

**MINISTRY OF ATTORNEY GENERAL
HOUSING POLICY BRANCH
MEETING BULLETS**

PURPOSE: Briefing for Parliamentary Secretary Sharma

Meeting with: MLA Niki Sharma, Parliamentary Secretary for Community Development and Non-Profits on January 13, 2022.

Issue: Single Room Occupancy (SRO) Investment Strategy and Downtown Eastside (DTES) SRO collaborative proposal

BULLETS:

s.13; s.16

- In July 2021, the DTES SRO Collaborative, a tenant advocacy organization, presented the Ministry with a proposal for a long-term research and engagement framework that establishes a decolonized and sustainable approach to housing practices and land-use in the in the DTES.
 - The short-term goal of the proposal is to achieve a framework for housing agreements between the three levels of government that will protect and improve housing outcomes within private SROs s.13; s.16

s.13; s.16

s.13; s.17

- All organizations s.13; s.16 acknowledge the importance of tenant/resident voices being included in the planning and implementation of investments in the DTES SROs.

- The s.13; s.16 process is still in the preliminary stages and includes discussion of how to coordinate the planning and resourcing of this major undertaking among s.13; s.16
- The SRO Collaborative's proposal has not been formally evaluated as a funding request yet, however the Ministry notes the following points regarding the proposed scope of activities:

s.13; s.16

- The SRO Collaborative is one of many groups with vested interests in the outcome of government's actions. Government recognizes their unique and important voice and interests but must balance it with the voices and interests of other groups that may want to lead or facilitate development of housing agreements.
- All governments agree that tenant participation in the development of investment approaches is welcomed and funding the SRO Collaborative to build capacity for participation is worthy of consideration when there is further certainty of the investment strategy.
- The SRO Collaborative received a 2021/22 grant through the Province's Homelessness Community Action Grant program, administered by the Social Planning and Research Council BC (Social Planning and Research Council BC (SPARC BC)) s.13

s.13

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Attachment(s)

1. DTES SRO Collaborative Proposal: Planning for Tenant-Led Housing in Vancouver's Downtown Eastside, July 2021

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s.17

**MINISTRY OF ATTORNEY GENERAL
JUSTICE SERVICES BRANCH
BRIEFING NOTE**

Legal Advice to Attorney General

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PURPOSE: For DECISION of Honourable David Eby, QC
Attorney General and Minister Responsible for Housing

ISSUE:
Ministry of Attorney General's legislation agenda for 2022 and 2023 legislative sessions.

DECISION REQUIRED/ RECOMMENDATION:
Confirm the ministry's proposed legislation items for the 2022 legislative session and approve items for the 2023 legislative session.

SUMMARY:
s.12; s.13

s.12; s.13

- If requested, a briefing will be arranged for the Attorney General and ministry staff responsible for proposed legislation.

DISCUSSION:

s.12; s.13

The ministry is implementing its section 3 *Declaration Act* obligations for alignment of laws with UNDRIP. Whenever legislation is being amended and when timelines permit, ministry staff will review the statute for alignment with UNDRIP and, if appropriate, propose a plan for changes. s.12; s.13

s.12; s.13

s.12; s.13 To advance section 3 alignment of laws work, the ministry has established processes for Indigenous engagement through the First Nations Leadership Council and the Alliance of BC Modern Treaty Nations and plans to expand to other leadership organizations.

This briefing note includes a summary list of legislation priorities for 2022, set out in Appendix A; and our proposed 2023 legislative items with three additions to the 2022 session, set out in Cabinet Operations' required template in Appendix B.

Spring 2022 Update

A brief status update on each Spring 2022 item is as follows:

- LPC56 – Anti Racism Data Act: s.12; s.13
s.12;
s.13
- LPC58 – Legal Profession Act, Notaries Act (trust accounts): s.12; s.13
s.12; s.13

- LP902 – Interjurisdictional Support Orders Act; s.12; s.13
Implementation Act (new): LRC February 1
- LPB52 – Civil Resolution Tribunal Act: s.12; s.13
s.12; s.13
- LPC43 – Offence Act (traffic court online): s.12; s.13
s.12; s.13
- LPB57 – Mental Health Act: s.12; s.13
- LPC49 – Professional Governance Act: s.12; s.13
s.12; s.13

s.12; s.13

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s.12 ; s.13

s.12; s.13

OPTIONS:

s.12; s.13



Richard J. M. Fyfe, QC
Deputy Attorney General and
Deputy Minister Responsible for Housing

December 17, 2021

Date

OPTION -1 APPROVED



Honourable David Eby, QC
Attorney General and
Minister Responsible for Housing

December 21, 2021

Date

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Attachments

Appendix A – Confirmation of Ministry of Attorney General 2022 Legislative Proposals
Appendix B – Ministry of Attorney General 2023 Legislative Proposals
Appendix C – Ministry of Attorney General's Legislation Plan 2022-beyond

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s.12

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s.12 ; s.13

**MINISTRY OF ATTORNEY GENERAL
JUSTICE SERVICES BRANCH
INFORMATION NOTE**

PURPOSE: For INFORMATION for David Eby, QC
Attorney General and Minister Responsible for Housing

ISSUE:

The Abortion Rights Coalition of Canada (ARCC) is proposing legislation to ban the distribution of graphic images of aborted fetuses where not enclosed in envelopes.

SUMMARY:

- ARCC, the only nation-wide pro-choice group devoted to ensuring abortion rights and access, argues that the distribution of unsolicited graphic images of aborted fetuses causes individual and community harms.
- Some municipal and provincial governments are taking action to restrict how anti-abortion groups (AAG) distribute unsolicited images of aborted fetuses to citizens via mail.
- While the Ministry of Attorney General (MAG) does not currently have plans to introduce legislation to address this issue, MAG will monitor this issue and its impacts going forward.

BACKGROUND:

- Some AAGs, such as the Canadian Centre for Bio-Ethical Reform, engage in tactics involving the distribution or display of graphic images of aborted fetuses to citizens to promote pro-life ideals. According to ARCC, several times a year, AAGs target various cities across Canada with their campaigns.
- As part of these campaigns, AAGs deliver graphic postcards or flyers to residential street homes (without envelopes) and display graphic signs in busy public areas.
- In June 2021, a campaign involving the delivery of flyers featuring aborted fetuses was executed in Burnaby, B.C. The flyers were delivered unsealed to homes; Burnaby residents contacted the RCMP to report the graphic content.
- Vancouver, New Westminster, Surrey, Chilliwack, and Kelowna have been targeted by similar campaigns in the past.
- ARCC argues the distribution and display of unsolicited graphic images causes community harms such as psychological trauma, invasion of privacy, and community unrest. AAGs argue they should be free to express their opinions about the impacts of abortion.

- In Canada, the distribution of unsolicited images of aborted fetuses has predominantly been dealt with at the municipal level:
 - The cities of Calgary, Halifax, and Winnipeg have passed bylaws restricting persons and distributors from depositing flyers at or on a premise where a sign of notice has been posted indicating flyers are not wanted. The bylaws do not specifically contemplate the distribution of unsolicited graphic images of fetuses.
 - Additionally, the City of Calgary passed bylaws prohibiting the display of large graphic signage outside of schools and hanging banners from highway overpasses.
 - ARCC engaged the City of Burnaby in early 2021 to request the municipality take similar action to protect citizens from receiving unwanted graphic images of aborted fetuses. Whether the municipality is developing policy on this issue remains to be seen.
- To date, no Canadian jurisdiction has enacted legislation which addresses this specific harm.
- Recently in Ontario, a bill has been introduced by the Opposition which proposes to regulate how graphic images of fetuses are distributed via mail in the province. Specifically, the Bill proposes to enact the *Viewer Discretion Act (Images of Fetuses)* which would provide that no one shall send a graphic image of a fetus by mail or distribute an image unless the image is contained in an opaque envelope, the exterior of the envelope includes a description of the contents, and the exterior of the envelope identifies the sender. The Bill has passed first reading.
- ARCC is lobbying for similar legislation to be introduced in B.C. banning the distribution of graphic images of aborted fetuses where not enclosed in envelopes.

DISCUSSION:

- Any applicable municipal bylaws may discourage AAGs from distributing graphic content. However, they place the burden of preventative action on the citizen, who may be unaware AAGs are targeting their communities for campaigning.
- Moreover, while city bylaws may help curtail community harms caused by graphic images, there must be an effective compliance and enforcement regime in place to dissuade AAGs from simply contravening bylaws. Some individuals have critiqued the referenced bylaws for having “no teeth”.
- Ontario’s *Viewer Discretion Act* introduces a penalty system which enables the province to fine persons or distributors \$100 per image distributed, perhaps attempting to address ineffective bylaws.
- The dissemination of graphic abortion imagery can be seen to constitute a form of gender-based violence (GBV). Addressing and ending GBV is a key priority for Government.

- An example of a GBV initiative underway is the exploration of legislation to prevent the non-consensual disclosure of intimate images (NCDII), which would create additional tools for survivors of NCDII to have their images removed from the internet and de-indexed.
- While there may be parallels between NCDII legislation and “viewer discretion” legislation, NCDII is a separate issue drawing on different mechanisms to prevent individual harm (including that the process would be driven by the survivor, i.e., the person depicted in the photos).
- MAG has no immediate plans to develop proposed legislation addressing graphic abortion flyers.^{s.13}
- For example, under Canada’s Constitution, the federal government has the authority to regulate “the postal service”.

s.13

- That said, Charter rights are not absolute and free speech may not extend to forcing a message on a “captive audience”. Under the captive audience doctrine, an individual’s right to privacy from unwanted speech or images which they find offensive may in some cases trump a distributor’s right to freedom of expression.
- Essentially, when a viewer or listener cannot escape intrusive or harmful content, free speech can be restricted. This may be particularly relevant when the harmful content is distributed directly into people’s homes.

s.13

INDIGENOUS PEOPLES CONSIDERATIONS:

- The distribution of unwanted graphic images of aborted fetuses may impact Indigenous peoples and communities. Should MAG commit to exploring this issue further in the future, Indigenous peoples may be consulted to understand their experiences and position on this issue.

OTHER MINISTRIES IMPACTED/CONSULTED:

- N/A

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