

Ministry of Attorney General and Minister Responsible for Housing
Estimates Debate Binder – 2022/23 Table of Contents

CROSS-MINISTRY / SECTOR ISSUES	
2022/23 – 2024/25 Service Plan Overview	1
Mandate Letter and Status Update	2
COVID-19 and Court Operations	3
<i>Tabs Intentionally Blank</i>	<i>4-7</i>

BC PROSECUTION SERVICE	
Conduct of Bail Hearings (Indictable Matters)	8
Crown Counsel Association Bargaining	9
<i>R. V. Jordan</i> ; Judicial Stay for Unreasonable Delay	10
Prosecuting Hate Crimes	11
Prolific Offenders	12
Special Prosecutions	13
<i>Tabs Intentionally Blank</i>	<i>14-15</i>

COURT SERVICES BRANCH	
Assessment of Criminal, Family, and Civil Scheduling Timeliness	16
Adequate Funding for Courts	17
Court Technology Innovation	18
<i>Tabs Intentionally Blank</i>	<i>19-20</i>

JUSTICE SERVICES BRANCH	
Court and Justice Modernization Accomplishments	21
British Columbia Family Maintenance Agency	22
British Columbia Human Rights Tribunal	23
Judicial Compensation Commission	24
Family – Early Resolution Model Expansion	25

Ministry of Attorney General and Minister Responsible for Housing
Estimates Debate Binder – 2022/23 Table of Contents

Family Violence	26
Gladue Services	27
Declaration Act Action Plan	28
Indigenous Courts	29
Indigenous Justice Centres	30
BC First Nations Justice Strategy	31
Métis Justice Strategy	32
Agreement with the Association of Legal Aid Lawyers and Legal Aid BC	33
Legal Aid British Columbia Funding	34
Modernization of Legal Professions Regulation	35
Family Compensation Act	36
Law Foundation Legal Clinics	37
<i>Mental Health Act</i> Rights Advice Service	38
Cullen Commission – Public Inquiry into Money Laundering	39
Independent Investigations Office of B.C.	40
<i>Tabs Intentionally Blank</i>	<i>41-44</i>

MULTICULTURALISM AND ANTI-RACISM BRANCH	
Anti-Racism Legislation	45
Japanese Canadian Recognition	46
Resilience BC Anti-Racism Network	47
Chinese Canadian Museum	48
Anti-Asian Racism	49
Anti-Black Racism	50
Anti-racism Data Collection	51
<i>Tabs Intentionally Blank</i>	<i>52-53</i>

Ministry of Attorney General and Minister Responsible for Housing
Estimates Debate Binder – 2022/23 Table of Contents

OFFICE OF HOUSING & CONSTRUCTION STANDARDS	
Housing Supply	
Plan to Meet 114,000 Unit Target	54
Housing Hub	55
Accessibility and the BC Building Code	56
Housing Affordability	57
Housing Supply Progress	58
Security of Tenure	
Protections for Renters – Overview	59
Rental Housing Task Force Update	60
Compliance and Enforcement – Overview	61
Homelessness	
Homelessness Strategy	62
Encampments	63
Complex Care	64
CRAB Park Encampment	65
Extreme Weather Supports	66
Housing and Building Management	
Strata Insurance	67
Electric Vehicle Charging	68
CleanBC and Climate Change Accountability Act – New and Existing Buildings	69
BC Housing	
Budget 2022 – Housing Initiatives	70
Progress on Budget 2017 Update, Budget 2018, 2019, 2020, and 2021	71
<i>Tabs Intentionally Blank</i>	<i>72-74</i>

Ministry of Attorney General and Minister Responsible for Housing
Estimates Debate Binder – 2022/23 Table of Contents

HIGH-LEVEL PROGRAM SUMMARIES	
BC Prosecution Service	75
Corporate Management Services Branch	76
Court Services Branch	77
Information Systems Branch	78
Justice Services Branch	79
Legal Services Branch	80
Multiculturalism & Anti-Racism Branch	81
Office of Housing & Construction Standards	82
<i>Tabs Intentionally Blank</i>	<i>83-85</i>

Ministry of Attorney General and Minister Responsible for Housing

2022/23 Estimates Debates Note

Last updated Date: April 12, 2022

2022/23 – 2024/25 SERVICE PLAN OVERVIEW

KEY MESSAGES:

- The Service Plan for the Ministry of Attorney General and Minister Responsible for Housing (MAG) complies with the government-wide Service Plan guidelines.
- The Service Plan lays out key strategies that the ministry will undertake in the next three years to achieve its goals and objectives, as well as a high-level overview of the ministry's budget.
- The 2022/23 MAG Service Plan profiles the Ministry's responsibilities and priorities, including Housing, Homelessness, Anti-racism, as well as other priorities related to access to justice in response to changes brought about by COVID-19.
- The strategies included in the 2022/23 MAG Service Plan are aligned with directions in the Minister's mandate letter and key priorities of the Parliamentary Secretary for Anti-Racism, for example:
 - Development of a homelessness strategy;
 - Continue to deliver our government's 10-year housing plan;
 - Deliver more affordable housing through Housing Hub partnerships and;
 - Introduce legislation that will help reduce systemic discrimination and pave the way for race-based data collection.
- The 2022/23 Service Plan contains five performance measures in total, with one performance measure currently under development (i.e. reduction in the percentage of people experiencing homelessness in B.C).

BACKGROUND:

- The 2022/23 Service Plan is the second year of an independent MAG Service Plan. The inaugural MAG Service plan was released in April 2021. On November 26, 2020, the Premier announced a new Cabinet to deliver on government’s priorities under a new mandate. Given the new responsibilities for MAG, an opportunity arose to highlight key priorities for the ministry by pursuing an independent Service Plan that reflected the priorities of the new housing, homelessness, multiculturalism, and anti-racism portfolios.
- The financial summary includes the operating and capital expenses for 2022/23 and 2023/24 - 2024/25. The six major capital projects (over \$50 million) included are:
 - Stanley New Fountain Hotel (affordable rental housing)
 - 6585 Sussex Avenue Housing Development (affordable rental housing)
 - Clark & 1st Avenue Housing Development (affordable rental housing)
 - 13583 81st Ave Development (affordable rental housing)
 - Crosstown Development (mixed-use community housing and supportive housing programs).
 - 58 W. Hasting Street Development (mixed-use income assistance and affordable rental units, integrated health unit, and commercial retail space)

CROSS REFERENCE:

- **Note 2** – Mandate Letter Status Update

Contact: Erin Anderson, Director, Partnerships and Planning	Mobile: Government Financial Information
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Table 1: Service Plan Goals, Objectives, and Performance Measures

Goals	Objectives	Performance Measures
1) The justice and public safety sector in British Columbia is fair	1.1) Increased access to justice	Number of substantive Family Justice Service client service activities provided
	1.2) Improved outcomes for Indigenous people through strengthened partnerships with Indigenous leadership and communities	Number of Indigenous clients supported at Indigenous Justice Centres
2) Safe, affordable and appropriate housing for all British Columbians	2.1) Reduce homelessness through permanent housing and services in partnership with provincial ministries, agencies and local governments	Reduce the number of people experiencing homelessness in B.C. [under development – as part of the forthcoming Homelessness Strategy to be released in 2022/23]
	2.2) Increased security of tenure and supply of affordable market rental, non-profit, co-op, student and supported housing, and improved options for middle-income British Columbians to experience homeownership	Number of affordable and supportive housing units completed by BC Housing including affordable rental and social housing (including HousingHub)
	2.3) Enhanced safety, occupant health and accessibility, and sustainability of the built environment	CleanBC: Number of local governments referencing the Energy Step Code in bylaws and policies [2022/23 Target: to be revisited following implementation of regulatory amendments]
3) B.C.'s communities and institutions are free from racism	3.1) Champion anti-racism across government, address systemic discrimination, and support communities to respond to public incidents of racism and hate	Number of B.C. communities engaged in projects that build intercultural trust and understanding and reduce racism and systemic barriers

Ministry of Attorney General and Minister Responsible for Housing

2022/23 Estimates Debates Note

Last updated Date: April 11, 2022

MANDATE LETTER STATUS UPDATE

KEY MESSAGES:

- On November 26, 2020, mandate letters were given to the Attorney General and Minister responsible for Housing and the Parliamentary Secretary for Anti-racism initiatives.
- The mandate letters identify both government-wide and ministry specific priorities for implementation. Work is currently underway on implementing these priorities (see Tables 1 and 2).
- The Ministry's key priorities include indigenous justice, addressing money laundering, creating more affordable and supportive housing, reducing homelessness, and combating racism and systemic discrimination.
- The Ministry also has a supporting role in other Ministries' mandate letter items, such as controlling the rising cost of strata insurance (Ministry of Finance) and delivering the action plan required under the *Declaration on the Rights of Indigenous Peoples Act* (Ministry of Indigenous Relations and Reconciliation).

BACKGROUND:

- As part of its core operations, the Ministry works to keep communities safe and provide certainty, proportionality and, above all, fairness when dealing with criminal, civil and family law matters and to protect people, especially those who are most vulnerable.

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- The Ministry is responsible for legal services including sheriff and court administration services, legal aid, prosecution services, administrative tribunals, civil and family justice services, protection and promotion of human rights, and providing legal advice to Government.
- The Ministry is also responsible for providing British Columbians with access to more affordable, safe and appropriate housing through policy and programs, technical codes and standards, and services for landlords and tenants, as well as promoting multi-culturalism and leading anti-racism initiatives through the Parliamentary Secretary for Anti-Racism Initiatives.

CROSS REFERENCE:

- **Note 1** – Service Plan Overview

Contact: Erin Anderson, Director, Partnerships and Planning	Tel: Government Financial Information
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Table 1: Progress Status of Mandate Letter Items (Attorney General and Minister responsible for Housing)

MANDATE LETTER ACCOUNTABILITY	STATUS
<p>Work with the Minister of Public Safety and Solicitor General, Indigenous communities, and the BC First Nations Justice Council to advance the First Nations Justice Strategy and to improve access to culturally appropriate justice, including continuing to establish Indigenous Justice Centres across the province.</p>	<p>In progress - July 12, 2021, the FNJS implementation workplan was presented to P&P Cabinet Committee for approval. <small>Cabinet Confidences</small></p> <p><small>Cabinet Confidences</small></p> <p>Strategy 6: Beginning April 1, 2021, management of BC’s Gladue report program transitioned from Legal Aid BC (LABC) to the BC First Nations Justice Council (BCFNJC). The transition of Gladue services to the BCFNJC allows the removal of barriers related to requesting a Gladue report. As of April 1, 2021, any First Nations, Métis, or Inuit person can request a Gladue report, regardless of whether they have a private lawyer or are a client of Legal Aid BC.</p> <p>Strategy 4: In October 2021, the Virtual Indigenous Justice Centre (VIJC), which provides representation to Indigenous clients with criminal or family law legal matters who may not otherwise have access to legal representation, was implemented. In addition to legal services, Indigenous clients are assisted with accessing culturally appropriate supports to assist with addressing the challenges they face in dealing with the current mainstream justice system, including access to housing, transportation, social and health and wellness supports. The VIJC, which</p>

	<p>provides services virtually across the entire province, is part of a suite of existing in-person Indigenous Justice Centres (IJC) located in Merritt, Prince George, and Prince Rupert that were opened in the Spring of 2020.</p> <p>Strategy 17: January 20, 2022, the BCFNJC, BC and Canada announced the signing of a tripartite memorandum of understanding to support their shared agenda, including the implementation of the BC First Nations Justice Strategy, and collaboration on the development of a National Indigenous Justice Strategy. Canada has also provided funding to support IJCs, Gladue and capacity for the Council.</p>
<p>Work with the Minister of Public Safety and Solicitor General (PSSG) and the Minister of Mental Health and Addictions (MHA) to fast track the move toward decriminalization by working with police chiefs to push Ottawa to decriminalize simple possession of small amounts of illicit drugs for personal use. In the absence of prompt federal action, develop a made-in-B.C. solution that will help save lives.</p>	<p>In progress – On November 1, 2021, B.C. became the first province to apply for a Section 56(1) exemption from the federal Controlled Drugs and Substances Act to remove criminal penalties for the possession of small amounts of illicit drugs for personal use.</p> <p>Decriminalization is one component of BC’s comprehensive response to the illicit drug poisoning crisis, alongside treatment and recovery, harm reduction services, and efforts to scale up safe supply.</p> <p>Under BC’s proposed model, all adults in the province would be exempt from arrest or charges for “simple possession” of up to 4.5g total of opioids, crack/powder cocaine and/or methamphetamine.</p>

	<p>In addition, law enforcement would not seize included drugs under the 4.5g threshold. Instead, individuals found to be in possession under the threshold would be provided with information on local treatment options, harm reduction and social service supports.</p> <p>Trafficking would remain illegal, even if amounts of substances in possession for the purpose of trafficking are under the threshold amount.</p> <p>Decriminalization is a necessary shift towards acknowledging substance dependency as a health issue and is a compassionate and rationale response to a health crisis.</p> <p>The exemption application is a big first step. Over the coming months BC's Ministry of Mental Health and Addictions will work with Health Canada in an iterative process to ensure that the policy framework satisfies the needs and perspectives of both levels of government.</p>
<p>Advance recommendations from the findings of the Cullen Commission and the German Report to fight money laundering.</p>	<p>The Cullen Commission is looking at the full scope of money laundering in BC, including real estate, gambling, luxury goods, financial institutions, and the corporate and professional sectors. The Gaming Policy and Enforcement Branch (GPEB) engaged extensively in the Commission through the provision of historical documents, participation through testimony and affidavits, and the production of various supporting materials.</p>

Government participated in the Cullen Commission of Inquiry, which will provide its findings and recommendations in the final report in June 2022.

Government has addressed 38 of Dr. German's 48 recommendations for the gambling sector. The remaining ten recommendations will be addressed through amendments to the Gaming Control Act (GCA), which are anticipated in fall 2022. The amendments will strengthen the regulator's role in setting requirements for the gambling industry and establish a statutory requirement for source of funds declarations.

The Gaming Policy and Enforcement Branch (GPEB), the BC Lottery Corporation (BCLC) and the Joint Illegal Gaming Investigation Team (JIGIT) have established the Gaming Integrity Group (GIG) to review and respond to suspicious transactions in casinos, including placing patrons on cash conditions, banning patrons, and initiating investigations as appropriate.

GPEB and JIGIT have established the Gaming Intelligence Investigative Unit (GIU), which produces intelligence reports for GPEB and law enforcement about changing money laundering risks. This work supports effective allocation of resources and prioritization of investigations. 9 GPEB staff (investigators and intelligence analysts) are co-located with JIGIT as part of GIU.

	<p>Since casinos reopened in July 2021, GPEB’s Enforcement Division continues to provide a regulator presence in casinos to respond in real-time to high-risk incidents. 12 investigators provide coverage seven days per week for 14 hours per day at the five largest Lower Mainland casinos. Investigators are available after hours through a dedicated email address.</p>
<p>To make life more affordable for renters – particularly during the hardship caused by COVID-19 – deliver a freeze on rent increases until the end of 2021, and then make permanent the actions our government took to limit rent increases to the rate of inflation.</p>	<p>Completed - Complete with Bill 7 Tenancy Statutes Amendment Act 2021 passed in Spring 2021</p>
<p>Lead work to continue delivering our government's 10-year housing plan, Homes for B.C., and the affordable housing it’s bringing to tens of thousands of British Columbians, including working in partnership to create 114,000 affordable homes.</p>	<p>In progress - Government (Crown Agencies Secretariat, AG CMSB, GCPE and HPB) monitors progress and prepares quarterly reports of direct funded affordable housing delivered via BC Housing (Build BC, Housing Hub, legacy and other programs) and AEST (direct funded and post-secondary institution self-funded programs).</p>

	<p>As of March 31, 2022, 33, 765 units of affordable housing units were complete, underway, or funding was planned</p>
<p>Lead government’s efforts to address homelessness by implementing a homelessness strategy.</p>	<p>Substantially completed – Through the Homelessness Policy and Partnerships Branch, MAG has led the development of a Provincial Homelessness Strategy with partner ministries.</p> <p>Budget 2022 included \$633 million in funding for the Homelessness Strategy components over three years; including Youth Transitions (MCF) - \$35M, Homelessness Supports (HLTH/AG) - \$170M, Permanent Housing Plan (AG)- \$264M and Complex Care Housing (MMHA) - \$164M.</p> <p>Implementation and a public launch of the Provincial Homelessness Strategy is expected <small>Advice/Recommendations</small></p>
<p>Deliver more affordable housing through Housing Hub partnerships by providing additional low-interest loans; expanding partnerships with non-profit and co-op housing providers to acquire and preserve existing rental housing; and tasking the Hub with identifying new pathways to home ownership through rent-to-own or other equity-building programs.</p>	<p>In progress - As of March 31, 2021, there are 5,488 units in various stages of development under HousingHub programs.</p> <p>4,934 of those units are under the Provincial Rental Supply Program and 554 are under the Affordable Home Ownership Program.</p> <p>HousingHub’s bolstered resources are anticipated to facilitate the creation of approximately 9,000 new homes.</p>

	<p>Budget 2021 provided \$2 billion to increase HousingHub’s debt limit. Budget 2022 provided \$8 million to support HousingHub’s project development capacity.</p> <p>Approximately \$2.7 million in funding will be provided in 2022/23 to increase HousingHub staffing.</p>
<p>Build on our government's work to require new buildings and retrofits to be more energy efficient and cleaner by supporting local governments to set their own carbon pollution performance standards for new buildings.</p>	<p>In Progress - In partnership with the Energy Step Code Council and other partners, Building and Safety Standards Branch (BSSB) is developing standards for operational carbon emissions of new construction. This development also considers affordability, and these standards are expected to be phased in over 2024, 2027, and 2030. BSSB is preparing to seek ministerial direction to conduct public review of proposed regulatory provisions in Spring/Summer 2022.</p>
<p>Bring in "right-to-charge" legislation that will enable installation of electric vehicle charging infrastructure in more strata and apartment buildings.</p>	<p>In progress - Ministry staff have been researching other jurisdictions and consulting with the strata community, experts and interested parties about implementing right-to-charge in strata housing.</p> <p>Future-proofing is also an important consideration so that strata corporations can plan ahead to maximize effective use of electrical capacity.</p> <p>The Province will build on the steps already taken in 2018 when the Strata Property Regulation was changed to allow strata corporations to recover costs for electric vehicle charging stations through user fees.</p>

	<p>The new Provincial budget has generous grants to support electric vehicle charging, and both strata corporations and landlords are eligible to apply.</p>
<p>Lead work on the next iteration of the BC Building Code, working with the Parliamentary Secretary for Accessibility to ensure that it includes changes that will make new buildings more accessible for all people.</p>	<p>In progress – The Building and Safety Standards Branch (BSSB) completed a public consultation in January to help determine areas of focus when making new buildings more accessible for all people. BSSB continues to gather public feedback while working with national partners to inform the development of new accessibility requirements that will satisfy the commitment under the Construction Codes Reconciliation Agreement (part of the Canadian Free Trade Agreement) to increase the harmonization of the BC Building Code with the model National Building Code of Canada.</p>
<p>Support the work of the Minister of Finance to control the rising cost of strata insurance by building on work already done to close loopholes and enhance regulatory powers and acting on the forthcoming final report of the BC Financial Services Authority. If rates have not corrected by the end of 2021, explore a public strata insurance option.</p>	<p>In progress – This Mandate Item is being led by the Ministry of Finance.</p> <p>Government has taken three key steps to address the increase in strata insurance costs in recent years:</p> <ul style="list-style-type: none"> • First, the Ministry of Finance directed the B.C. Financial Services Authority to conduct a review of strata insurance in British Columbia. The final report, released in December 2020, informs the policy measures we have taken; • Second, the Legislature amended the Strata Property Act and Financial Institutions Act in Bill 14 (2020) to mitigate the rising costs of insurance. Some of the changes to the Strata Property Act required further consultation and regulation changes are forthcoming;

	<ul style="list-style-type: none"> • Third, government put an end to the practice of best-terms pricing in strata insurance, which was responsible for some of the worst premium increases.
<p>Support the Minister of Indigenous Relations and Reconciliation to deliver the action plan required under DRIPA to build strong relationships based on recognition and implementation of the inherent rights of Indigenous peoples protected in Canada’s constitution.</p>	<p>In progress - Action 3.12: Prioritize implementation of the First Nations Justice Strategy (see above).</p> <p>Action 3.13: Prioritize endorsement and implementation of the Métis Justice Strategy:</p> <ul style="list-style-type: none"> • December 2021, the Province received an embargoed copy of the Métis Justice Strategy to put forward for endorsement. <small>-Cabinet Confidences</small> <p><small>Cabinet Confidences</small></p> <p><small>Cabinet Confiden</small> Additionally, IJPLD is drafting a Cabinet submission, which will require further consultation with the Province prior to endorsement.</p>
<p>Support the work of the Minister of Mental Health and Addictions to provide an increased level of support – including more access to nurses and psychiatrists – for B.C.’s most vulnerable who need more intensive care than supportive housing provides by developing Complex Care housing.</p>	<p>In Progress - This is led by Ministry of Mental Health and Addictions (MMHA).</p> <p>Through the Homelessness Policy and Partnerships Branch, MAG is supporting the work of MMHA to develop and deliver Complex Care housing as part of a comprehensive Provincial Homelessness Strategy.</p> <p>This work is supported by a joint cabinet committee on Housing and Homelessness, as well as policy, engagement and implementation working groups.</p>
<p>Support the work of the Minister of Indigenous Relations and Reconciliation to bring the federal government to the</p>	<p>In Progress - This is led by Ministry of Indigenous Relations and Reconciliation (MIRR).</p>

table to match our funding to build much-needed housing for Indigenous peoples both on and off reserve.

Government has begun engaging in discussions with Canada at the ADM level. Following initial ADM discussions in the spring of 2022, a working group has been established between HPB, MIRR, Indigenous Services Canada, and CMHC.

The working group is working in partnership to collect data and complete a needs analysis to better inform where the \$550 million will have the biggest impact.

Table 2: Progress Status of Mandate Letter Items (Parliamentary Secretary)

MANDATE LETTER ACCOUNTABILITY	STATUS
<p>Conduct a full review of anti-racism laws in other jurisdictions and launch a stakeholder consultation to inform the introduction of a new Anti-Racism Act that better serves everyone in B.C.</p>	<p>In progress - At this time, policy research has begun to help determine the scope of the broader anti-racism legislation, including reviewing key reports and action plans.</p> <p>The legislation is tentatively scheduled to be introduced in Fall 2023.</p>
<p>Work with B.C.'s new Human Rights Commissioner and other stakeholders to introduce legislation that will help reduce systemic discrimination and pave the way for race-based data collection essential to modernizing sectors like policing, health care and education.</p>	<p>In progress -</p> <p>The anti-racism data legislation was introduced in the House on May 2, 2022.</p>

Honour the Japanese-Canadian community by providing lasting recognition of the traumatic internment of more than 22,000 Japanese-Canadians during World War II in libraries, communities and at the BC Legislature.

In progress - Parliamentary Secretary Singh hosted a series of cross-government meetings with over thirty members of the Japanese Canadian community to discuss the National Association of Japanese Canadian recommendations.

Based upon these consultations, a Historical Wrongs Framework was developed and approved by Cabinet on February 16, 2022.

A Treasury Board submission to provide recognition was submitted in Spring 2022.



November 26, 2020.

Honourable David Eby
Attorney General
Parliament Buildings
Victoria, British Columbia V8V 1X4

Dear Attorney General Eby:

Thank you for agreeing to serve British Columbians as Attorney General and Minister responsible for Housing. You are taking on this responsibility at a time when people in our province face significant challenges as a result of the global COVID-19 pandemic.

COVID-19 has turned the lives of British Columbians upside down. None of us expected to face the challenges of the past number of months, yet British Columbians have demonstrated incredible resilience, time and time again. We will get through the pandemic and its aftereffects by building on this resilience and focusing on what matters most to people.

British Columbians voted for a government focused on their priorities: fighting the COVID-19 pandemic, providing better health care for people and families, delivering affordability and security in our communities, and investing in good jobs and livelihoods in a clean-energy future.

I expect you – and the work of your ministry – to focus on the commitments detailed in our platform, *Working for You*, along with the following foundational principles:

- **Putting people first:** Since 2017, our government has focused on making decisions to meet people's needs. That focus drove our work in our first term and will continue to be our priority. British Columbians are counting on the government to keep them safe and to build an economic recovery that works for everyone, not just those at the top. Keeping people at the centre of everything we do means protecting and enhancing the public services people rely on and working to make life more affordable for everyone.
- **Lasting and meaningful reconciliation:** Reconciliation is an ongoing process and a shared responsibility for us all. The unanimous passage of the *Declaration on the Rights of Indigenous Peoples Act* was a significant step forward in this journey. True

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reconciliation will take time and ongoing commitment to work with Indigenous peoples as they move toward self-determination. Our government – and every ministry – must remain focused on creating opportunities for Indigenous peoples to be full partners in our economy and providing a clear and sustainable path for everyone to work toward lasting reconciliation.

- **Equity and anti-racism:** Our province's history, identity and strength are rooted in its diverse population. Yet racialized and marginalized people face historic and present-day barriers that limit their full participation in their communities, workplaces, government and their lives. Our government has a moral and ethical responsibility to tackle systemic discrimination in all its forms – and every ministry has a role in this work. While our caucus elected a record number of women, more work remains to address gender equity. Delivering on our commitments to address racial discrimination will require a commitment by all of government to ensure increased IBPOC (Indigenous, Black and People of Colour) representation within the public service, including in government appointments. Our efforts to address systemic discrimination must also inform policy and budget decisions by reviewing all decisions through a Gender-Based Analysis Plus (GBA+) lens.
- **A better future through fighting climate change:** In 2018, our government launched our CleanBC climate action plan. CleanBC puts British Columbia on the path to a cleaner, better future by building a low-carbon economy with new clean-energy jobs and opportunities, protecting our air, land and water and supporting communities to prepare for climate impacts. It is every Minister's responsibility to ensure your ministry's work continues to achieve CleanBC's goals.
- **A strong, sustainable economy that works for everyone:** We will continue our work to support British Columbians through the pandemic and the economic recovery by investing in health care, getting people back to work, helping businesses and communities, and building the clean, innovative economy of the future. Our plan will train the workforce of tomorrow, help businesses hire and grow and invest in the infrastructure needed to build our province.

The pandemic has reminded us that we're strongest when we work together. Delivering on our commitments to people will require a coordinated effort with your cabinet and caucus colleagues, supported by the skilled professionals in the public service. You will also support your cabinet colleagues to do their work, particularly where commitments cross ministry lines.

British Columbians expect their elected representatives to work together to advance the broader public good despite their partisan perspectives. That means seeking out, fostering and championing good ideas, regardless of their origin. I expect you to reach out to elected members from all parties as you deliver on your mandate. Further, you will build thoughtful and sustained relationships through public and stakeholder engagement plans that connect with people to incorporate their perspectives early in the policy development process. These plans must include measurable outcomes and ensure active dialogue and ongoing outreach in your ministry's actions and priorities.

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Over the course of our mandate, I expect you will make progress on the following items:

- Work with the Minister of Public Safety and Solicitor General, Indigenous communities, and the BC First Nations Justice Council to advance the First Nations Justice Strategy and to improve access to culturally appropriate justice, including continuing to establish Indigenous Justice Centres across the province.
- Work with the Minister of Public Safety and Solicitor General and the Minister of Mental Health and Addictions to fast track the move toward decriminalization by working with police chiefs to push Ottawa to decriminalize simple possession of small amounts of illicit drugs for personal use. In the absence of prompt federal action, develop a made-in-B.C. solution that will help save lives.
- Advance recommendations from the findings of the Cullen Commission and the German Report to fight money laundering.
- To make life more affordable for renters – particularly during the hardship caused by COVID-19 – deliver a freeze on rent increases until the end of 2021, and then make permanent the actions our government took to limit rent increases to the rate of inflation.
- Lead work to continue delivering our government's 10-year housing plan, Homes for B.C., and the affordable housing it's bringing to tens of thousands of British Columbians, including working in partnership to create 114,000 affordable homes.
- Lead government's efforts to address homelessness by implementing a homelessness strategy.
- Deliver more affordable housing through Housing Hub partnerships by providing additional low-interest loans; expanding partnerships with non-profit and co-op housing providers to acquire and preserve existing rental housing; and tasking the Hub with identifying new pathways to home ownership through rent-to-own or other equity-building programs.
- Build on our government's work to require new buildings and retrofits to be more energy efficient and cleaner by supporting local governments to set their own carbon pollution performance standards for new buildings.
- Bring in "right-to-charge" legislation that will enable installation of electric vehicle charging infrastructure in more strata and apartment buildings.
- Lead work on the next iteration of the BC Building Code, working with the Parliamentary Secretary for Accessibility to ensure that it includes changes that will make new buildings more accessible for all people.
- Support the work of the Minister of Finance to control the rising cost of strata insurance by building on work already done to close loopholes and enhance regulatory powers and acting on the forthcoming final report of the BC Financial Services Authority. If rates have not corrected by the end of 2021, explore a public strata insurance option.

.../4

- Support the Minister of Indigenous Relations and Reconciliation to deliver the action plan required under DRIPA to build strong relationships based on recognition and implementation of the inherent rights of Indigenous peoples protected in Canada's constitution.
- Support the work of the Minister of Mental Health and Addictions to provide an increased level of support – including more access to nurses and psychiatrists – for B.C.'s most vulnerable who need more intensive care than supportive housing provides by developing Complex Care housing.
- Support the work of the Minister of Indigenous Relations and Reconciliation to bring the federal government to the table to match our funding to build much-needed housing for Indigenous peoples both on and off reserve.

To assist you in meeting the commitments we have made to British Columbians, you are assigned a Parliamentary Secretary for Anti-Racism Initiatives. You will work closely together and ensure your Parliamentary Secretary receives appropriate support to deliver on the following priorities, outlined in the mandate letter issued to them:

- Conduct a full review of anti-racism laws in other jurisdictions and launch a stakeholder consultation to inform the introduction of a new *Anti-Racism Act* that better serves everyone in B.C.
- Work with B.C.'s new Human Rights Commissioner and other stakeholders to introduce legislation that will help reduce systemic discrimination and pave the way for race-based data collection essential to modernizing sectors like policing, health care and education.
- Honour the Japanese-Canadian community by providing lasting recognition of the traumatic internment of more than 22,000 Japanese-Canadians during World War II in libraries, communities and at the BC Legislature.

Our work as a government must continually evolve to meet the changing needs of people in this province. Issues not contemplated in this letter will come forward for government action and I ask you to bring such matters forward for consideration by the Planning and Priorities Committee of cabinet, with the expectation that any proposed initiatives will be subject to the usual cabinet and Treasury Board oversight. Your ministry's priorities must reflect our government's overall strategic plan as determined by cabinet.

All cabinet members are expected to review, understand, and act according to the *Members' Conflict of Interest Act* and conduct themselves with the highest level of integrity. As a minister of the Crown, your conduct will reflect not only on you but on cabinet and our government. You are responsible for providing strong, professional and ethical leadership within cabinet and your ministry. You will establish a collaborative working relationship with your deputy minister and

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the public servants under their direction who provide the professional, non-partisan advice that is fundamental to delivering on our government's priorities. You must ensure your minister's office meets the highest standards for integrity and provides a respectful and rewarding environment for all staff.

My commitment to all British Columbians is to do my level best to make sure people's lives are better, safer and more affordable. I believe the challenges we face can and will be overcome by working together. By way of this letter, I am expressing my faith that people can expect the same commitment from you.

Sincerely,

A handwritten signature in black ink that reads "John J. Horgan". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

John Horgan
Premier

Ministry of Attorney General and Minister Responsible for Housing

2022/23 Estimates Debates Note

Last updated Date: May 5, 2022

COVID-19 AND COURT OPERATIONS

KEY MESSAGES:

- Our top priority is to ensure the safety and security of all courthouse users and staff, while minimizing any disruptions to access to justice.
- Both the Supreme Court of BC and BC Provincial Court have taken actions throughout the pandemic to ensure the health and safety of court users, judiciary, and staff.
- Notices to the Profession have been updated by the Courts on a regular basis as the situation evolves. On April 11, 2022, all levels of Courts provided notice that most restrictions will be lifted.
- In consultation with all levels of the Courts, the Branch has been implementing modern and improved technology solutions, such as MS Teams, to expand the use of virtual court hearings for courtroom participants, and to explore possible opportunities for virtual staffing for certain functions performed by Court Services staff.
- Supreme Court criminal jury trials re-commenced on September 7, 2020. Assessments of courthouse locations were conducted to determine whether jury trials can be held in the courthouse in accordance with public health guidelines. Where the assessments revealed that there was no suitable space for a jury trial within the courthouse, the Ministry identified alternate locations to safely accommodate the jury trial.
- Supreme Court civil jury trial matters have been temporarily suspended until October 8, 2022.

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- Alternate locations for Indigenous courts (family and criminal) were also assessed on a community-by-community basis. However, with restrictions being lifted on April 11, 2022, the Provincial Court has started to move some Indigenous courts back into the community courthouse.
- Where possible, interpreters are appearing virtually. Court Services Branch is piloting assistive listening equipment to accommodate interpreters appearing in person while allowing them to maintain physical distancing.

BACKGROUND:

- Since the onset of the Pandemic in March 2020, and to ensure the safety of all court users and staff, Court Services Branch in collaboration with the judiciary, implemented COVID-19 related health and safety measures in accordance with all current advice, directives, and recommendations from the Provincial Health Officer, BCCDC, WorkSafe BC, and BC PSA Workplace Health and Safety.
- With the exception of services being temporarily impacted in the first quarter of 2020, in-person registry services have continued to be provided since June 2020.
- In consultation with the Courts, CSB staff have updated policy and procedures applicable to all levels of court to minimize disruption for participants and address COVID-19 related safety, security, and resourcing challenges.
- As of April 11, 2022, many of the restrictions have been lifted with the following measures still in place:
 - Mask use is now a personal choice in all areas of the courthouse including secure or judicial spaces. Within the courtroom, mask use is a personal choice unless directed otherwise by the presiding judge, justice, master or registrar;
 - Installed barriers will remain in place in all areas of the courthouse, including employee-only work areas;
 - Hand hygiene signage and sanitization stations are to remain in place; and,
 - Anyone entering the secure or restricted areas in a courthouse (staff-only or judicial areas) must continue to provide proof of being fully vaccinated.

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- Additionally, a Courthouse Guidance document has been established between Courts, CSB and BCCDC for managing COVID-19 court related incidents and communication and reporting protocols.

FINANCES:

- To support the costs for enhanced cleaning, alternate locations and modifications to courthouse and courtrooms, In FY 2021/22 the Ministry spent approximately:
 - FY 2021/22 Day Porters \$10.5 million
 - FY 2021/22 Alternate locations and facility modifications \$0.65 million
- Measures such as cleaning service levels are being reduced to pre-pandemic levels.
 - FY 2022/23 limited number of Day Porters included in base funding effective May 6, 2022
 - FY 2022/23 enhanced touchpoint cleaning will cease as of May 14, 2022.
- These costs are managed by Corporate Management Services Branch.

Contact: Adrienne Hunt, Director, Business Transformation & Training	Mobile: Government Financial Information
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Ministry of Attorney General and Minister Responsible for Housing

2022/23 Estimates Debates Note

Last updated Date: May 4, 2022

CONDUCT OF BAIL HEARINGS (INDICTABLE MATTERS)

KEY MESSAGES:

- In February 2017, the Alberta Court of Queen's Bench determined that there is no legal authority for police officers to conduct bail hearings in indictable matters, including hybrid offences where the Crown has not yet elected whether to process indictably or summarily (In the *Matter of Hearing Office Bail Hearings (Re)*, 2017 ABQB 74).
- At the time, police in B.C. conducted approximately 1,400 out-of-court, after-hours, weekend, and statutory holiday bail hearings per month in all locations outside of Vancouver.
- The BCPS Bail Program has three components:

1) Weekend Bail

- Implementation of a new process for Crown-led bail hearings began in February 2018. Phase one, involving Crown Counsel having conduct of all weekend bail hearings, was completed in November 2018.
- There are now five weekend bail hub locations operating in Vancouver, Surrey, Victoria, Kelowna, and Prince George.
- The current staffing requirements for weekends are nine Crown Counsel and ten Legal Assistants (total of 19 FTEs).
- Costs for weekend bail were estimated at \$1.94 million in the COVID-19 impacted 2021/22 fiscal year, ending March 31, 2022. Costs were less than the estimated requirements of \$3.0 million due primarily to the pandemic, which resulted in fewer bail hearings taking place and hiring lags.

2) Evening Bail

- An evening bail program has been in place in the Vancouver/Coastal Region for many years. Expansion of Crown-led evening bail to other Regions was delayed by the pandemic and the Provincial Court's introduction of a virtual weekday bail pilot in the North region. On March 28, 2022, evening bail expanded to the North Region.
- It is estimated that ten Crown and ten Staff FTEs will be required to efficiently operate a province-wide evening bail program.

3) Virtual Weekday Bail

- A virtual weekday bail pilot began in the North Region in April of 2021. The Provincial Court has indicated that it wishes to have all phases of Crown-led bail operating province-wide by the end of 2022. The virtual weekday bail program operates most efficiently when combined with a weekday evening program.
- Some JUSTIN system enhancements have been required to allow for electronic charge assessment for smaller and more remote detachments. A new system was introduced to enable secure electronic transfer of evidence from police to Crown Counsel at the hub locations.
- The Crown Led Bail model adapted well to the COVID-19 Court shutdown. Aspects of the model's pandemic response, including reliance on remote rather than in person appearances at bail hearings by accused persons, are expected to continue, to permanently reduce the need to move prisoners back and forth from police lockups to courthouses.
- Once fully implemented, in addition to better access to justice, the BC Prosecution Service anticipates associated benefits from the move to Crown-led after hours bail, including: more efficient file management and quality control at the front end of the process, better and more efficient work flows for police, Crown Counsel, and court registry staff, and a likely reduction in the number of accused persons, who would otherwise qualify for immediate release, being held in custody unnecessarily on short-term remands.

FINANCES:

- The base budget allocation for the Weekend bail program is \$3.3 million. Costs for weekend bail are estimated at \$1.9 million in the COVID-19 impacted 2021/22 fiscal year, ending March 31, 2022. Costs were less than the estimated requirements of \$3.0 million due primarily to the pandemic, which resulted in fewer bail hearings taking place and hiring lags.
- Fiscal 2022/23 costs for Evening bail are still to be determined, based on implementation timing.
- Total estimated annualized requirements for Weekend and Evening bail upon full implementation are \$7 million.
- Current Weekend Bail FTEs are 16. Requirements upon full implementation of Weekend and Evening bail are estimated at 36 FTEs.
- Any additional resource requirements for Daytime Virtual Bail will be determined as the program is implemented.

BACKGROUND:

- At the time of the Alberta judgment, B.C. was the only jurisdiction in Canada apart from Alberta in which police conducted bail hearings (usually outside of regular court hours) in indictable matters. A review of the Alberta judgment led BC Prosecution Service (BCPS) to conclude that the legal analysis set out in the Alberta judgment is the correct interpretation of the relevant provisions of the *Criminal Code*, resulting in the BCPS and its justice partners developing a new process for Crown counsel to assume direct responsibility for all after-hours charge approval and bail hearings from police.

Contact: Brian Anderson, Executive Director, Business Operations, BCPS	Mobile: Government Financial Information
Contact: Paul Sandhu, Director, Legal Operations, BCPS	Mobile: Government Financial Information

Ministry of Attorney General and Minister Responsible for Housing

2022/23 Estimates Debates Note

Last updated Date: April 8, 2022

CROWN COUNSEL ASSOCIATION BARGAINING

KEY MESSAGES:

- The Agreement between the Employer and BC Crown Counsel Association expired on March 31, 2019 and key provisions of it remain in force until a new Agreement is reached.
- The expired Agreement had been in effect since April 1, 2007 and involved linking general wage increases of Crown Counsel salaries to that of Provincial Court Judges, plus an additional annual amount as a “catch up” provision. At the expiry of the Agreement, top Crown Counsel salaries had reached the intended target of 85 per cent of Judges’ salaries.
- The parties commenced bargaining a new Agreement in January 2019.
- Negotiations broke off in March 2019 for an arbitration to determine whether the annual salary adjustment provisions in the Agreement (including the pay link to Provincial Court Judges) would continue beyond the March 31 expiry.
- In December 2019, the arbitrator ruled that the annual salary adjustment provisions would continue as long as the current Agreement remains in force, but without the additional “catch up” amount.
- This ruling had the effect of providing a 1.51 per cent increase to Crown Counsel salaries effective April 1, 2019.
- Attempts to reach an Agreement through bargaining have taken place in 2020, and most recently in July 2021. The most recent attempts confirmed that an impasse remains.
- The previous Agreement remains in effect and the salary linkage to Provincial Court Judges continues. Crown Counsel received a general wage increase of

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2.22 per cent effective April 1, 2020, an additional 2.26 per cent increase on April 1, 2021, and a further 2.21 per cent on April 1, 2022.

FINANCES:

- Budget 21 provided funding of \$8.6 million to fund the 2019-2021 increases, including lockstep and benefits.
- The estimated cost of the April 2022, 2.2 per cent increase, including benefits is \$2.39 million for fiscal 2022/23; discussions regarding funding are underway with Ministry of Finance/Treasury Board Staff.

STATISTICS:

- There are currently approximately 490 Crown Counsel Association members and a further 23 who are inactive (for example on parental leave) employees.
- Included Crown Counsel salaries currently range from \$95,022 to \$244,872 annually and average approximately \$172,000.

BACKGROUND

BARGAINING HISTORY SINCE 2019:

- The parties returned to the bargaining table in February 2020 and also commenced negotiations on essential service levels at that time.
- In March 2020, the parties paused again to allow time for the BC Crown Counsel Association to consult with their members and confirm their bargaining mandate regarding the salary linkage to Provincial Court Judges.
- Negotiations arrived at an impasse in August 2020 despite both parties expressing a willingness to arrive at an agreement through bargaining.
- Further attempts to negotiate took place in July 2021. The sessions clarified that both parties were unmoved from their positions, and that an impasse remained.

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Ministry of Attorney General and Minister Responsible for Housing

2022/23 Estimates Debates Note

Last updated Date: April 6, 2022

R. V. JORDAN; JUDICIAL STAY FOR UNREASONABLE DELAY

KEY MESSAGES:

- Only July 8, 2016, the Supreme Court of Canada established binding timelines for the processing of criminal cases in Canada.
- Systemic delay (excluding delay attributable to the defence) that extends beyond the established timelines is presumptively “unreasonable” under s. 11(b) of the *Charter of Rights and Freedoms*. The established timeline for Provincial Court criminal cases is 18 months and the established timeline for BC Supreme Court criminal cases is 30 months.
- Unless Crown Counsel can justify systemic delay that exceeds these thresholds on the basis of “exceptional circumstances”, the constitutional right to be tried within a reasonable time is violated and the prosecution is liable to be terminated by a judge.
- The BC Prosecution Service (BCPS) has been actively working on reducing systemic delay for a number of years and continues to do everything it can to meet the timelines established by the Supreme Court of Canada in the cases it prosecutes.

BACKGROUND:

- Starting in 2012, BCPS has implemented several process reforms that were specifically designed to address the problem of delay. These reforms were substantially completed in December 2015 and include:
 - Enhanced Crown File Ownership to reduce file churn;

