Spraggs specializes in personal injury law. He is a Youth instructor for Calvary Baptist Church a Pro Bono Lawyer with the Western Canadian Society to Access Justice, and he is an Organiser and Participant in the Relay of Hope for the Cross Cancer Institute. Mr. Spraggs holds his Bachelor and Master of Laws from Bond University in Australia and is currently working on his Master of Business Administration from Trinity Western University.

Members Emeritus

Arthur L. Close, Q.C.

Arthur Close, QC is a retired lawyer and expert in law reform. Mr. Close was a former Chair of the Law Reform Commission of BC. He has authored a number of reports that were implemented through legislation. Following the abolishment of the Law Reform Commission, Arthur, along with other members of the legal community, founded BCLI where he subsequently became Executive Director. In 2003 Arthur spearheaded the creation of CCEL, which is the only body in Canada devoted exclusively to legal research and law reform in the area of elder law.

D. Peter Ramsay, Q.C.

Mr. Ramsay was called to the Bar of British Columbia in 1970 and was appointed Queen's Counsel in 1999. He primarily practices in estate matters, damages, land use, labour and employment. Mr. Ramsay has served as a Bencher of the Law Society of British Columbia. He chaired the Succession Law Reform Project for BCLI and a second project committee tasked with making recommendations for the reform to the court probate and administration rules. These projects resulted in the new *Wills, Estates, and Succession Act* and the new Probate Rule 25.

BCLI's Staff and Volunteers

Executive Director
Kathleen Cunningham

Senior Staff Lawyer
Greg Blue, Q.C.

Staff Lawyer
Alexandre Blondin

Researcher
Raissa Dickinson

Blogger and Communications Assistant
Benedicte Schoepflin

National Director, CCEL / Staff Lawyer
Krista James

Staff Lawyer and Secretary
Kevin Zakreski

Office Manager
Elizabeth Pinsent

Research Assistant (Part Time)
Denise Beaton

Summer Student
Eric Hou, Allard School of Law

In 2015, BCLI had three **Judicial Liaisons**:

The Honourable Madam Justice Mary Newbury, Court of Appeal of BC
The Honourable Justice Peter G. Voith, Supreme Court of BC
The Honourable Judge Gurmail Gill, Provincial Court of BC

During the year, BCLI has benefited greatly from the substantial contributions of over 100 **volunteers** on the Board, on Project Committees, and through research and other assistance. We would like to offer a heartfelt thank you to all our volunteers.



Board Committees

The volunteer members of BCLI's Board of Directors also serve on the board committees that direct BCLI's financial, administrative, and scholastic future. At the September 9, 2015 board meeting, committee membership was confirmed.

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.

Members include the Hon. Marion J. Allan, Prof. Joost Blom, Q.C., R. C. (Tino) Di Bella, Lisa A. Peters, 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.

Members include Roy Cammack, Jan Christiansen, Prof. Robert G. Howell, Margaret H. Mason, Andrea L. Rolls, and 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 include the Hon. Marion J. Allan, Arthur L. Close, Q.C. (member emeritus), Prof. Robert G. Howell, the Hon. Kenneth C. Mackenzie, Q.C., Dr. Richard F. Oppong, Prof. Dennis Pavlich, Lisa A. Peters, and Stanley T. Rule.

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, the Hon. Kenneth C. Mackenzie, Q.C., Lisa A. Peters, and Stanley T. Rule.

Strategic Plan and Succession Committee — meets as needed and assists the Board of Directors in the review and update of the strategic plan. In 2015, the committee was also tasked with succession planning and recruitment.

Members include Prof. Joost Blom, Q.C., R. C. (Tino) Di Bella, Oliver A. Fleck, Margaret H. Mason, Andrea L. Rolls, Thomas L. Spraggs, Kathleen Cunningham (*ex officio*).



OUR PROJECTS

Project and Activity Reports

BCLI

ONGOING PROJECTS AND ACTIVITIES

BC Franchises Act Regulations

The BCLI issued its *Report on a Franchise Act for British Columbia* in March 2014, recommending that British Columbia become the sixth province to enact franchise legislation. Legislation was introduced and passed in October 2015. Staff are participating in a Ministry of Justice working group to develop regulations under the *Franchises Act* [SBC 2015] c. 35. A Ministry of Justice public consultation on the content of regulations was held in 2015 and will be

followed by consultations with the working group in 2016.

Builders Lien Act, BC Project

Project Manager: Greg Blue, Q.C.

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. The BCLI began this multi-year project in April 2014. The Project Committee continued its in depth review in 2015 and is working towards developing law reform recommendations on a broad

range of issues for a new Builders Lien Act, BC. A consultation report is anticipated in early 2017.

Employment Standards Act, BC Project

Project Manager: Greg Blue, Q.C.

Committees: Tom F. Beasley (Chair), David Ages, Prof. R. G. Howell, Susan P. Arnold, Dan Cahill, Devyn Cousineau, Peter F. Parsons, Don Jordan, Q.C., Bruce A. Laughton, Q.C., Michael Tanner (Liaison / observer), Andrea Zwack

This multi-year project to review and make recommendations for reform of the B.C. *Employment Standards Act* (Act) commenced in October 2014. The Project Committee continued to meet in 2015.

PROJECT AND ACTIVITY REPORTS

When completed, the project's report will provide a roadmap for the next generation of employment standards legislation in BC. A consultation report is anticipated to be released for comment in 2017.

Financing Litigation Project

Project Manager: Kevin Zakreski

Principal Researcher: Alexandre Blondin

This 18-month project commenced in August 2015. Research for the study paper began in 2015. The paper will review issues relating to the private financing of litigation in British Columbia. It will discuss structural or legal changes that could support access to justice by providing litigants with increased financing alternatives and avoiding self-representation. A series of consultation events will be held in 2016 with experts in the field of litigation where issues

of self-representation and litigation financing are most prevalent (personal injury, class actions, family). The report is planned to be released in early 2017.

Questions and Answers about Pension Division on the Breakdown of a Relationship in British Columbia

Project Manager: Alexandre Blondin

Researcher and Writer: Tom Anderson, Q.C., Anderson Pension Law Consulting

The BCLI Questions and Answers about Pension Division has been a valuable resource to the pension sector since the first edition was published in 1996. The new *Pension Benefit Standards Act* came into force in September 2015. It resulted in changes to pension division at the breakdown of a relationship.

These are in addition to the changes brought into force by BC's new *Family Law Act* in March 2013. This project will update the third edition of the BC Law Institute Q&A Materials released in 2013 following the introduction of the *Family Law Act*. The 4th edition is expected to be released in late 2016/early 2017.

Strata Property Law: Phase Two

Project Manager: Kevin Zakreski

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

This multi-year project builds on the research and consultation carried out

in phase one. 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 and government implemented the recommendations with amendments to the *Strata Property Act* introduced in November 2015. The committee continued its work in 2015 with a focus on the next topic, complex stratas. The project is expected to continue through 2017. Upon completion the project reports will provide a framework for the next generation of strata property law in BC.

from a number of members of the Vital Statistics Council for Canada to carry out the research and writing for a Uniform Law Conference of Canada project to modernize the 1987 ULCC *Uniform Vital Statistics Act*. A modernized Act will address the significant social changes and modern requirements for collecting vital statistic information. The ULCC Working Group receives input from a Vital Statistics Working Group who help identify the issues and provide feedback on proposals for reform. Work continued in 2015. The project is expected to continue through 2017.

ULCC Vital Statistics Act

Project Chair: Kathleen Cunningham
(ULCC Working Group)

Principal Researcher and Writer:
Alexandre Blondin

In 2014, the BCLI received funding

Project and Activity Reports

CCEL

COMPLETED PROJECTS AND ACTIVITIES

Building on Promising Approaches Across Canada for Housing Senior Women Experiencing Violence

Project Manager: Krista James

In contract with Atira, CCEL has, through research, identified organizations across Canada with promising approaches to housing senior women experiencing violence. CCEL carried out interviews with stakeholders to describe and present the promising practices. The project was completed in 2015. The final report identifies promising approaches to housing senior women in Canada who

are survivors of family violence for use by Atira and others.

ONGOING PROJECTS AND ACTIVITIES

CNPEA Knowledge Sharing Project

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. This multi-year project is continuing on schedule. When completed it will deliver a national knowledge network including on-line network and information sharing about elder abuse prevention and management. The bilingual online hub went live on September 1, 2015. Work is now focussed on promoting the website and the sustainability plan. See cnpea.ca/en/

Older Women's Dialogue Project - Phase Two

Project Manager: Krista James

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

Based on the Phase One report, CCEL is, in collaboration with West Coast LEAF,

- a) consulting with a groups of older women who are especially marginalized, vulnerable or isolated, and
- b) working with four groups of older women to develop tools that address

Project and Activity Reports

law or policy issues they identify as pressing.

When completed, the Phase Two project will have identified specific tool or reform needs of specific groups of older woman in BC and will have developed the tools and/or law reform recommendations in support of those groups. Consultations were completed in 2015 and work on the tools has begun. The project is supported by the Advisory Committee and will continue until late 2016.

Supporting Older Women Fleeing Abuse—Legal Information Resource for Service Providers

Project Manager: Krista James

This one-year project is a collaboration with West Coast LEAF (WCL) funded by the Elder Abuse Prevention Capacity-Building Grant from the Council to Reduce Elder Abuse. An information

booklet and a workshop curriculum is being developed and will be delivered in person and via webinar, to support front line responders to provide accurate legal information to older women fleeing abuse. The project time commenced in April 2015 and will run until late spring 2016.

Elder Abuse in Chinese and South Asian Communities in British Columbia

Project Manager: Krista James

This one-year project is a collaboration of the University of Victoria Centre on Aging, the CCEL, the National Initiative for the Care of the Elderly, Mosaic, and the Inter-Cultural Association of Greater Victoria. The project began in April 2015. It has identified the needs of front line responders supporting South Asian and Chinese older adults who have experienced elder abuse.

Next steps include:

- a) development of a visual map of existing and needed resources that can be used to build awareness to prevent, recognize, and respond to elder abuse in the Chinese and South Asian communities. The map, the result of a shared leadership exercise, will serve as a capacity-building tool for the elder abuse sector in BC.
- b) development of developing 1 tool per community to fill an identified gap in the current resource pool.

Canadian Conference on Elder Law

Project Manager: Krista James

This CCEL is hosted the National Elder Law Conference in collaboration with CLEBC on November 12 and 13, 2015.

Approximately 150 people attended day one and 200 attended day two. Sixty speakers contributed to the plenary and breakout presentations.

Generous sponsorships allowed to fund 19 conference bursaries to support attendance of non profit stakeholders.



CCEL National Director Krista James distributes handouts at the 2015 Canadian Conference on Elder Law

Appreciation

The BCLI thanks all of its friends, supporters, colleagues and collaborators over the years. In particular, we thank our funders in 2015 and the many committee members who gave so freely of their time.

Law Foundation of British Columbia

Ministry of Justice and Attorney General
for British Columbia

Alzheimer's Association of BC

Association of British Columbia Land
Surveyors

Atira Women's Resources Society

BC Ministry of Health - Council to Reduce
Elder Abuse

BC Ministry of Health (Vital Statistics)

Canadian Network for the Prevention of
Elder Abuse

Coalition of BC Businesses

Condominium Home Owners Association

Continuing Legal Education Society of
British Columbia

eHealth Saskatchewan (Vital Statistics)

Employment and Social Development
Canada

Ministry of Jobs, Tourism and Skills
Training

Ministry of Natural Gas Development
and Responsible for Housing for British
Columbia

Notary Foundation of British Columbia

Real Estate Council of British Columbia

Real Estate Foundation of British
Columbia

Real Estate Institute of British Columbia

Service New Brunswick (Vital Statistics)

Service Ontario (Vital Statistics)

Strata Property Agents of British Columbia

Vancouver Foundation

Vancouver Island Strata Owners
Association

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