

Legal Help for Rural British Columbians

*A guide to help non-legal professionals
make legal referrals for their clients.*

Topics include:

**Family Law
Criminal Law
Employment Issues
Consumer & Debt Problems
Complaints Against Authority
Housing
Welfare & Disability
Wills & Estates
Human Rights
Suing or Being Sued**

Also inside:

LEGAL RESOURCE GUIDE

**A listing of places to turn to when a client
presents a problem.**

INTERVIEW WORKSHEET

**Prepare your clients for their interviews with
legal professionals. The interview worksheet
ensures all documents and information are
together in one place.**

Cliff Thorstenson, BSc LLB

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Purpose of this Guide

This Legal Help guide is a resource for non-legal professionals in rural British Columbia who have clients or patients with legal problems and little money to deal with them.

It is meant to help you:

- guide your client or patient in taking the **first steps** toward addressing their legal problem; and
- make the best **referrals** for your client or patient to information, assistance, advice or representation to address the legal issue.

Reason for this Guide

Because legal resources are often not available locally in rural British Columbia, the usual first “point of contact” to get help with a legal problem is not a lawyer or legally trained advocate, but a friend or helping professional such as a counsellor, doctor, nurse, teacher, government worker or religious leader.

It is hoped that this guide will help you—the friend or helping professional— provide basic information and appropriate referrals to friends, clients or patients who find themselves with common legal problems.

What is “rural” B.C.?

There is no formal definition of the term “rural” in this guide, but the term generally describes those areas of British Columbia that do not have services such as lawyers, legal advocates, government agents or court registries accessible by local transportation or a drive of less than 45 minutes.

Organization of this Guide

There are three sections to this guide.

- **Part One** describes **common legal problems** faced by low-income clients in rural BC, such as “Family”, “Consumer & Debt” and “Human Rights”.
- **Part Two** describes **legal resources** and how to obtain them. It includes sources of legal information, assistance, advice and representation, such as Legal Aid, Workers Advisers and Electronic Law Library. Each resource is numbered for easy reference.
- **Part Three** is a form entitled **Preparing for Your Interview**. When completed, it will contain a lot of the information a lawyer or advocate will want to know at a first interview with a client.

Thanks to

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Please Note

This Guide explains the law and legal procedures in general. It is not intended to give legal advice on your particular legal problem, and should not be relied on for that purpose. Information in this guide is accurate as at November 2007. Please note that fees and guidelines outlined in the guide are subject to change.

Your Comments

Your comments on the content and format of this booklet are most appreciated. Please forward them to:

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Part 1: Common Legal Problems

Suing and Being Sued

Many legal disputes between individuals are resolved by one party **suing** the other. Clients in rural BC may have the following legal questions or problems relating to law suits:

- Know any good lawyers?
- I am being sued – what should I expect?
- I need to take someone to court – what’s the process?

Here are the first steps and some useful resources for people with questions or problems about law suits.

Know any good lawyers?

By a “good” lawyer, we usually mean one that knows what he or she is doing, communicates well, is efficient and affordable and will work hard for his or her client. The Resources section (Part 2) of this guide describes several legal services that provide information and assistance and some limited advice and representation, but you really can’t beat full representation by a lawyer or legally supervised advocate.

First steps

If you do not know a lawyer who can help you:

1. See if you qualify for legal aid: people with low incomes who are facing serious criminal, family or immigration issues may qualify for legal aid. If so, the Legal Services Society will appoint a lawyer for them. For information on applying for legal aid, see [#26-Legal Aid](#), in Part 2 of this guide.
2. Speak with friends or helping professionals who have worked with lawyers recently, and see if they can recommend someone;
3. Contact the Lawyer Referral Service and ask for the names of lawyers near you who practice the type of law you need (see [#25-Lawyer Referral Service](#), in Part 2 of this guide); or
4. Check the yellow pages of the local phone book under the heading, “Lawyers”. You might want to call one that (a) is near you, (b) practices in the area of law you want, and (c) offers a free initial consultation. If the contacted lawyer does not do that type of work, he or she may know another lawyer who does.



Most lawyers specialize, so it is useful to get a lawyer who practices in the area of law that covers your legal problem. Also, non-lawyer advocates, (within their areas of experience, such as welfare or tenancy), may be more knowledgeable than many lawyers.

What happens next?

The lawyer will want to meet with you (either in person or by phone) to discuss your case.

Before meeting with a lawyer or advocate, complete the form, [Preparing for Your Interview](#), in Part 3 of this guide. Make sure you bring copies of all documents relating to your case. A meeting with a lawyer is more effective if you are well prepared.

At the end of the meeting, you can discuss whether the lawyer will do more work for you, and how much that work will cost.

Where to get help

See [Part 2- Resources](#), starting on page 39, for a list of legal resources, including lawyers and legally-supervised advocates, who can provide advice and sometimes representation for little or no cost. Complete the [Preparing for Your Interview](#) form in Part 3 of this guide before speaking with an advocate or lawyer.

I am being sued

If you are being sued for loss or damages you may have caused to another person or another person's property, you will receive court papers: a **Notice of Claim** if you are being sued in **Small Claims Court** or a **Writ of Summons** and possibly a **Statement of Claim** if you are being sued in **BC Supreme Court**.

Law suits in Small Claims Court are limited to claims of \$25,000. There is no money limit to claims in Supreme Court.

Small Claims Court

First Steps

If you receive a Small Claims Court Notice of Claim and you don't agree with it:

1. Complete the Reply that should have been served on you with the Notice of Claim. In your Reply, say why you don't agree with the claim. [If you don't get a blank Reply with the Notice of Claim, you can get one at any Provincial Court Registry or at most Government Agent Offices. Call Enquiry BC at 1-800-663-7867 for information on the one nearest you. Small Claims forms are also available [online](#)].
2. Drop off the Reply or mail it to the Small Claims registry named on the Notice of Claim within 14 days of receiving the Notice of Claim. The cost for filing a Reply is \$26 for a claim of up to \$3,000 and \$50 for a claim over \$3,000.

What happens next?

In Small Claims Court, you will receive a **Notice of Settlement Conference**. A Settlement Conference is an opportunity for you and the Claimant to meet with a judge to see if you can agree to resolve the claim. The judge at a Settlement Conference is only there to help you see if the parties can agree on a settlement. He or she cannot impose an agreement.

If the Settlement Conference doesn't resolve the case, you will be given a **Notice of Trial**. At trial, the Claimant will present his or her case, and you will be given a chance to present your case. The trial judge will then decide who wins.

Supreme Court

First Steps

If you receive a Supreme Court Writ of Summons:

1. Obtain and complete an **Appearance**. [You can get a blank Appearance at any Supreme Court Registry or at most Government Agent Offices. Call Enquiry BC at 1-800-663-7867 for information on the one nearest you. Supreme Court forms are also available [online](#).]
2. Drop off the Appearance, or fax or mail it to the Supreme Court registry named on the Writ of Summons or Petition within 7 days of receiving the Writ of Summons or Petition. There is no cost for filing an Appearance.

What happens next?



Even if you can't get the Reply or Appearance to the Registry on time, file it anyway. Fax it to the Registry immediately and telephone the Registry to say it is on its way.

In Supreme Court, the process is more complex. The **Plaintiff** (person suing you) must file and serve you with a **Statement of Claim**, setting out the claim in detail. You (the **Defendant**) must then answer with a **Statement of Defence**.

During the next stage of a Supreme Court proceeding, known as “discovery”, the parties exchange documents and may cross-examine each other outside of court. Finally, if the case is not resolved, it will proceed to **trial**.

Where to get help

See Part 2- *Resources*, starting on page 39, for a list of helpful resources. Your best bets are:

- #42- [Small Claims Court](#) website for information on Small Claims procedures and representing yourself in Small Claims Court.
- #43- [Supreme Court Self-help Centre](#) website for information on Supreme Court procedures and representing yourself in Supreme Court.
- #23- [LawLINE](#).
- #1- [Access Justice](#), #25- [Lawyer Referral Service](#), #40- [Salvation Army Pro Bono Lawyer Consultation Program](#), #34- [Private Bar Lawyers](#).

Before meeting with a lawyer or advocate, complete the form, **Preparing for Your Interview**, in Part 3 of this Guide. Make sure you bring copies of all documents relating to your case.

I need to take someone to court

There are a number of reasons that you may want to sue someone. They may owe you money, they may have damaged your property or your reputation, or they may have injured you on purpose, by accident or through improper treatment.

You can sue a person for a debt or damages (compensation for harm) for up to \$25,000 in Small Claims Court. You can sue in BC Supreme Court for any amount.

The Small Claims Court has no jurisdiction for a claim of defamation (libel or slander). These claims must be made in the B.C. Supreme Court.

First Steps

1. Decide whether you want to sue in Small Claims Court or B.C Supreme Court. Ensure you are within the limitation period for doing so.
2. Complete a Small Claims Court *Notice of Claim* or Supreme Court *Writ of Summons* and *Statement of Claim*. [You can get a Notice of Claim from any Provincial Court Registry or most Government Agent Offices. Call Enquiry BC at 1-800-663-7867 for information on the one nearest you. Small Claims forms are also available [online](#). You can get a Writ of Summons and Statement of Claim from any Supreme Court Registry or most Government Agent Offices. Call Enquiry BC at 1-800-663-7867 for information on the one nearest you]. Include the important facts related to your claim.
3. Take the documents to the appropriate Court Registry, file them (there is a fee) and have them stamped.



You have to start a law suit within the **limitation period** for that type of claim. Some usual limitation periods are:

- 2 years for personal injury, defamation or damage to property;
- 6 years for most debts and breaches of contract;
- 10 years for fraudulent breach of trust

However, these limitation periods may be shorter for different types of defendants or claims. For example, notice of a claim against a municipality must generally be given within **2 months** and the court action against the municipality started within **6 months**.

4. Serve a copy of the documents on the Defendant. The usual way is to get a friend or “process server” to give the documents to the Defendant in person. The Court Registry can tell you about other ways you can serve documents.

What happens next?

Small Claims Court

The defendant will need to file a **Reply** and provide you with a copy. You and the defendant will then receive a **Notice of Settlement Conference**. A Settlement Conference is an opportunity for you and the Claimant to meet with a judge to see if you can agree to resolve the claim. The judge at a Settlement Conference is only there to help you see if the parties can agree on a settlement. He or she cannot impose an agreement.



Small Claims process is much simpler than Supreme Court process. In many cases, people can handle their own Small Claims matters. However, if you have to go to Supreme Court, you should really speak to a lawyer first.

If the Settlement Conference doesn't resolve the case, you will be given a **Notice of Trial**. At trial, you will present your case, and the Defendant will be given a chance to present his or her case. The trial judge will then decide who wins.

Supreme Court

The defendant must file and provide you with an **Appearance** in response to your **Writ of Summons** and a **Statement of Defence** in response to your **Statement of Claim**. During the next stage of a Supreme Court proceeding known as “discovery”, the parties exchange documents and may cross-examine each other outside of court. Finally, if the case is not resolved, it will proceed to **trial**. At trial, you will need to present your evidence through witnesses and the defendant will need to do the same. At the end of the trial, the judge (or in some cases, a jury) will decide who wins.

Where to get help

See Part 2- *Resources*, starting on page 39, for a list of helpful resources. Your best bets are:

- [#42- Small Claims Court](#) website for information on Small Claims procedures and representing yourself in Small Claims Court.
- [#43- Supreme Court Self-help Centre](#) website for information on Supreme Court procedures and representing yourself in Supreme Court.
- [#23- LawLINE](#).
- [#1- Access Justice](#), [#24- Lawyer Referral Service](#), [#39- Salvation Army Pro Bono Lawyer Consultation Program](#), [#33- Private Bar Lawyers](#).

Before meeting with a lawyer or advocate, complete the form, **Preparing for Your Interview**, in Part 3 of this Guide. Make sure you bring copies of all documents relating to your case.



If the defendant does not file a Reply in Small Claims Court or an Appearance in Supreme Court, you can apply to the court for a **default judgment** giving you all or part of your claim.

Family Law

Family issues are the most common source of legal problems. Some of the concerns for clients in rural BC are:

- I just separated from the other parent of my children
- My ex is not paying child support
- The Ministry has taken my kids
- My partner is abusing me or my kids.

Here are the first steps and some useful resources for people facing these problems.



Most family issues—custody, access, guardianship, child and spousal support-- can be dealt with in a special branch of Provincial Court called "Family Court". However, cases about divorce or family property must be dealt with in BC Supreme Court. Family court procedures are simpler, quicker and less expensive than those in Supreme Court. Speak to a lawyer about the choice between Supreme Court and Family Court.

I just separated from the other parent of my children

If you and the other parent of your children have separated, you still need to make decisions about who will have **custody** (who the children will live with) and how much **access** the other parent will have to the children.

You will also need to decide how you will handle **guardianship** (long-term decisions about the children's health, education and welfare) and **maintenance** (financial support for the children and, if necessary, you or the other parent).

First steps

1. Ensure that you and your children are safe. This may mean leaving the family home for awhile and staying with friends or staying in a transition house. [Look in the Yellow Pages under "Crisis Centres" or [online](#). Click on "find a shelter", then input the location nearest you. The local police station can also give you information about transition houses and other victim services.].
2. If you need a lawyer but cannot afford one on your own, see if you qualify for legal aid. [See [#26- Legal Aid](#), in Part 2 of this Guide for information about applying for legal aid]. If you qualify, the Legal Services Society will appoint a lawyer to advise you and represent you in court.

If you don't qualify for legal aid, or if you think you can resolve your issues through mediation, you may wish to contact a Family Justice Centre. [See [#16- Family Justice Centres](#), in Part 2 of this Guide for contact information]. Counsellors at Family Justice Centres can provide information, mediation and assistance with applications involving custody, access, guardianship and maintenance in Family Court. However, they have no jurisdiction to help with divorce or division of family assets.

3. If you want to apply for custody, guardianship, access or maintenance in Family Court, complete an **Application to Obtain an Order**. [You can get an Application to Obtain an Order from any Provincial Court Registry or most Government Agent Offices. Call Enquiry BC at 1-800-663-7867 for information on the one nearest you]. Family Court forms and self-help information are also available online at the [Family Law of BC website](#). Click on "Court forms", "Self-help guides" or the appropriate topic under "Your legal issue". If you do not feel it is safe to wait for an order, you may ask the Judge to make the order *ex parte*, meaning that the court will make its order without your ex having a chance to be heard. *Ex parte* orders are always interim (short-term) and your ex will eventually have a chance to speak to the judge before a final order is made.

What happens next?

If you qualify for legal aid, a lawyer will be appointed to represent you in your case and lead you through the court process.

You can also contact a Family Justice Counsellor and set up an appointment to review your situation. The Family Justice Counsellor will give you information about family law issues, offer to mediate between you and your ex, and help you fill out court forms if necessary.

If you file an Application to Obtain an Order, you will have to arrange to serve your ex with a copy of the Application and notice of the court date, unless it is dangerous or impractical to do so. A court date will be set once your ex files a **Reply**.

Where to get help

See Part 2- *Resources*, starting on page 39, for a list of helpful resources. Your best bets are:

- [#26- Legal Aid](#) to see if you qualify for legal aid.
- [#17- Family Law of BC](#), for forms, self-help materials and other legal information about family legal issues.
- [#13- Duty Counsel](#), for some assistance on the day of court.
- [#16- Family Justice Centres](#), to make an appointment with a Family Justice Counsellor to discuss custody, guardianship, access or maintenance.
- [#43- Supreme Court Self-help Centre](#) website for self-help materials and other legal information about Supreme Court procedures and representing yourself in Supreme Court.
- [#23- LawLINE](#).
- [#1- Access Justice](#), [#25- Lawyer Referral Service](#), [#40- Salvation Army Pro Bono Lawyer Consultation Program](#), [#34- Private Bar Lawyers](#).

Before meeting with a lawyer or advocate, complete the form, **[Preparing for Your Interview](#)**, in Part 3 of this Guide. Make sure you bring copies of all documents relating to your case.

My ex is not paying child support

Any parent—married or unmarried — of a dependant child has a responsibility to provide **child support** (financial support) for that child. The usual amount he or she should pay is set out in the [Federal Child Support Guidelines](#).

First steps

If you have a court order:

1. If you are on social assistance, speak with your financial worker. If you agree, the Ministry of Human Resources (or the Ministry of Indian Affairs, if you live on an Indian Reserve) will collect the child support for you.
2. If you are not on social assistance, see if you qualify for legal aid. (See [#26- Legal Aid](#), in Part 2 of this Guide for information about applying for legal aid. If you are approved for legal aid, a legal aid lawyer can help you collect the child support.

If you don't qualify for legal aid, you may wish to contact a Family Justice Centre. See [#16- Family Justice Centres](#), in Part 2 of this Guide for contact information. Counsellors at Family Justice Centres can provide information, mediation and assistance with applications involving maintenance (child or spousal support) in Family Court.

3. You can also enrol with the Family Maintenance Enforcement Program (See [#18- Family Maintenance Enforcement Program](#) in Part 2 of this Guide for contact information) which will take steps, including further court action, to enforce the order for you. FMEP is probably the simplest way to collect on a child support order from a reluctant payor.

What happens next?

Once you have registered with the Family Maintenance Enforcement Program, one of its workers will contact the other parent to see if he or she will agree to make voluntary payments. If that doesn't work, FMEP can take a number of steps against the other parent such as garnishing wages or bank accounts, intercepting employment insurance payments and income tax returns and arranging for withholding driver's licenses or passports.

If you don't have a court order:

1. If you need a lawyer but cannot afford one on your own, see if you qualify for legal aid. (See [#26- Legal Aid](#), in Part 2 of this Guide for information about applying for legal aid). If you qualify, the Legal Services Society will appoint a lawyer to advise you and represent you in court.

Whether or not you qualify for legal aid or a lawyer through MHR, you may wish to contact a Family Justice Centre. Counsellors at Family Justice Centres can provide information, mediation and assistance with applications involving maintenance (child or spousal support) in Family Court. However, they have no jurisdiction to help with Supreme Court actions.

2. If you want to apply for maintenance, in Family Court, complete an ***Application to Obtain an Order***. [You can get an Application to Obtain an Order from any Provincial Court Registry or most Government Agent Offices. Call Enquiry BC at 1-800-663-7867 for information on the one nearest you]. Family Court forms and self-help information are also available [online](#). Click on "Court forms", "Self-help guides" or "Support—child" under "Your legal issue". If you do not feel it is safe to wait for an order, you may ask that the order be *ex parte*, meaning that the court will make its order without your ex having a chance to be heard. *Ex parte* orders are always interim (short-term) and your ex will eventually have a chance to speak to the judge before a final order is made.

What happens next?

Once you have filed an ***Application to a Judge*** of the Family Court asking for child support, the other parent will be required to file a ***Reply*** and a ***Financial Statement*** (or a ***Statement of Finances*** for FMEP matters). A date will be set for hearing. If the other party doesn't file a Reply or Financial Statement, the judge may order him or her to do so or to accept your evidence of what he or she is earning.

Where to get help

See Part 2- *Resources*, starting on page 39, for a list of helpful resources. Your best bets are:

- [#26- Legal Aid](#), to see if you qualify for legal aid.
- [#18- Family Maintenance Enforcement Program](#), to enrol with the program.
- [#17- Family Law of BC](#), for forms, self-help materials and other legal information about maintenance (child and spousal support).
- [#13- Duty Counsel](#), for some assistance on the day of court.
- [#16- Family Justice Centres](#), to make an appointment with a Family Justice Counsellor to discuss maintenance.
- [#43- Supreme Court Self-help Centre](#) website for self-help materials and other legal information about Supreme Court procedures and representing yourself in Supreme Court on a maintenance issue.
- [#23- LawLINE](#).
- [#1- Access Justice](#), [#25- Lawyer Referral Service](#), [#40- Salvation Army Pro Bono Lawyer Consultation Program](#), [#34- Private Bar Lawyers](#).

Before meeting with a lawyer or advocate, complete the form, ***Preparing for Your Interview***, in Part 3 of this Guide. Make sure you bring copies of all documents relating to your case.

The Ministry has taken my kids

The Ministry of Children and Family Development has the authority to remove children from their home if they are “in need of protection” because they are exposed to abuse, neglect or harm. If the Ministry removes the child or children, the matter is taken to Family Court until it is resolved.

First steps

1. If you need a lawyer but cannot afford one on your own, see if you qualify for legal aid. [See [#26- Legal Aid](#), in Part 2 of this Guide for information about applying for legal aid]. If you qualify, the Legal Services Society will appoint a lawyer to advise you and represent you in court.
2. If you don't have a lawyer, consider getting at least some legal advice. Child protection is a very emotional issue, and difficult to face without legal advice and support.
3. Contact the worker who removed your child, and see if you can negotiate for either the return of your child or access to your child while in Ministry care. Take a friend or advocate with you when you speak to the worker.
4. Within 7 days of removing the child, the Ministry must go to Family Court and explain to a judge why the child was removed and what their plans are for the child until the matter is resolved. Attend this hearing. Even if you can't convince the judge to return the child right away, you can ask the judge for access to the child. There is usually a **Duty Counsel** lawyer in Family Court who can assist you on the day of court.

What happens next

At the first court appearance, the judge will set a date for a **Presentation Hearing**. At this hearing, you will have a chance to convince the judge why the child should be returned to you. The judge may decide to make a **Supervision Order** (returning the child to you under supervision of the Ministry) or a **Custody Order** (leaving the child in the care of the Ministry) until a **Protection Hearing** is held.

A Protection Hearing must begin within 45 days from the end of the Presentation Hearing. Before or after the commencement of the Protection Hearing, you will probably be asked to attend a **Case Conference** (a meeting with a judge and the Ministry to see if you can reach an agreement about the child's care). If there is no agreement, the judge will hold a Protection Hearing. At the end of it, the judge may order that the child be returned to a parent or other person, remain in the custody of the Ministry for a period of time, or in rare and serious cases, remain in the custody of the Ministry on a continuing basis.

Where to get help

See Part 2- *Resources*, starting on page 39, for a list of helpful resources. Your best bets are:

- [#26- Legal Aid](#), to see if you qualify for legal aid.
- [#17- Family Law of BC](#), for forms, self-help materials and other legal information about child protection and removal.
- [#13- Duty Counsel](#), for some assistance on the day of court.
- [#23- LawLINE](#).
- [#1- Access Justice](#), [#25- Lawyer Referral Service](#), [#40- Salvation Army Pro Bono Lawyer Consultation Program](#), [#34- Private Bar Lawyers](#).

Before meeting with a lawyer or advocate, complete the form, [Preparing for Your Interview](#), in Part 3 of this Guide. Make sure you bring copies of all documents relating to your case.

My partner is abusing me and my kids

Both the criminal law process and family law process can be used to deal with relationship violence and abuse. There are also a number of services in rural communities, such as Transition Houses, Victim Assistance programs and counselling services to help victims of violence.

First steps:

1. Make sure that you and your children are safe. This may mean leaving the family home for awhile and staying with friends or staying in a transition house. [Look in the Yellow Pages under "Crisis Centres" or [online](#). Click on "find a shelter", then input the location nearest you. The local police station can also give you information about transition houses and other victim services.].
2. If the abuse involves physical or sexual violence, consider reporting it to the police. Staff at local transition houses and Victim Services groups can support you in doing this.
3. If you want the abuser charged with a criminal offence, ask for the police to impose a "**no contact order**" to prevent or limit the abuser from having contact with you or your children. Ask the RCMP to give you contact information for a Victim Services worker.
4. If you need a lawyer but cannot afford one on your own, see if you qualify for legal aid. (See [#26- Legal Aid](#), in Part 2 of this Guide for information about applying for legal aid). If you qualify, the Legal Services Society will appoint a lawyer to advise you and represent you in family court. (Victims are not usually entitled to representation by lawyers in criminal court).
5. If you have been in a relationship with the abuser, you or your lawyer can make an application to the Family Court or BC Supreme Court for an order preventing or limiting the abuser from having contact with you or your children. You can take this step instead of or in addition to charging the abuser with a criminal offence. If you are acting on your own, follow the process described above under the heading, "**I just separated from the other parent of my children**".

What happens next?

Criminal Court

If you have pursued criminal charges, the abuser will be given a date to appear in Provincial Criminal Court. At this **first appearance**, the abuser (called "the accused" in court) will be given a copy of both the charge and the report from the police to the Crown Counsel. [The Crown Counsel is the lawyer who prosecutes the case against the abuser on behalf of the government]. You should speak with the **Crown Counsel** before court so they know whether or not you want the judge to order that the accused can have contact with you or your children until the case is completed.

Family Court

If you have completed an Application to a Judge and asked for an *ex parte* order (an immediate court appearance without the abuser in attendance), you will be given a time and date to be in court. At court, the judge will ask you why you want no contact from the abuser. If the judge agrees with you, he or she will make the order until a court date in the future.

Where to get help

See Part 2- *Resources*, starting on page 39, for a list of helpful resources. Your best bets are:

- [#26- Legal Aid](#), to see if you qualify for legal aid.
- [#16- Family Law of BC](#), for forms, self-help materials and other legal information about spousal abuse.
- [#22- LawLINE](#).
- [#1- Access Justice](#), [#25- Lawyer Referral Service](#), [#40- Salvation Army Pro Bono Lawyer Consultation Program](#), [#34- Private Bar Lawyers](#), [#8- BC/Yukon Society of Transition Houses](#).

Before meeting with a lawyer or advocate, complete the form, [Preparing for Your Interview](#), in Part 3 of this Guide. Make sure you bring copies of all documents relating to your case.

Criminal Law

Here are the first steps and some useful resources for people in rural BC facing problems with the criminal justice system such as:

- I've been charged with a criminal offence and have to go to court.
- I've been accused of a criminal offence and have been offered "diversion", restorative justice" or "alternative measures".
- I have a criminal record and want to get a pardon.

I've been charged with a criminal (or youth) offence and have to go to court

If you are charged with a criminal or youth offence, it means that, unless you are sent for **diversion**, **restorative justice** or **alternative measures** (see below in this Guide), you will have to deal with the charge in court, either by pleading guilty and being sentenced by a judge, or pleading not guilty and going to trial. If you are convicted at trial, you will be sentenced by a judge.

First steps

1. If the police want to speak with you, you have the right to contact a lawyer for advice first. Many criminal lawyers (see Yellow Pages) will do this at no charge. It is almost always advisable that you don't discuss the case with the police and certainly not before speaking with a lawyer.
2. If you cannot afford a lawyer on your own, see if you qualify for legal aid. (See [#26- Legal Aid](#), in Part 2 of this Guide for information about applying for legal aid). If you qualify, the Legal Services Society will appoint a lawyer to advise you and represent you in court. Note that you may not be able to apply for legal aid until you have attended your **First Appearance** in court (see Step 4 below) and found out the Crown Counsel's **initial sentencing position**.
3. Go to court on the date shown on your "**Promise to Appear**" or other police document.
4. Get a copy of the **circumstances** (police report) from the Crown Counsel (prosecutor) and **information** (charges) from the Court Clerk. Ask for an **adjournment** (delay) for 2 weeks or more so you can consult with a lawyer. If there is a **Duty Counsel** – a lawyer who helps people who don't have their own lawyer – at the courthouse, he or she can help you with this step.

What happens next

Once you have decided how you will plead (guilty or not guilty), you or your lawyer will have to tell the judge. If you plead guilty, you will probably be sentenced right away. If you plead not guilty, the court will hold an **arraignment hearing** and ask both the prosecutor and you or your lawyer) how long the trial will take. Then you will have to set a date for the trial. Before the trial, you or your lawyer will probably have to appear at a **trial confirmation hearing**. (The process is more complicated for more serious indictable charges.)

At trial, the Crown will call witnesses that you or your lawyer will be able to cross-examine. You can then call witnesses (possibly including yourself) if you wish. At the end of the trial, the judge will either find you guilty or not guilty. If you are found guilty, the judge will sentence you. The sentencing usually happens right away, but may be delayed to another date in more serious or complicated cases.

If you are found not guilty, the matter will be over and you will be free to leave the court.

Where to get help

See Part 2- *Resources*, starting on page 39, for a list of helpful resources. Your best bets are:

- #26- [Legal Aid](#), to see if you qualify for legal aid.
- #13- [Duty Counsel](#) for assistance on the day of court.
- #29- [Native Courtworkers](#) (for aboriginal clients).
- #23- [LawLINE](#).
- #1- [Access Justice](#), #25- [Lawyer Referral Service](#), #40- [Salvation Army Pro Bono Lawyer Consultation Program](#), #34- [Private Bar Lawyers](#).
- #27- [Legal Services Society Publications](#), eg "If You are Charged with a Crime"; "Representing Yourself in a Criminal Trial, "Speaking to the Judge Before You are Sentenced" and "What to do if You are Charged with..."

Before meeting with a lawyer or advocate, complete the form, [Preparing for Your Interview](#), in Part 3 of this Guide. Make sure you bring copies of all documents relating to your case.



If you can't make it to court for one of your court appearances, you may be allowed to get "Duty Counsel" to go to court for you. To find out the name and contact number for Duty Counsel, call the Legal Services Society office that assigns Duty Counsel for that courthouse. You can get their number by looking in the Yellow Pages under "Legal Aid" or by calling the Legal Services Society Head Office at 1-604-601-6000.

I've been accused of a criminal offence and have been offered "diversion", "restorative justice" or "alternative measures".

Diversion or Restorative Justice

Police forces sometimes choose to deal with *minor criminal charges* and *first-time offenders* outside of the court system, through **diversion** or **restorative justice**. These are usually offered through local or regional community organizations.

Alternative Measures

If you are charged with a *criminal offence*, Crown Counsel (the government prosecutor) may offer you **alternative measures**. You will be referred to a local or regional service—often a probation office—which will supervise the alternative measures. The measures will be similar to those under diversion or restorative justice.

First steps

1. Decide if you are prepared to accept responsibility for what happened. This does not mean you are agreeing that you are guilty of a crime, just that you did something wrong and are prepared to accept the consequences. If this decision is difficult for you, you should get some advice from a criminal lawyer. See below under "Where to get help".
2. Tell the person offering diversion, restorative justice or alternative measures whether or not you accept the offer.

What happens next

If you agree to the offer, you may be expected to attend a meeting with the victim of your act and a facilitator. At the end of the meeting, you may be asked to agree to apologize to the victim, pay restitution and do some community service work, such as stacking books at the library, mowing lawns or picking up

garbage around public buildings. If you fulfill your obligations, you will not get a criminal conviction. If you don't, your case could go to court.

If you do not agree to diversion, restorative justice or alternative measures, you may choose to face the charges in court. See above under the heading, "*I've been charged with a criminal offence and have to go to court*".

Where to get help

See Part 2- *Resources*, starting on page 39, for a list of helpful resources. Your best bets are:

- #23- LawLINE.
- #1- Access Justice, #25- Lawyer Referral Service, #40- Salvation Army Pro Bono Lawyer Consultation Program, #34- Private Bar Lawyers.
- The Centre for Restorative Justice website, www.sfu.ca/crj/, has useful information about the restorative justice process. Click on "Introduction to RJ".

Before meeting with a lawyer or advocate, complete the form, *Preparing for Your Interview*, in Part 3 of this Guide. Make sure you bring copies of all documents relating to your case.

I have a criminal record and want to get a pardon

You can apply to the National Parole Board for a **pardon** from a **summary** criminal offence such as theft under \$5,000, 3 years after the **completion** of your sentence. The period is 5 years for an **indictable** offence such as aggravated assault or breaking and entering a dwelling house. A pardon does not change the fact that you were convicted, but it deletes the conviction from your criminal record for most purposes.

First Steps

1. Get a Pardon Application form from the National Parole Board by calling 1-800-874-2652 or [online](#). Click on "Pardons" and then "Pardon Application Guide". You can also get a Pardon Application at many police stations and court houses.
[Alternative: Use one of the private services that help people get pardons. They charge about \$500 to \$1,000 to help fill out your application and obtain and submit necessary documents. Look in the Yellow Pages or on the internet under "Pardons"].
2. Get a copy of your criminal record and local police records from the RCMP.
3. If your record is for a summary conviction offence and your sentence was completed less than 5 years ago or involved the payment of money, you will need to obtain your file from the court where you were convicted.
4. Complete the Pardon Application and send it to the National Parole Board with \$50.00 and the above documents.

What happens next

The National Parole Board will examine your application to decide if you are eligible for a pardon. You will be advised of their decision in writing in about 12 to 20 months.

Where to get help

See Part 2- *Resources*, starting on page 39, for a list of helpful resources. Your best bets are:

- #28- National Parole Board.
- #23- LawLINE.
- #1- Access Justice, #25- Lawyer Referral Service, #40- Salvation Army Pro Bono Lawyer Consultation Program, #34- Private Bar Lawyers.

Employment Law

Here are the first steps and some useful resources for people in rural BC facing employment-related problems such as:

- My employer isn't paying my wages.
- I've been dismissed (fired) without just cause.
- I've been turned down for employment insurance benefits.
- I've been cut off Workers' Compensation benefits.

My employer isn't paying my wages

As an employee, you are entitled to be paid for all of the hours that you worked, within a short period after completing the work. If you can't resolve the problem directly with your employer, you will need to know if your employer is **provincially regulated** or **federally regulated**. Most employers are provincially regulated, but the following are federally regulated:

- Federal government and federal Crown corporations
- Banks
- Indian Bands and Tribal Councils
- Inter-provincial or international railways, airlines and transportation companies



To find out if your employer is federally regulated, call the Labour Program of Human Resources and Social Development Canada at 1-800-641-4049.

Provincially Regulated Employers

First steps

1. Contact your employer and see if you can resolve the problem directly.
2. Get a "Self-Help Kit" from the Employment Standards Branch. It contains an information notice from the Employment Standards Branch, a Request for Payment, and a Fact Sheet. [See [#15- Employment Standards Branch](#), in Part 2 of this Guide for contact and website information].

What happens next

Your employer has 15 days to respond to your Request for Payment. If he/she does not, or the matter is not resolved, you can file a complaint form with the Employment Standards Branch. [See [#15- Employment Standards Branch](#), in Part 2 of this Guide for contact information].

The ESB staff will investigate and offer to resolve your claim through **mediation**. If mediation does not work, it will be sent to a hearing before an **adjudicator**, who will hear from both sides and then make a decision called a **determination**.

If you are not satisfied with the determination of the adjudicator, you can appeal to the Employment Standards Tribunal or ask the tribunal for a **reconsideration**.

Where to get help

See Part 2- *Resources*, starting on page 39, for a list of helpful resources. Your best bets are:

- [#15- Employment Standards Branch](#).
- [#33- Povnet](#).
- [#23- LawLINE](#).
- [#1- Access Justice](#), [#25- Lawyer Referral Service](#), [#40- Salvation Army Pro Bono Lawyer Consultation Program](#), [#34- Private Bar Lawyers](#).

Before meeting with a lawyer or advocate, complete the form, **Preparing for Your Interview**, in Part 3 of this Guide. Make sure you bring copies of all documents relating to your case.

Federally Regulated Employers

First steps

1. Contact your employer and see if you can resolve the problem directly.
2. Get a **Payment Claim Kit** from the Labour Program of Human Resources and Social Development Canada ("HRSDC"). [See [#21- Human Resources and Social Development Canada](#), in Part 2 of this Guide, for contact and website information]. The kit contains a labour standards pamphlet and a Payment Claim letter to your employer. Read the pamphlet and complete and sent the Payment Claim letter to your employer.

What happens next

Your employer has 10 days to respond to your Request for Payment. If he/she does not, or the matter is not resolved, you can file a Complaint Registration Form with HRSDC.

HRSDC will investigate your complaint and attempt to resolve it with you and your employer.

If the complaint can't be resolved, it will be sent to an independent adjudicator appointed by HRSDC, who will hear from both sides and then make a decision called a determination.

If you are not satisfied with the determination, you can appeal it to the Minister of Labour within 15 days of receiving the determination. The Minister will then appoint a Referee to make a formal decision.

Where to get help

See Part 2- *Resources*, starting on page 39, for a list of helpful resources. Your best bets are:

- [#21- Human Resources and Social Development Canada](#).
- [#33- PovNet](#).
- [#23- LawLINE](#).
- [#1- Access Justice](#), [#25- Lawyer Referral Service](#), [#40- Salvation Army Pro Bono Lawyer Consultation Program](#), [#34- Private Bar Lawyers](#).

Before meeting with a lawyer or advocate, complete the form, **Preparing for Your Interview**, in Part 3 of this Guide. Make sure you bring copies of all documents relating to your case.

I have been dismissed (fired) without just cause

Unless you are a member of a union, your employer may end your employment, even if you have done nothing wrong. However, they must give you either **reasonable notice** or payment instead of notice. If you are not provided with reasonable notice or payment, you are entitled to take your employer to court.

These are the minimum notice requirements if you are dismissed without just cause:

Provincially Regulated Employer:

You are entitled to at least:

- one week's notice (or equivalent pay) after 3 consecutive months of employment;
- two weeks' notice (or equivalent pay) after 12 consecutive months of employment;
- three weeks' notice (or equivalent pay) after 3 consecutive years of employment plus an additional week's notice (or equivalent pay) for each additional consecutive year of employment to a maximum of 8 weeks' notice (or equivalent pay).

Federally Regulated Employer:

You are entitled to at least two weeks' notice (or equivalent pay) after 3 consecutive months of employment.

Wrongful Dismissal

If you have been dismissed without just cause, you may also sue your employer in court for **wrongful dismissal**.

First steps

1. If you did not receive the notice or equivalent pay described above, follow the steps outlined in the previous section (page 15), "My employer isn't paying my wages".
2. Determine if you wish to sue your former employer in court. If so, see the section of this Guide entitled, "Suing in court" on page 5.

OR

If your former employer is *federally regulated* (for example, a federal government ministry, Indian Band, bank or inter-provincial airline or railway), and you worked for 12 or more consecutive months, you may make a complaint to the Labour Program of Human Resources and Social Development Canada ("HRSDC"). This complaint needs to be filed within 90 days after your dismissal or it could be turned down. [Phone 1-800-641-4049 or go to the [HRSDC Labour Program website](#). Click on "Employment Standards", then click on "Employment Standards Publications" (in the paragraph text, not in the sidebar menu), then click on "Unjust Dismissal"].

What happens next

If you have chosen to sue your former employer, see above in this Guide under the heading, "I need to take someone to court".

If you worked for a federally-regulated employer and have made a complaint to HRSDC, an investigator will see if there is a way of resolving it. If not, the investigator will provide you with information about requesting adjudication. HRSDC adjudicators can give remedies very similar to court. They can also order "reinstatement" in appropriate cases.

Where to get help

See Part 2- *Resources*, starting on page 39, for a list of helpful resources. Your best bets are:

- [#21- Human Resources and Social Development Canada](#) (for employees of a federally-regulated employer).
- [#23- LawLINE](#).
- [#1- Access Justice](#), [#25- Lawyer Referral Service](#), [#40- Salvation Army Pro Bono Lawyer Consultation Program](#), [#34- Private Bar Lawyers](#).
- [#24- Law Student Legal Advice Program](#) (See Chapter 6 "Employment Law" for useful information on unjust dismissal).

Before meeting with a lawyer or advocate, complete the form, [Preparing for Your Interview](#), in Part 3 of this Guide. Make sure you bring copies of all documents relating to your case.

I've been turned down for Employment Insurance benefits

If you have been employed for a minimum number of hours (usually 600) over the past several months, (usually 12), and are now out of work through no fault of your own, you may be entitled to Employment Insurance ("EI") benefits.

If you have applied for EI benefits and have been turned down, you can appeal **within 30 days** of the decision to the EI Board of Referees. Further, some decisions of the Board can be appealed to an EI Umpire **within 60 days** of the Board's decision.

First steps

1. Get a "Notice of Appeal to Board of Referees" by phone at 1-800-206-7218 or [online](#). Click on "Forms: Appeals" and then "Notice of Appeal to Board of Referees".
2. Complete and submit the form.

What happens next

HRSDC will send you an "Acknowledgement of Receipt" of your appeal, together with a copy of the original decision denying you benefits. They will later mail you an Appeal Docket containing relevant documents and a Notice of Hearing.

You may bring a lawyer or advocate to your Board of Referees Hearing. You will have an opportunity to present your case, and the Board may ask you questions. In some cases, your employer may attend the hearing and give evidence.

The Board will mail you their written decision in about 10 days. If you don't like the Board's decision, you can appeal it to the "Umpire". Check with HRSDC about how to do this.

Where to get help

See Part 2- *Resources*, starting on page 39, for a list of helpful resources. Your best bets are:

- [#21- Human Resources and Social Development Canada](#).
- [#33- PovNet](#).
- [#23- LawLINE](#).
- [#1- Access Justice](#), [#25- Lawyer Referral Service](#), [#40- Salvation Army Pro Bono Lawyer Consultation Program](#), [#34- Private Bar Lawyers](#).
- [#24- Law Student Legal Advice Program](#) (See Chapter 8 "Employment Insurance" for useful information on unjust dismissal).
- [#11- Community Legal Assistance Society](#).

Before meeting with a lawyer or advocate, complete the form, [Preparing for Your Interview](#), in Part 3 of this Guide. Make sure you bring copies of all documents relating to your case.

I've been cut off Workers Compensation benefits

Workers' Compensation is a system of benefits for people who are injured at work—regardless of whose fault it is. Workers Compensation is operated by a government agency called WorkSafeBC.

Almost all employers have to pay into Workers Compensation. You can get compensation for lost pay until either you can return to work, or your disability stabilizes. You are entitled to rehabilitation services to help you get back to work, and you may be entitled to a pension if your injury results in a permanent disability.

First steps

1. If a decision limits or cuts you off benefits, you can ask for a review of it by a Review Officer. You must apply for this review **within 90 days** after the decision, or the review may be turned down. [You can get the "Request for Review" and "Request for Disclosure" forms by phone to 1-888-967-5377 or online at the [WorkSafe BC website](#). Click on "Forms" link and scroll down to Form 63M1, "Request for Review" and Form 25M13, "Request for Disclosure"].
2. Complete the Request for Review with as much relevant information as you can. Send it to the WorkSafe BC Review Division.

What happens next

The Review Officer will review your Request for Review and other relevant documents, and provide you with a decision within 6 months.

If you don't like the Review Board decision, you can appeal it to the Workers Compensation Appeal Tribunal. You must file this appeal **within 30 days** after the Review Board decision or the appeal may be turned down.

Where to get help

See Part 2- *Resources*, starting on page 39, for a list of helpful resources. Your best bets are:

- [#45- Workers' Advisers](#)
- [#33- PovNet](#)
- [#23- LawLINE](#).
- [#1- Access Justice](#), [#25- Lawyer Referral Service](#), [#40- Salvation Army Pro Bono Lawyer Consultation Program](#), [#34- Private Bar Lawyers](#).
- [#11- Community Legal Assistance Society](#)
- [#24- Law Student Legal Advice Program](#) (See Chapter 7 "Workers' Compensation" for useful information on Workers' Compensation issues).
- The WorkSafeBC website, www.worksafebc.com, has a lot of information about Workers' Compensation, including copies of appeal decisions.

Before meeting with a lawyer or advocate, complete the form, [Preparing for Your Interview](#), in Part 3 of this Guide. Make sure you bring copies of all documents relating to your case.



If you are off work for more than a couple of weeks, you will probably receive quite a few letters from WorkSafeBC. Read these carefully, because each one could be a decision denying or limiting benefits.

Consumer and Debt

Here are the first steps and some useful resources for people in rural BC facing consumer or debt-related problems such as:

- I don't have enough money to pay my debts.
- The bank is threatening foreclosure on my home.
- A debt collector is harassing me.
- I bought a product from a door-to-door salesperson and no longer want it.
- My car broke down and the dealer won't fix it.

I don't have enough money to pay my debts

Debt is one of the most common sources of legal problems. The problem is made worse when you try to ignore the debt and your creditors (the people trying to collect from you).

First steps

If you cannot pay your debts:

1. Contact the creditors. If necessary, see if you can negotiate a different repayment plan with each of them. For example, they may give you more time.
2. If the creditors won't agree, see if you can get a **consolidation loan** from your bank or credit union to put all the debts together at a lower interest rate than you are now paying. There are for-profit as well as not-for-profit Credit Counselling Services that can assist you in planning and applying for such a loan. [See [#9- Credit Counselling Society of BC](#) in Part 2 of this Guide].
3. If you cannot negotiate a repayment plan or arrange a consolidation loan, you should speak with a credit counsellor about some of the options under the Bankruptcy and Insolvency Act, including:
 - **Proposals**; and
 - **Bankruptcy**.



Bankruptcy costs money. The simplest will cost you about \$1400. This may seem ironic if you can't pay the debts you already have! However, many Trustees in Bankruptcy offer a free initial consultation, and will negotiate a payment plan you can afford.

There are some debts, such as maintenance payments, court fines and some student loans, that won't go away after a bankruptcy.

What happens next?

If you pursue a formal **Proposal** or **Bankruptcy** itself, you will need a Trustee in Bankruptcy to assist you. [Try the Yellow Pages of your phone book under "Bankruptcy" or see [#3- Bankruptcy Canada](#) in Part 2 of this Guide for contact information for Trustees in Bankruptcy]. Most of your creditors will have to agree to a formal Proposal. In a Bankruptcy, your assets (except for necessities like clothing, medical aids, furniture, appliances, work tools, an inexpensive vehicle and sometimes your residence) are turned over to your Trustee, who will use them to pay off some of your debts. Once you are "discharged" from bankruptcy (usually after 9 months) the bankruptcy debts will be cancelled. You will find it difficult to borrow money for a number of years after a bankruptcy.

Where to get help

See Part 2- *Resources*, starting on page 39, for a list of helpful resources. Your best bets are:

- [#10- Credit Counselling Society of BC](#)
- [#3- Bankruptcy Canada](#)
- [#33- PovNet](#)
- [#23- LawLINE](#),
- [#1- Access Justice](#), [#25- Lawyer Referral Service](#), [#40- Salvation Army Pro Bono Lawyer Consultation Program](#), [#34- Private Bar Lawyers](#).

- [#24- Law Student Legal Advice Program](#) (See Chapter 10, "Creditors' Remedies and Debtors' Assistance, for useful information on "Getting Out of Debt").

The bank is threatening foreclosure on my home

When a bank or other institution lends you money to buy a home, they take a **mortgage** on it. A mortgage is registered against the title of your home, and if you don't make the promised payments, the bank may be able to **foreclose** on your home, which means you may have to pay them the entire amount owing on the mortgage or your house will be sold and the bank will be paid out of the proceeds of the sale. The usual first step in a foreclosure is a **demand letter** from the lender or its lawyer, saying that you are "**in arrears**" (behind) in your payments and demanding that you bring them up to date.

First steps

1. Do not ignore the demand letter. You should either get legal advice right away or meet with the lender to see if you can arrange manageable payment terms.
2. If you can't work things out with the lender, the lender will probably send you a copy of a BC Supreme Court **Petition** asking for an Order Nisi of foreclosure. An **Order Nisi** will state the amount still owing on the mortgage and establish a time period, usually 6 months, during which you can **redeem**, or pay off the mortgage. The lender may also ask for an order that your home be sold, and for an order that the lender will have conduct (control) of the sale.
3. If you receive a Petition of foreclosure, you must file an **Appearance within 7 days**, (indicating that you want to be given all court documents and may want to attend any court hearings), and deliver a **Response** to the Petitioner **within 8 days** of filing the Appearance, together with **affidavits** (sworn written statements) telling your side of the story.

[You can get a blank Appearance, Response and Affidavit at any Supreme Court Registry or most Government Agent Offices. Call Enquiry BC at 1-800-663-7867 for information on the one nearest you. Supreme Court forms are also available online at the [B.C. Courthouse Library Society website](#). Click on "Court Rules" and then "Supreme Court Forms" For information on what should go into an affidavit, see [#27- Legal Services Society Publications](#) in Part 2 of this Guide, for a copy of the publication, "Can't Pay Your Mortgage? What you can do if you're facing foreclosure"].

What happens next?

The court will set a date for a hearing of the Petition. The judge will read the affidavits and other materials and listen to the lender's lawyer and to you. Generally, if you are in default of the mortgage, the best you can hope for is a longer period of time to arrange for other financing to pay out the lender, and, if it is necessary to sell the house, an order that you have conduct of the sale instead of the bank.

Where to get help

See Part 2- *Resources*, starting on page 39, for a list of helpful resources. Your best bets are:

- [#10- Credit Counselling Society of BC](#)
- [#33- PovNet](#)
- [#23- LawLINE](#).
- [#1- Access Justice](#), [#25- Lawyer Referral Service](#), [#40- Salvation Army Pro Bono Lawyer Consultation Program](#), [#34- Private Bar Lawyers](#).
- [#27- Legal Services Society Publications](#). "Can't Pay Your Mortgage? What you can do if you're facing foreclosure".

Before meeting with a lawyer or advocate, complete the form, [Preparing for Your Interview](#), in Part 3 of this Guide. Make sure you bring copies of all documents relating to your case.

A debt collector is harassing me

Your creditors (people you owe money to) are allowed to take reasonable steps to collect the debt. However, a debt collector can't threaten, coerce, intimidate or harass you, a member of your household, a neighbour or friend, or your employer by:

- calling too often or at inappropriate times;
- using threatening, profane, intimidating or coercive language;
- exerting undue, excessive or unreasonable pressure;
- publishing or threatening to publish your name and failure to pay.

The debt collector must make reasonable efforts to first contact you in writing about the debt and then deal with you at home (not work—except once if they can't reach you at home) from 7 am to 9 pm Monday to Saturday, or 1 pm to 5 pm on Sunday. They can't call you on statutory holidays.

You can also insist that the debt collector deal with you only in writing or through your lawyer, if you have one.

First steps

1. If a professional debt collector is breaking one of the rules described above, tell them so. If they don't stop, record the dates, times and content of the communications they have with you and others about the debt. (Consider using the free Star-57 (dial *57) program from Telus to trace calls made to you from the debt collector).
2. Try to negotiate payments with the debt collector. He or she will want to know your financial circumstances (income, expenses, assets and liabilities). You should not agree to a payment that deprives you or your family of basic needs or give out personal information other than financial information.
3. If you are unable to negotiate a repayment plan with the debt collector, see the section of this guide entitled, "I don't have enough money to pay my debts".
4. If unreasonable debt collection practices continue, contact the Business Practices and Consumer Protection Authority (BPCPA) at 1-888-564-9963 and ask to speak with the Complaints Manager for the Collection Agency you are dealing with.



Debt Collectors sometimes threaten to take your house, car or other property. They can only do so with a court order or if the property was used to "secure" the debt. If you are threatened in this way, get a copy of the loan agreement, the name of the Debt Collector and contact the Business Practices and Consumer Protection Authority.

Student Loans

For information about unreasonable debt collection practices concerning **student loans**, call:
1-800-667-0135 about federal student loans, or
1-250-387-6100 about provincial student loans.

What happens next

If you contact BPCPA, the Complaints Manager will contact the collector if he or she feels the practice is unreasonable and ask the collector to stop the practice. The BPCPA can also require the collector to follow a **compliance order** to stop future unreasonable practices.

If you suffer loss or damages because of the unreasonable practices of a debt collector, you can sue them in Provincial (Small Claims) Court. See "[I need to take someone to court](#)" on page 9 in this Guide.

Where to get help

See Part 2- *Resources*, starting on page 39, for a list of helpful resources. Your best bets are:

- [#8- Business Practices and Consumer Protection Authority](#).

- [#23- LawLINE](#).
- [#1- Access Justice](#), [#25- Lawyer Referral Service](#), [#40- Salvation Army Pro Bono Lawyer Consultation Program](#), [#34- Private Bar Lawyers](#).
- [#27- Legal Services Society Publications](#). "Consumer Law and Credit/Debt Law".
- [#24- Law Student Legal Advice Program](#) (See "Chapter 10- Creditors' Remedies and Debtors' Assistance", for useful information on "Harassment by Debt Collectors").

Before meeting with a lawyer or advocate, complete the form, [Preparing for Your Interview](#), in Part 3 of this Guide. Make sure you bring copies of all documents relating to your case.

I bought a product from a door-to-door salesperson and no longer want it

When a person comes to your home and sells you goods or services, this is called a **Direct Sale**. You generally have **10 days** to cancel a direct sale if you decide you don't want the product, regardless of what it says in the paperwork the seller gives you. If you don't get a copy of the contract of sale or the product itself right away, this period may be longer.

First Steps

1. As soon as you decide you don't want the product you bought from a door-to-door salesperson, cancel the sale by delivering, mailing, emailing or faxing the supplier (the person that the salesperson was working for), informing them of your intention to cancel the contract. Ensure that the supplier receives the notice in time (within 10 days), and keep a copy of what you send them and a record of the date and method you sent it.
2. Call the supplier to ensure that they will return your money and take back the product. You may be responsible for shipping costs to return the product to the supplier.

What happens next

The supplier has **15 days** to return your money once you have notified him or her of your wish to cancel the sale. If you do not receive the funds within that period of time, complain to the Business Practices and Consumer Protection Authority. [see [#9- Business Practices and Consumer Protection Authority](#) in Part 2 of this Guide for contact and website information].

Where to get help

See Part 2- *Resources*, starting on page 39, for a list of helpful resources. Your best bets are:

- [#9- Business Practices and Consumer Protection Authority](#).
- [#23- LawLINE](#).
- [#1- Access Justice](#), [#25- Lawyer Referral Service](#), [#40- Salvation Army Pro Bono Lawyer Consultation Program](#), [#34- Private Bar Lawyers](#).
- [#27- Legal Services Society Publications](#). "Consumer Law and Credit/Debt Law".
- [#24- Law Student Legal Advice Program](#) (See "Chapter 9- Consumer Protection", for useful information on "Direct Sales").

Before meeting with a lawyer or advocate, complete the form, [Preparing for Your Interview](#), in Part 3 of this Guide. Make sure you bring copies of all documents relating to your case.

My car broke down and the dealer won't fix it

If you buy a car privately, the general law is “buyer beware”, meaning that you are stuck with the car and its problems unless the seller misrepresented (lied about) an important thing about the car. If this happens, you may have to sue the seller in court.

If you buy a car from someone in the course of their business (for example, from a new or used car dealer), there are implied (unspoken but legally binding) conditions under the provincial Sale of Goods Act that the car is reasonably fit for the purpose for which it is intended and that it will be durable for a reasonable period of time.

A used car dealer may say that the above **implied conditions** do not apply. He or she must do so “expressly” in the Sales Agreement.

First steps

1. Start by contacting the seller and explaining the problem. The seller may offer to fix or replace your car.
2. If you can't reach an agreement with the seller, you may decide to report the circumstances to the Business Practices and Consumer Protection Authority or the Better Business Bureau. [See [#9- Business Practices and Consumer Protection Authority](#) in Part 2 of this Guide for contact and website information].
3. If the seller claims that the implied conditions of fitness and durability under the Sale of Goods Act don't apply, speak with a lawyer. [See below under “Where to get help”].

What happens next?

If the above steps don't work, you may have to sue the seller in Small Claims Court for claims up to \$25,000, or Supreme Court for larger claims. See above in this Guide under the heading, “I need to take someone to court” for information on how to sue.

Where to get help

See Part 2- *Resources*, starting on page 39, for a list of helpful resources. Your best bets are:

- [#9- Business Practices and Consumer Protection Authority](#).
- [#23- LawLINE](#).
- [#1- Access Justice](#), [#25- Lawyer Referral Service](#), [#40- Salvation Army Pro Bono Lawyer Consultation Program](#), [#34- Private Bar Lawyers](#).
- [#27- Legal Services Society Publications](#). “Consumer Law and Credit/Debt Law”.
- [#24- Law Student Legal Advice Program](#) (See “Chapter 9- Consumer Protection”, for useful information on “Contracts for the Sale of Goods”).

Before meeting with a lawyer or advocate, complete the form, [Preparing for Your Interview](#), in Part 3 of this Guide. Make sure you bring copies of all documents relating to your case.

Complaints Against Authority

Here are the first steps and some useful resources for people in rural BC facing problems with authorities, such as:

- I was harassed or assaulted by the police.
- A government worker was abusive to me.
- I was abused in Residential School.

I was harassed or assaulted by the police

Most parts of rural BC are policed by the RCMP. You can make a complaint about the on-duty conduct of an RCMP police officer to the officer-in-charge of the local detachment, or to the Commission for Public Complaints (CPC) against the RCMP.

First steps

1. Make notes about what happened, where and when. Include the name of the officer if you know it.
2. Contact people who witnessed the incident. Ask them to write down what happened and give you a copy. They should include their name, address and phone number.
3. If you were injured, seek medical attention. Take pictures of your injuries.
4. Complete and send in a **Complaint** form to the RCMP station or the Commission for Public Complaints against the RCMP. [You can obtain a Complaint form from any RCMP station, or from the Commission for Public Complaints against the RCMP. See [#39- RCMP Public Complaints Commission](#), in Part 2 of this Guide for contact and website information, including an online Complaint form].



Many urban police forces (including the City of Nelson) and some tribal police forces (including the KITASOO XAIXAIS Police Service and Stl'atl'imx Tribal Police) are under provincial authority. Complaints about these forces need to go to the Office of the Police Complaints Commissioner British Columbia. See Part 2-Resources: [#32- Police Complaints Commissioner British Columbia](#), for contact and website information, including an online complaint form.

What will happen next?

Your complaint will be investigated by another RCMP officer. In minor cases, the investigator will attempt to resolve the complaint informally. In more serious cases, the investigator will investigate further. Discipline may be imposed on the officer in question, and you will be provided with a report of what happened.

If you are not satisfied with the informal resolution or the investigator's report, you can submit a **Request for Complaint Review** to the Chair of the Commission for Public Complaints against the RCMP. The Chair may deny your request, order a further investigation or, in very serious cases, order a public hearing.

Where to get help

See Part 2- Resources, starting on page 39, for a list of helpful resources. Your best bets are:

- [#39- RCMP Public Complaints Commission](#).
- [#32- Police Complaints Commissioner British Columbia](#).
- [#4- BC Civil Liberties Association](#), [#11- Community Legal Assistance Society](#).
- [#23 LawLINE](#).
- [#1- Access Justice](#), [#25- Lawyer Referral Service](#), [#40- Salvation Army Pro Bono Lawyer Consultation Program](#), [#34- Private Bar Lawyers](#).
- [#24- Law Student Legal Advice Program](#) (See "Chapter 20- Public Complaints Procedure", for useful information on "Complaints Concerning Police Conduct").

A government worker was abusive to me

If you believe that a decision or action of a provincial public agency has been unfair, rude, unduly slow, negligent, arbitrary, oppressive or unlawful, you can make a complaint to the B.C. Ombudsman. The Ombudsman can deal with complaints about provincial government ministries, Crown corporations and government boards. It can also deal with complaints about hospitals, health agencies, schools, colleges, universities and self-regulated professions such as the Law Society, College of Physicians and Surgeons and Registered Nurses Association of British Columbia.



The process below focuses on the provincial Ombudsman, who has no jurisdiction to deal with complaints about federal ministries or agencies. To make a complaint against a federal ministry or agency, call Service Canada at 1-800-622-6232 or visit their [website](#). Service Canada will direct you to available internal complaint processes.

First Steps

1. Make notes of the names of the officials you deal with, their actions and the relevant dates.
2. Keep copies of all relevant documents.
3. If your complaint is about a decision, get reasons for the decision.
4. Ask if the agency has its own process for reviewing or appealing the decision. If so, use it.
5. Complete and send in a Complaint Form. [See #30- Ombudsman, in Part 2 of this Guide for contact and website information on the BC Ombudsman complaint process. The website has an online complaint form].

What will happen next?

You will be contacted by a Complaints Analyst from the Office of the Ombudsman to discuss your complaint. If the complaint proceeds, the public agency will be notified and asked to respond. If this does not resolve the complaint, the Office of the Ombudsman will conduct a further investigation and may make recommendations to the agency and, if necessary, to the legislature. For the most serious issues, the Ombudsman may issue a Public Report.

The Ombudsman does not have the authority to order a public agency to take certain action. However, because the Ombudsman reports directly to the B.C. Legislature, agencies usually do not ignore the Ombudsman's recommendations.

If you are not happy with the investigation by a Complaints Analyst, you can contact the Manager of Investigations at the Ombudsman's office.

Where to get help

See Part 2- *Resources*, starting on page 39, for a list of helpful resources. Your best bets are:

- [#30- Ombudsman](#). The Ombudsman website has "useful contacts" to make complaints about non-governmental service providers such as lawyers, doctors and banks.
- [#24- Law Student Legal Advice Program](#) (See "Chapter 20- Public Complaints Procedure", for useful information on "Complaints Concerning Police Conduct").
- [#23- LawLINE](#).
- [#1- Access Justice](#), [#25- Lawyer Referral Service](#), [#40- Salvation Army Pro Bono Lawyer Consultation Program](#), [#34- Private Bar Lawyers](#).

Your local MLA (Member of the BC Legislative Assembly) may also be willing to help with your complaint against a BC public agency. Call Enquiry BC at 1-800-663-7867 for contact information for your MLA.

Your local MP (Member of Parliament) may also be willing to help you with your complaint against a federal public agency. Call Service Canada at 1-800-622-6232 for contact information for your MP.

Before meeting with a lawyer or advocate, complete the form, *Preparing for Your Interview*, in Part 3 of this Guide. Make sure you bring copies of all documents relating to your case.



The Ombudsman may refuse to investigate if you have not used an internal review process. For example, many decisions denying you income assistance benefits can be reviewed and appealed under the Employment and Income Assistance Act. Use that review/appeal process first before going to the Ombudsman.



Dylan Thorstenson photo

I was abused in a Residential School

From the latter part of the 19th century until late into the 20th century, the Government of Canada and various churches operated **Residential Schools** for aboriginal children throughout Canada. For a large portion of that time, aboriginal parents were compelled to send their children to these schools, thereby removing the children from their communities and their culture. In addition, many students were subjected to physical, sexual and psychological abuse while attending Residential School.

For years, a person had to sue in court to get compensation for abuse suffered in Residential School. Now, the federal government operates a program through Indian Residential Schools Resolution Canada (IRSRC).

The IRSRC program offers two types of specific compensation:

Common Experience Payment- this is payable to all former students of residential schools. You are entitled to \$10,000 for your first year (or part of a year) of residence plus \$3,000 for each additional year of residence, regardless of the level of abuse you may have suffered.

Independent Assessment Process- under this process, a victim of physical, sexual or psychological abuse at Residential School may apply for additional compensation based on the severity and frequency of the abuse.

First Steps

1. Because bringing up this past may be difficult, make sure you have the emotional and psychological support to proceed. You may wish to contact the Indian Residential School Survivors Society at 1-800-721-0066 (or their crisis line at 1-866-925-4419). The Society provides counselling services and referrals to other services near you.
2. Get and complete an application for a Common Experience Payment from IRSRC. [See #22- Indian Residential Schools Resolution Canada, in Part 3 of this Guide for contact and website information, including an online application form.]
3. If you personally suffered physical, sexual or psychological abuse at Residential School, get and complete an application for the Independent Assessment Process from IRSRC. [See #22- Indian Residential Schools Resolution Canada, in Part 3 of this Guide for contact and website information, including an online application form]. It is a good idea to get a friend, counsellor or advocate assist you with completing this application.

What happens next?

Common Experience Payment: IRSRC will verify the years that you attended Residential School and process a payment. If they have any questions, they will contact you. There is currently a backlog of applications, so the payment may not come for several months.



Funding is available through IRSRC to assist clients in completing applications and paying lawyers to assist with claims hearings. Ask about these services when you contact IRSRC.

Independent Assessment Process: Your application will go to an **adjudicator** who will hold a hearing to decide how much compensation you are entitled to. IRSRC says that this hearing is not intended to challenge your claim, but just to ensure they have all the facts. You can be represented by a lawyer at this hearing and IRSRC will contribute to your legal fees.

Where to get help

See Part 2- *Resources*, starting on page 39, for a list of helpful resources. Your best bets are:

- [#22- Indian Residential Schools Resolution Canada](#).
- [#23- LawLINE](#).
- [#1- Access Justice](#), [#25- Lawyer Referral Service](#), [#40- Salvation Army Pro Bono Lawyer Consultation Program](#), [#34- Private Bar Lawyers](#).

Before meeting with a lawyer or advocate, complete the form, **Preparing for Your Interview**, in Part 3 of this Guide. Make sure you bring copies of all documents relating to your case.

Welfare and Disability

Here are the first steps and some useful resources for people in rural BC facing welfare and disability-related problems such as:

- I have no money for food or shelter.
- I've been denied or cut-off welfare.
- I need to apply for disability benefits.

I have no money for food or shelter

The BC Ministry of Employment and Income Assistance (MEIA) is responsible for providing welfare support in the province, except where the applicant lives on an Indian Reserve, in which case the responsibility lies with Indian and Northern Affairs Canada (INAC) and the program is administered by Indian Bands and Tribal Councils.

Both MEIA and INAC can provide funds for shelter and support to people who qualify for welfare. They can also provide "hardship benefits" for people who don't. Workers at MEIA and Indian Bands will also know about emergency shelters in the area.

First steps

1. Drop in to the local office of the Ministry of Employment and Income Assistance. If there isn't one in your town, call Enquiry B.C. at 1-800-663-7867 and ask to be connected with the Ministry of Employment and Income Assistance Call Centre.
2. When you get through to the Call Centre, tell them you want to apply for income assistance and that you need an **Emergency Needs Assessment**. [An Emergency Needs Assessment should be completed within 24 hours. **If you don't ask for one**, the Ministry will make an appointment for you several days or even weeks later].
3. If you have convinced the worker that you have an emergency need, they will help you to complete an **income assistance application** over the phone.

What happens next

If you qualify for income assistance, your worker will get funds to you right away. If you don't, you may qualify for a **hardship benefit**. You may have to repay this benefit when you can afford to do so.



Staff at MEIA and the local Band Office will know about food banks, temporary shelters and other emergency options in your area.

Where to get help

See Part 2- *Resources*, starting on page 39, for a list of helpful resources. Your best bets are:

- [#27- Legal Services Society Publications](#). "Your Welfare Rights: A User's Guide to BC Employment and Assistance", "Social Assistance on Reserve in British Columbia".
- [#33- PovNet](#), for contact and website information for welfare advocates near you.
- [#23 LawLINE](#).
- [#1- Access Justice](#), [#25- Lawyer Referral Service](#), [#40- Salvation Army Pro Bono Lawyer Consultation Program](#), [#34- Private Bar Lawyers](#).

Before meeting with a lawyer or advocate, complete the form, **Preparing for Your Interview**, in Part 3 of this Guide. Make sure you bring copies of all documents relating to your case.



If you live on an Indian Reserve, call the Band Office and ask to speak to the social development worker. This person can help with your application for emergency income assistance or hardship benefits.

I have been denied or cut off welfare

Most people get welfare through the provincial government Ministry of Employment and Income Assistance (MEIA). However, people living on an Indian Reserve get welfare through the Band or Tribal Council in the area they live. The process below is roughly the same on and off reserve.

If you have had a welfare benefit denied, cut off or reduced, you may be able to ask for a reconsideration of that decision. If you are not satisfied with the results of the reconsideration, you may be able to appeal the decision to an appeal tribunal.

First steps

1. Ask your worker why the benefit was denied, cut off or reduced. Get them to tell you what law or policy they based their decision on.
2. Get a copy of a **Request for Reconsideration** form from your worker.
3. Complete the Request for Reconsideration and return it to the welfare office **within 20 business days**.

What happens next

You should receive a response to your reconsideration within a couple of weeks. If you don't, call the supervisor at the welfare office.

The reconsideration decision will say whether or not the benefit will be granted or continued. It should also specify the law or policy on which the reconsideration decision was based, and indicate whether you may appeal the decision to an **Appeal Tribunal**.



It is very important to make your best case when you are requesting a reconsideration. Supply as much information as you can. If you have to appeal a decision after reconsideration, **you may be limited to the information you used** in your original Request for Reconsideration.

If you don't agree with the reconsideration decision:

1. Decide whether to appeal or simply re-apply for the benefit. In some cases, it may be easier and quicker to re-apply for the benefit with more evidence than you gave the first time. Welfare advocates can help you make this decision. [See [#33- PovNet](#) for contact and website information for welfare advocates in your area].
2. Get a copy of a **Notice of Appeal to the Employment and Assistance Appeal Tribunal** from the welfare office.
3. Complete the Notice of Appeal and return it to the welfare office **within 7 days** after you received the reconsideration decision.

Where to get help

See Part 2- *Resources*, starting on page 39, for a list of helpful resources. Your best bets are:

- [#27- Legal Services Society Publications](#). "Your Welfare Rights: A User's Guide to BC Employment and Assistance", "Social Assistance on Reserve in British Columbia".
- [#33- PovNet](#), for contact and website information for welfare advocates near you.
- [#23- LawLINE](#).
- [#1- Access Justice](#), [#25- Lawyer Referral Service](#), [#40- Salvation Army Pro Bono Lawyer Consultation Program](#), [#34- Private Bar Lawyers](#).

Before meeting with a lawyer or advocate, complete the form, **Preparing for Your Interview**, in Part 3 of this Guide. Make sure you bring copies of all documents relating to your case.

I need to apply for a disability benefit

If you have disabilities, you may qualify for either Persons with Disabilities (“PWD”) benefits, or Persons with Persistent Multiple Barriers (“PPMB”) benefits.

To qualify for PWD benefits, you must:

- be at least 18 years of age;
- have a severe mental or physical impairment that is likely to last at least two years;
- be restricted continuously or for extended period in daily activities; and
- need help or supervision because of the disability.

If you do not qualify for PWD benefits but have a medical condition that seriously, but temporarily, affects your ability to look for, accept or continue employment, you may qualify for Persons with Persistent Multiple Barriers (“PPMB”) benefits.

First steps- PWD Benefits

1. Ask your worker for an application for PWD benefits.
2. Complete the application carefully. It is more than 20 pages long and has three parts— Part 1 for you to complete, Part 2 for your doctor to complete, and Part 3 for an “assessor” to complete. The assessor can be your doctor, or an occupational therapist, physical therapist, social worker, registered psychologist, nurse, or psychiatric nurse.
3. Mail your application to the address on the application.



Try to get help from a friend or advocate in filling out your application. A lot of people tend to minimize their disabilities. It is much better to put in a very thorough application, than to be turned down and have to appeal.

First steps- PPMB Benefits

1. Tell your worker you want to apply for PPMB benefits. He or she will give you a medical report form for your doctor to complete.
2. Your doctor must complete the application, including details about why your medical condition stops you from looking for, accepting or continuing to work.
3. Get the completed medical report form from your doctor and take it to your worker.

What happens next?

A decision will be made and you will be advised of the decision. If you are not happy with the decision, you can ask for a reconsideration. See above under the heading, “I have been denied or cut off welfare”, as the process is the same.

Where to get help

See Part 2- *Resources*, starting on page 39, for a list of helpful resources. Your best bets are:

- [#27- Legal Services Society Publications](#). “Your Welfare Rights: A User’s Guide to BC Employment and Assistance”, “Social Assistance on Reserve in British Columbia”.
- [#2- Advocacy Access](#).
- [#33- PovNet](#), for contact and website information for welfare advocates near you.
- [#23- LawLINE](#).
- [#1- Access Justice](#), [#25- Lawyer Referral Service](#), [#40- Salvation Army Pro Bono Lawyer Consultation Program](#), [#34- Private Bar Lawyers](#).



If you have contributed to the Canada Pension Plan through your employment and have a disability that prevents you from working on a regular basis, you may qualify for Canada Pension Plan disability benefits. To get more information or apply for CPP disability benefits, call Income Security Programs at 1-800-277-9914 or go to their [website](#).

Housing

My landlord wants to evict me

If you rent your home from someone else, you are probably covered by the **Residential Tenancy Act**. If so, your landlord needs to have a good reason to evict you such as if you do damage to his or her property, seriously disturb your neighbours or don't pay your rent. The landlord can also ask you to leave if he or she is doing major renovations or getting a close relative to move into your place.

The landlord must give you written notice before you can be evicted:

- **10 days** in advance if you haven't paid your rent on time;
- **one month** in advance if you or your guests put your landlord's property at risk or used it for an illegal purpose. The landlord may get an order for shorter notice if you have been involved in illegal activity.
- **one month** in advance if you have broken a material term of your tenancy agreement, such as:
 - being repeatedly late in paying rent,
 - subletting your place without the landlord's consent,
 - damaging the place beyond reasonable wear and tear,
 - jeopardizing safety, or
 - unreasonably disturbing your neighbours
- **2 months** in advance if the landlord is doing major renovations or a close family member moves in.

First steps

1. If you believe the landlord does not have good reason to evict you, get and complete a **Tenant's Application for Dispute Resolution** available from the Residential Tenancy Branch or most Government Agent Offices. [See #20- Government Agent Office, or #38- Residential Tenancy Branch, in Part 2 of this Guide for contact and website information]. The application is available on the Residential Tenancy Branch website.
2. Send the completed application or take it in to a Residential Tenancy Office or Government Agent Office together with a filing fee of \$50. If you can't afford \$50, you can apply at the office to have the fee waived.

What happens next?

Residential Tenancy Branch staff will look at your application. After the application has been approved and you have paid your \$50, you will receive **Hearing Documents**. You need to serve a copy of these documents on your landlord.

At the hearing with a **Dispute Resolution Officer**, the landlord will have to give evidence of why he or she wants to evict you. You will then be given the chance to say why you shouldn't be evicted. The Dispute Resolution Officer will make a decision about whether or not you can stay in your place. If you don't like the decision, you can apply to review it by completing an **Application to Review a Dispute Resolution Officer's Decision or Order**. However, there will only be a review if you missed the original hearing, you have new evidence that was not available at the time of the original hearing, or the decision was obtained by fraud. Otherwise, only a Supreme Court Judge can change Dispute Resolution Officer's decision. You will need advice from a lawyer to do this.

Where to get help

See Part 2- *Resources*, starting on page 39, for a list of helpful resources. Your best bets are:

- [#44- Tenant Resource & Advisory Centre](#).
- [#38- Residential Tenancy Branch](#).
- [#33- PovNet, for contact and website information for tenancy advocates near you](#).
- [#23- LawLINE](#).
- [#1- Access Justice](#), [#25- Lawyer Referral Service](#), [#40- Salvation Army Pro Bono Lawyer Consultation Program](#), [#34- Private Bar Lawyers](#).

Before meeting with a lawyer or advocate, complete the form, **Preparing for Your Interview**, in Part 3 of this Guide. Make sure you bring copies of all documents relating to your case.

Human Rights

I am being discriminated against or sexually harassed

The law prohibits discrimination in housing, the workplace and the provision of services, where the discrimination is based on grounds such as race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital or family status, disability or criminal record. Some aspects of discrimination in the workplace are excused if the discrimination is a *bona fide* (reasonable and necessary) occupational requirement.

First steps

1. If the discrimination happened in the workplace, get a copy of your employer's personnel policies. Most employers have a policy and procedure for dealing with harassment and employee grievances. It is usually best to follow the procedure in these internal policies first.
2. If you can't resolve your complaint quickly using your employer's policies, you can make a human rights complaint to either the B.C. Human Rights Tribunal (if you have a provincially regulated employer) or to the Canadian Human Rights Commission (if you have a federally regulated employer). Most employers are provincially regulated, but some—like the federal government, chartered banks, Indian Bands or tribal councils and national airlines or railways—are federally regulated.
3. To make a complaint against a provincially regulated employer, call the B.C. Human Rights Tribunal at 1-888-440-8844 or fill out the [online complaint form](#). Complaint forms are also available at most Government Agent Offices.
4. To make a complaint against a federally regulated employer, call the Canadian Human Rights Commission at 1-888-643-3304 or fill out the [online complaint form](#). Click on "Complaints" and then complete the on-line "Inquiries Questionnaire".



If you are unsure whether your employer is provincially or federally regulated, you can call and ask the B.C. Human Rights Tribunal (1-888-440-8844) or Canadian Human Rights Commission (1-888-643-3304).

Human Rights can be complex. You may wish to speak with a lawyer before proceeding with your complaint.

What happens next

Once you make a complaint, a representative of the Tribunal or Commission will contact you. They will work with you and the discriminating party (respondent) to see if the problem can be solved through mediation. If not, the matter may go to a hearing before a human rights tribunal.

If your complaint goes to a human rights tribunal, you (or your lawyer) will give your evidence of discrimination and call any witnesses to it. The employer (or its lawyer) can cross-examine you and your witnesses and then call witnesses of its own. You or your lawyer will be able to cross-examine these witnesses. The tribunal member will decide whether you have proved the discrimination, and can order the employer to stop the discriminating behaviour and/or pay you compensation for the harm done to you.

Where to get help

See Part 2- *Resources*, starting on page 39, for a list of helpful resources. Your best bets are:

- [#6- BC Human Rights Coalition](#).
- [#11- Community Legal Assistance Society](#), if the discrimination is based on disability.
- [#33- PovNet](#), for contact and website information for human rights advocates near you.
- [#23- LawLINE](#).
- [#1- Access Justice](#), [#25- Lawyer Referral Service](#), [#40- Salvation Army Pro Bono Lawyer Consultation Program](#), [#34- Private Bar Lawyers](#).

Wills and Estates

Here are the first steps and some useful resources for people in rural BC facing wills and estates-related problems such as:

- I want to write a will.
- I am the executor or administrator of an estate.
- I want to help a friend or relative manage their affairs.

I want to write a will

A will is a legal document that takes effect upon your death. The main purpose of a will is to say who will get your property (land and personal possessions) when you die. If you are the sole guardian of a child or children, a will can be used to name a new guardian at the time of your death.

A will should also appoint an executor—a person who will ensure your debts are paid, your property is protected and your wishes are carried out.

Wills can be very complicated, but they can also be very simple.

First Steps

1. Make a list of your property (land, vehicles and other possessions).
2. Decide who you want as an executor of the will. You should also consider naming an alternate in case your first choice is unable to act as executor or complete the job.
3. Speak to a lawyer or get a self-help guide. A good one is the “Wills Guide for British Columbia” from the Self-Counsel Press. It is available at most Government Agent Offices and many bookstores and public libraries. The People’s Law School has an excellent [online booklet](#). Click on “Publications”, and then “Writing Your Will”.

What happens next

Your will needs to be witnessed by two adults who are neither beneficiaries nor spouses of beneficiaries of your will. You need to store the original in a place where it will be safe. It is a good idea to let your executor know where you will be storing your will. You may also wish to give your executor a copy of it.

Finally, you should file a Wills Notice with the B.C. Vital Statistics Agency. The forms can be picked up at most Government Agent Offices or completed [online](#). Click on “Application Forms”, scroll down to “Wills” and click on “Application for Filing a Wills Notice”. The fee is \$17.00. When you die, your Executor is required to do a search for any Wills Notices in the Vital Statistics Registry. It speeds up the estate process if your Wills Notice is there.

Where to get help

See Part 2- *Resources*, starting on page 39, for a list of helpful resources. Your best bets are:

- [#31- People’s Law School](#). See their publication, “Writing Your Will”.
- [#27- Legal Services Society Publications](#). “How to Make a Will and Settle an Estate: A Guide for First Nations People Living on Reserve”.
- [#23- LawLINE](#).
- [#1- Access Justice](#), [#25- Lawyer Referral Service](#), [#40- Salvation Army Pro Bono Lawyer Consultation Program](#), [#34- Private Bar Lawyers](#).

Before meeting with a lawyer or advocate, complete the form, [Preparing for Your Interview](#), in Part 3 of this Guide. Make sure you bring copies of all documents relating to your case.



The law about wills is somewhat different if you are a Registered Indian ordinarily resident on an Indian Reserve. You can write a ***holographic will*** (one that does not require witnesses), however this will may not be legal if you do not reside on reserve at the time of your death. There are also restrictions under the Indian Act about to whom you can leave your land on reserve. The procedure for probating a will or administering an estate is also different. Indian and Northern Affairs Canada can provide information about estates on reserve: 604-775-7114.

I am the executor or administrator of an estate

If a person dies with a will, they normally appoint an **executor** to pay their debts and protect and distribute their property.

If a person dies **intestate** (without a will), someone—usually a family member— has to apply to be the **administrator** of the estate. This **administrator** then distributes the estate to the next-of-kin according to rules in the Estate Administration Act.

First steps

1. If you are the executor of a will or likely to be the administrator of an estate, the only step usually required before the funeral is to make sure the deceased's property is safe and secure.
2. Locate the deceased's will.
3. Notify creditors and others (eg utilities) of the death.

What will happen next

If the estate is worth \$10,000 or more, and there was a will, the executor will have to apply to the B.C. Supreme Court for a **Grant of Probate**. If the estate is worth \$10,000 or more and there is no will, someone (usually the next-of-kin) will have to apply to the B.C. Supreme Court for **Letters of Administration**. It is only after obtaining one of these court orders and following some additional formalities that the estate should be distributed.

Where to get help

See Part 2- *Resources*, starting on page 39, for a list of helpful resources. Your best bets are:

- #31- [People's Law School](#). See their publication, "Choosing an Executor, Being an Executor".
- #23- [LawLINE](#).
- #27- [Legal Services Society Publications](#). "How to Make a Will and Settle an Estate: A Guide for First Nations People Living on Reserve".
- #1- [Access Justice](#), #25- [Lawyer Referral Service](#), #40- [Salvation Army Pro Bono Lawyer Consultation Program](#), #34- [Private Bar Lawyers](#).

The Self Counsel Press also has excellent publications on administering estates, including "BC Probate Kit". This publication is available at most bookstores and most Government Agent Offices, or by ordering [online](#).

Before meeting with a lawyer or advocate, complete the form, ***Preparing for Your Interview***, in Part 3 of this Guide. Make sure you bring copies of all documents relating to your case.

I want to help a friend or relative manage their affairs

There are now a number of options for assisting people who have trouble dealing with their financial and personal affairs. Some of these options are:

- Powers of Attorney
- Representation Agreements
- Committeeship

Powers of Attorney

A **Power of Attorney** is a document you (the **Donor**) can sign to give someone else the power to conduct your financial affairs. You have to be mentally capable to give a Power of Attorney, but you can make the power **enduring**, so that it is still in effect if you later lose your mental capacity.

First steps

1. Identify an 'attorney'. This should be someone you trust with your money (for example, a spouse, friend or immediate family member).
2. Get legal advice or at least review the resources described below.
 - You will want to consider whether to do a "general" power of attorney, or one limited to specific tasks.
 - You will also want to consider whether the power should be "enduring" (continuing even if you become mentally incapable).
3. Draft and sign the Power of Attorney and have it witnessed. Make a number of certified copies. A lawyer or notary public can certify copies.

A sample *power of attorney* can be found in Appendix A of the provincial [Power of Attorney Act](#). Click on "P", then scroll down to "Power of Attorney Act".

Representation Agreements

A **Representation Agreement** is a document prepared for a person (the **Donor**) who, though they may be mentally incapable of making a contract or managing their health care, can still trust another person and communicate their desire for that person (their **Representative**) to make decisions on their behalf.

A Representation Agreement can authorize a Representative to make some or all of a wide variety of decisions on behalf of the Donor, such as:

- routine financial decisions;
- health and personal care decisions;
- hiring legal counsel;
- overriding the Donor's refusal of help or medical treatment;
- selling real estate;
- make arrangements for the Donor's minor children.

First steps

1. The person wanting a Representation Agreement needs to identify a representative. This needs to be someone they trust, not only with their money but with other decisions they may wish to include in their Representation Agreement.
2. Speak with legal or health care professionals for advice on the contents of a Representation Agreement.
3. Draft and sign the Representation Agreement and have it witnessed. Make a number of certified copies. A lawyer or notary public can certify copies. See below, under "Resources", for further information about Representation Agreements.

Committeeships

Where a person is not mentally capable of managing his or her affairs, a family member or the Public Trustee can apply to the Supreme Court of British Columbia for an order declaring the person to be mentally incapable and appointing a **Committee** with the authority to handle financial affairs for them.

Once a Committee is appointed, the person has no further say about the affairs over which the Committee has authority.

First steps

1. Discuss with the person's family doctor to decide if Committeeship is necessary.
2. Have the person examined by two medical doctors, who must then swear an Affidavit (in front of a lawyer or notary public) saying that the person is mentally incapable and provide the reason for the incapacity.
3. Complete an Affidavit describing the assets, income, expenses and liabilities of the incapable person and a list of his or her next-of-kin. These documents need to be filed with the application for Committeeship in the B.C. Supreme Court Registry and copies of them served on the incapable person and the Public Trustee.
4. Make the application in court.

What happens next

Once the Power of Attorney, Representation Agreement or Committeeship is in place, the attorney, representative or committee—as the case may be—will have the legal authority described in the document and must act in the utmost good faith in the best interests of the donor.

A donor with mental competency can withdraw a Power of Attorney or Representation Agreement. A Committeeship can only be withdrawn by Court Order.

Where to get help

See Part 2- *Resources*, starting on page 39, for a list of helpful resources. Your best bets are:

- [#36- Public Guardian and Trustee](#). See their publications, including "It's Your Choice: A Guide to Making a Representation Agreement".
- [#23- LawLINE](#).
- [#1- Access Justice](#), [#25- Lawyer Referral Service](#), [#40- Salvation Army Pro Bono Lawyer Consultation Program](#), [#34- Private Bar Lawyers](#).

Before meeting with a lawyer or advocate, complete the form, [Preparing for Your Interview](#), in Part 3 of this Guide. Make sure you bring copies of all documents relating to your case.

Part 2: Resource Guide

Here is an alphabetical list of the best sources of legal information, assistance, advice and representation for low-income clients in rural B.C.

Contact information for government services is available through:

Provincial: Enquiry BC (Service BC): **1-800-663-7867**

National: Service Canada: **1-800-622-6232**

1	<p>Access Justice</p> <p>accessjustice.ca</p> <p>1-604-878-7400 (Vancouver) 1-877-762-6664 (toll free)</p>	<p>Western Canada Society to Access Justice. Access Justice operates free legal clinics in a number of communities throughout B.C. Clients who meet the financial means test (net household income less than \$2,700 per month plus \$100 for each dependant—there may also be an asset test) can receive ½ hour of free legal advice and sometimes follow up advice and assistance. Access Justice lawyers do not provide legal representation in court or tribunals but can make referrals to lawyers registered with the Pro Bono Law of BC roster [see below under Pro Bono Law].</p>
2	<p>Advocacy Access</p> <p>bccpd.bc.ca</p> <p>1-800-663-1278 TTY 1-604-875-8835</p>	<p>Advocacy Access is a service of the BC Coalition of People with Disabilities that provides information, assistance, advice and occasional representation for people with disability-related issues such as welfare benefits for people with disabilities, Schedule C health benefits and Canada Pension Plan disability benefits.</p> <p>Website: Click on “Publications” and then “Advocacy Access” for access to a number of fact sheets about disability-related legal issues.</p>
3	<p>Bankruptcy Canada</p> <p>bankruptcycanada.com</p> <p>No phone services available.</p>	<p>This website has a number of links that provide information on the bankruptcy process, as well as contact information for bankruptcy trustees in communities throughout B.C.</p> <p>Website: Click on “Bankruptcy FAQ” for general information about bankruptcy, or the map of Canada to find a bankruptcy trustee in your area.</p>
4	<p>B.C. Civil Liberties Association</p> <p>bccla.org</p> <p>1-604-687-2919</p>	<p>The B.C. Civil Liberties Association (“BCCLA”) provides information, assistance and advice about making complaints against the police. It also provides representation on selected civil liberties cases that have a reasonable likelihood of success, and may result in important changes to law or policy.</p> <p>Website: Click on the appropriate link under the heading “Issues”.</p>
5	<p>B.C. Courthouse Library Society</p> <p>bccls.bc.ca</p> <p>1-800-665-2570</p>	<p>Operates courthouse libraries around the province with written and electronic information on all areas of the law. Their website has very good links to federal and provincial statutes and regulations, court judgments, and court rules and forms for Provincial Court (Small Claims, Family and Criminal) and B.C. Supreme Court.</p> <p>Phone: check the Yellow Pages of your phone book for contact information for courthouse libraries.</p>
6	<p>BC Human Rights Coalition</p> <p>bchrcoalition.org</p> <p>1-877-689-8474</p>	<p>The B.C. Human Rights Coalition (“BCHRC”) provides initial information and advice about human rights issues and assistance with preparing a human rights complaint. BCHRC will provide representation before the B.C. Human Rights Tribunal on complaints that raise novel or systemic issues. There is no cost for the services.</p> <p>Website: Click on “Law” or “Process”.</p>
7	<p>BC/Yukon Society of Transition Houses</p> <p>bcysth.ca</p> <p>1-800-661-1040</p>	<p>The Society provides contact information about transition houses and other victim services throughout BC and the Yukon, and resources for transition house staff.</p> <p>Website: Click on “Resources and Publications” for their “Family Law Resource Manual”. It contains a lot of information about the legal system from the perspective of victims of family violence.</p>

8	<p>Business Practices and Consumer Protection Authority</p> <p>bpcpa.ca 1-888-564-9963</p>	<p>The authority is the “watchdog” for consumer complaints including unfair debt collection practices.</p> <p>Website: Click on “Complaints” and then “BPCPA Complaint Form” to make a general complaint about a seller or debt collector.</p>
9	<p>CANLII</p> <p>canlii.org No phone services available</p>	<p>Canadian Legal Information Institute. This website has comprehensive links to legislation, regulations and court cases from across Canada.</p>
10	<p>Credit Counselling Society of B.C</p> <p>nomoredebts.org 1-888-527-8999</p>	<p>This not-for-profit society provides information, assistance and financial advice to clients with problems with debt or insolvency.</p> <p>Website: Under the “Learning Centre” drop-down box, click on “FAQ”.</p>
11	<p>Community Legal Assistance Society</p> <p>clasbc.net 1-888-685-6222</p>	<p>The Community Legal Assistance Society (“CLAS”) provides primarily “test-case” advice and representation for people with disability, employment insurance, poverty and Workers Compensation problems. Services are limited to cases that could advance the law or policy in these areas. CLAS also provides advice and representation at the BC Review Panel to persons detained under the B.C. Mental Health Act.</p> <p>Website: Click on “Publications” for a variety of online materials dealing with the above and other issues, including “Judicial Review: A Lay Person’s Guide”.</p>
12	<p>Dial-a-Law</p> <p>dialalaw.org 1-800-565-5297</p>	<p>A Canadian Bar Association service. This telephone service provides recorded information about various legal problems. The scripts are also available online.</p> <p>Phone: recorded information on a variety of legal topics. Website: covers a variety of legal topics.</p>
13	<p>Duty Counsel</p>	<p>See page 66 for a detailed explanation about Duty Counsel</p>
14	<p>Electronic Law Library</p> <p>bclibrary.ca/ell No phone service available</p>	<p>Legal Services Society. This website has links to legal resources with information on a variety of legal topics.</p> <p>Website: Click on “Law by Subject” and then the appropriate topic.</p>
15	<p>Employment Standards Branch</p> <p>labour.gov.bc.ca/esb 1-800-663-3316</p>	<p>B.C. Government. The Branch administers the provincial Employment Standards Act and regulations. Information about employment standards is available over the phone and on the website.</p> <p>Website: Click on “Program/Branch Publications” and then “A Guide to the Employment Standards Act” or “Employment Standards Fact Sheets”.</p>
16	<p>Family Justice Centres</p> <p>ag.gov.bc.ca/family-justice/ 1-800-663-7867</p>	<p>BC Government. Family Justice Centres have Counsellors who can provide information and assistance with family-related legal issues such as custody, access, guardianship, child and spousal support and no-contact orders. They cannot assist with strictly Supreme Court issues such as divorce or property division. Centres in Kamloops, Kelowna, Prince George, Surrey, Vancouver and Victoria also provide up to 3 hours of legal advice through a Family Advice Lawyer Project.</p> <p>Phone: Call Enquiry B.C. at 1-800-663-7867 and asked to be connected with the Family Justice Centre nearest you.</p>

17	<p>Family Law of B.C.</p> <p>familylaw.lss.bc.ca No phone service available</p>	<p>Legal Services Society. This website contains information and self-help guides for people facing family-related legal problems.</p> <p>Website: Click on "your legal issue" or the shortcut to "self-help guides" for information on filling out Family forms and preparing for Family Court.</p>
18	<p>Family Maintenance Enforcement Program</p> <p>fmep.gov.bc.ca 1-800-668-3637</p>	<p>FMEP helps clients enforce court orders for child support and spousal support.</p> <p>Phone: 1-800-668-3637 for information or 1-800-663-3455 to enrol in the program. Website: Click on "How to Enrol" or "Resources".</p>
19	<p>Federal Court of Canada</p> <p>fct-cf.gc.ca 1-800-622-6232</p>	<p>The Court provides Rules and Forms and information about Federal Court procedures.</p> <p>Phone: Call Service Canada at 1-800-622-6232 (TTY 1-800-926-9105) and ask to be connected to the Federal Court Registry in Vancouver. Website: Click on "Court Process and Procedures".</p>
20	<p>Government Agent Offices</p> <p>servicebc.gov.bc.ca/services/contact 1-800-663-7867</p>	<p>Government Agent (Service BC) Offices are the business offices of the provincial government in about 60 communities in rural British Columbia. They have written and online pamphlets and government forms as well as public access computer terminals. Although Government Agency staff cannot give legal advice, they can be helpful with issues involving the provincial government, and making referrals to other services.</p> <p>Phone: (Enquiry BC) and ask for the Government Agent Office nearest you, or look in the Blue Pages of your phone book under "Service BC- Government Agent".</p>
21	<p>Human Resources and Social Development Canada</p> <p>Employment Insurance ei-ae.gc.ca 1-800-206-7218</p> <p>Employment Standards hrsdc.gc.ca 1-800-622-6232</p>	<p>Government of Canada. This office is responsible for employment insurance and federal employment standards.</p> <p>Employment Insurance Phone: 1-800-206-7218 or TTY 1-800-529-3742. Website: www.ei-ae.gc.ca. To appeal a decision turning you down for EI benefits, click on the links under the heading, "Appeals to the Board of Referees".</p> <p>Employment Standards Phone: Call Service Canada at 1-800-622-6232 and ask to be connected to the HRSDC office nearest you.</p> <p>Website: www.hrsdc.gc.ca. The site is very difficult to navigate. The easiest way to get a Payment Claim Kit is to click here.</p> <p>For information on unjust dismissal, try www.hrsdc.gc.ca/en/labour/. Click on "Employment Standards", then click on "Employment Standards Publications" (in the paragraph text, not in the sidebar menu), then click on "Unjust Dismissal".</p>
22	<p>Indian Residential Schools Resolution Canada</p> <p>irsr.gc.ca 1-866-879-4913</p>	<p>Government of Canada: This office provides information and assistance to former Indian residential school students seeking compensation., or go to</p> <p>Website: Under the heading, "Highlights" click on "Common Experience Payment- Information for Service Canada" for information and application forms dealing with the common experience payment available to most former residential school payments.</p> <p>Click on "Independent Assessment Process" for information about additional compensation for seriously abused students or "Independent Assessment Process Application Form" for an online application for this additional compensation.</p>

23	<p>LawLINE</p> <p>bclibrary.ca/ell/contact.php 1-866-577-2525</p>	<p>LawLINE is a toll-free telephone service run by the Law Foundation/Legal Services Society, staffed by lawyers and paralegals. It provides information on a variety of legal issues. For clients who cannot afford a lawyer but do not qualify for legal aid, the LawLINE will also provide assistance, advice and limited representation on a variety of legal issues. Services are generally limited to 3 hours. Representation does not include appearances in court or tribunals. LawLINE arranges immediate access to telephone interpreters for clients who have difficulties with the English language. LawLINE will also make referrals to lawyers registered with the Pro Bono Law of BC roster [see below under Pro Bono Law].</p> <p>Phone: Press "7" to connect to the LawLINE. Website: Provides contact information and hours of operation only.</p>
24	<p>Law Students' Legal Advice Program</p> <p>lslap.bc.ca No phone service available</p>	<p>The website contains the "LSLAP Manual", an excellent source of information about the law and legal procedure on a variety of legal topics.</p> <p>Website: Click on "LSLAP Manual", then "View Current Manual" and then the appropriate Chapter.</p>
25	<p>Lawyer Referral Service</p> <p>cba.org/bc/ 1-800-663-1919</p>	<p>The Canadian Bar Association's Lawyer Referral Service provides referrals to volunteer lawyers in private practice who specialize in various areas of the law. For a fee of \$25 plus tax, a client is entitled to up to 30 minutes of consultation with a lawyer where the lawyer may provide information, assistance or summary advice about the client's legal issue.</p> <p>Website: Click on "Initiatives" and then "Lawyer Referral".</p>
26	<p>Legal Aid</p>	<p>See page 47 for a detailed description about Legal Aid.</p>
27	<p>Legal Services Society Publications</p> <p>lss.bc.ca 1-604-601-6075</p>	<p>The Legal Service Society is the primary organization for free or low cost legal information, assistance, advice and representation for low-income clients in BC. It provides legal aid and duty counsel services and contributes to other services such as the LawLINE and PovNet. LSS also publishes a variety of legal materials, including:</p> <ul style="list-style-type: none"> • "Aboriginal People and the Law in British Columbia" • "Can't Pay Your Mortgage? What You Can Do If You're Facing Foreclosure" • "Consumer Law and Credit/Debt Law" • "Employment Insurance" • "Living Together, Living Apart: Common-Law Relationships, Marriage, Separation, and Divorce" • "Parents' Rights, Kids' Rights: A Parent's Guide to Child Protection Law in BC" • "Representing Yourself in a Criminal Trial" • "Social Assistance on Reserve in British Columbia" • "Your Welfare Rights: A User's Guide to BC Employment and Assistance" <p>LSS also publishes fact sheets and pamphlets on a wide variety of legal issues.</p> <p>Phone: 1-604-601-6075 for information on ordering LSS publications. Website: Under the drop-down box, "Resources", click on "Publications" and choose a publication by title or subject.</p>
28	<p>National Parole Board</p> <p>npb-cnrc.gc.ca 1-800-874-2652</p>	<p>The Government of Canada's National Parole Board is responsible for (among other things) granting pardons for criminal convictions.</p> <p>Website: Click on "Pardons" and then "Pardon Application Guide".</p>

29	<p>Native Courtworkers</p> <p>nccabc.ca 1-604-985-5355</p>	<p>The Native Courtworker and Counselling Association (“NCCA”) provides information and assistance to aboriginal people facing criminal or youth justice matters with the police and courts. Native courtworkers assist clients in preparing for court and will provide representation by speaking on behalf of clients on guilty pleas, and occasionally at trial.</p> <p>Website: Click on the appropriate link for general information about aspects of the court system.</p>
30	<p>Ombudsman</p> <p>ombudsman.bc.ca 1-800-567-3247</p>	<p>The BC Government’s Office of the Ombudsman provides information and assistance in making complaints against provincially regulated government agencies or employees.</p> <p>Website: Click on “Frequently Asked Questions” for general information, “Complaint Forms” for the online complaint form, or “Useful Contacts” for information about making complaints about lawyers, banks, doctors and other professionals.</p>
31	<p>People’s Law School</p> <p>publiclegaled.bc.ca 1-604-331-5400</p>	<p>The People’s Law School provides free legal education and information including publications on the legal system and a variety of legal issues, including:</p> <ul style="list-style-type: none"> • “Child Support in BC- Information for Parents” • “Choosing an Executor, Being an Executor” • “Power of Attorney” • “Working in BC- Your Legal Rights and Responsibilities” • “Writing your Will” <p>Phone to order publications or find out about courses.</p>
32	<p>Police Complaints Commissioner (BC)</p> <p>opcc.bc.ca 1-800-663-7867</p>	<p>This office is responsible for handling complaints against officers of municipal or tribal police forces. Staff provide information about the complaints process and some assistance with making a complaint.</p> <p>Phone: Call Enquiry B.C. at 1-800-663-7867 and ask to be connected to the Office of the Police Complaint Commissioner.</p> <p>Website: Click on “FAQs” or “Making a Complaint”.</p>
33	<p>PovNet</p> <p>povnet.org 1-604-876-8638</p>	<p>PovNet is a network of anti-poverty advocacy organizations that maintains information on legal issues and resources of interest to people living in poverty.</p> <p>Website: Click on “Find an Advocate” to find an advocacy organization near you, or “Online Resources” for information on resources—legal and non-legal—for people living in poverty.</p>
34	<p>Private Bar Lawyers</p>	<p>See page 48 for a detailed description about hiring private bar lawyers.</p>
35	<p>Pro Bono Law of BC</p> <p>probononet.bc.ca no phone services provided</p>	<p>Pro Bono Law of BC maintains a roster of lawyers who will take on a limited number of cases pro bono (free of charge) within their geographic area and within their area of practice. The level of services may extend to representation in courts or tribunals.</p> <p>Note: Lawyers on the roster receive referrals from Access Justice, the LawLINE, the Salvation Army Pro Bono Lawyer Consultation Program and some of the other agencies listed in this guide. Look under the appropriate heading for their contact information.</p>
36	<p>Public Guardian and Trustee</p> <p>trustee.bc.ca 1-800-663-786</p>	<p>The BC Government Public Guardian and Trustee provides services concerning the estates of children, estates without trustees or administrators, and adults who require assistance with decision-making, including those who are not mentally competent. The Public Guardian and Trustee provides information on aspects of adult guardianship such as representation agreements.</p> <p>Phone: 1-800-663-7867 (Enquiry BC) and ask to be connected with the Office of the Public Guardian and Trustee.</p> <p>Website: Click on “Reports and Publications”, scroll down to “Publications” under the heading “Adult Guardianship”.</p>

37	<p>Public Libraries</p> <p>bclibrary.ca</p>	<p>Public libraries are located in over 70 communities throughout British Columbia. Most have public access computer terminals. Larger ones have legal reference books and provincial statutes and regulations. Library staff cannot give legal advice, but they can help you find legal information in their library, on-line or throughout the public library system.</p> <p>Phone: Look in the Yellow Pages of your phone book under "Libraries". Website: Provides contact information for public libraries.</p>
38	<p>Residential Tenancy Branch</p> <p>rto.gov.bc.ca 1-800-665-8779</p>	<p>BC Government. The Branch administers the provincial Residential Tenancy Act. Staff provide information and some assistance to clients with problems with their residential landlords. The website has forms and good information about residential tenancy law and procedure.</p> <p>Website: Click on the appropriate link under the headings, "Know Your Rights & Responsibilities", "Resolving Issues", "How to Apply for Dispute Resolution", or "Completing the Dispute Resolution Process".</p>
39	<p>RCMP Public Complaints Commission</p> <p>cpc-cpp.gc.ca 1-800-665-6878</p>	<p>This office is responsible for handling complaints against members of the RCMP. Staff provide information about the complaints process and some assistance with making a complaint.</p> <p>Phone: 1-800-665-6878 or TTY 1-866-432-5837. Website: Click on "Make a Complaint".</p>
40	<p>Salvation Army Pro Bono Lawyer Consultation Program</p> <p>probono.ca 1-604-694-6647</p>	<p>The Salvation Army operates free legal advice clinics for financially eligible clients in several communities in British Columbia. Lawyers from the community volunteer their services and provide legal information, assistance and advice during clinic hours only. They do not provide representation but can make referrals to lawyers registered with the Pro Bono Law of BC roster [see above under Pro Bono Law].</p> <p>Phone for information about the pro bono clinic nearest you.</p>
41	<p>Service Canada</p> <p>servicecanada.gc.ca 1-800-622-6232</p>	<p>Service Canada is the main point of contact for federal government services. Staff can give contact information to make a complaint about a worker in a federal government ministry or agency.</p> <p>Phone: Call 1-800-622-6232 and ask to be connected with the appropriate federal government ministry or agency. Website: Click on the appropriate link.</p>
42	<p>Small Claims Court</p> <p>ag.gov.bc.ca/courts/civil/smallclaims/ 1-800-663-7867</p>	<p>BC Government. The Court has registries in various communities in BC. These registries (and the website) have Small Claims forms and guides to help people prepare for Small Claims Court.</p> <p>Phone: 1-800-663-7867 (Enquiry BC) and ask for the Small Claims Court Registry nearest you, or look in the Blue Pages of your phone book under "Court Services". Website: for guides to filling out Small Claims forms and preparing for Small Claims Court.</p>
43	<p>Supreme Court Self-help Centre</p> <p>supremecourtselfhelp.bc.ca no phone service available</p>	<p>The Centre provides information to people representing themselves in B.C. Supreme Court.</p> <p>Website: Click on "Online self-help resources" for information on filling out B.C. Supreme Court forms and preparing for Supreme Court. The site has many useful links such as "Preparing for Trial in Supreme Court".</p>

44	<p>Tenant Resource & Advisory Centre</p> <p>tenants.bc.ca 1-800-665-1185</p>	<p>The Tenant Resource & Advisory Centre ("TRAC") is a not-for-profit society that provides information, advice and occasional representation for tenants with residential tenancy problems.</p> <p>Website: Click on "Tenants Survival Guide and Fact sheets page".</p>
45	<p>Workers' Advisers</p> <p>labour.gov.bc.ca/wab/ Click on "Forms", "Fact Sheets" or "Publications".</p> <p>Enquiry BC to connect to the WA office nearest you: 1-800-663-7867</p>	<p>BC Government. Workers Advisers are a service of Ministry of Labour and Citizens' Services. They provide information, assistance, advice and occasional representation to clients on Workers' Compensation issues. Advisers will review client files, and advise and assist them in preparing a Request for Review by the Review Division or an Appeal by the Appeal Division. Workers' Advisers may represent workers at the review or appeal on some cases. If the issue presents complex legal questions, Workers Advisers may make referrals to lawyers specializing in Workers' Compensation issues. There are no financial eligibility requirements but services are limited. Workers Advisers may turn down clients who have access to other resources.</p>

Resource #13

Duty Counsel

Duty Counsel describes a variety of advice and representation services provided free-of-charge by the Legal Services Society for otherwise unrepresented clients facing immediate legal challenges. Duty Counsel services include:

Brydges Line

If you have been arrested or detained, or if you are under active investigation for a criminal offence for which you have not yet been charged, you can access emergency legal telephone advice from a lawyer by phoning the Legal Services Society “Brydges Line” at 1-866-458-3300, regardless of your financial status. Brydges Counsel provides one-time advice at the time of your emergency. You will have to make other arrangements for ongoing legal services.

Criminal Duty Counsel (Provincial Court)

Duty Counsel lawyers attend almost all criminal remand proceedings in provincial courtrooms throughout the province. They provide unrepresented clients with assistance and advice about court procedures and legal rights regardless of the client’s financial status. They also provide representation at bail hearings and as time permits, representation on guilty pleas. Criminal Duty Counsel services are available only on the day of court. You will have to make other arrangements for ongoing legal services. Show up early at court so you will have a chance to discuss your case with Duty Counsel before Court. Bring any paperwork relating to your case.

Family Duty Counsel (Provincial Court)

Duty Counsel lawyers attend many family court proceedings at most provincial courtrooms throughout the province. They provide unrepresented clients with assistance and advice about family law or child protection issues regardless of the client’s financial status. They can also provide courtroom representation on simple matters. Family Duty Counsel services in Provincial Court are available only on the day of court. You will have to make other arrangements for ongoing legal services. Show up early at court so you will have a chance to discuss your case with Duty Counsel before Court. Bring any paperwork relating to your case.

Family Duty Counsel (Supreme Court)

If you are financially eligible for legal aid but do not have your own lawyer, you may be eligible for up to three hours of legal advice about custody, access, guardianship, child support, court procedures and limited advice on property division. Duty Counsel lawyers can also provide representation on simple or unopposed family-related legal proceedings in Supreme Court. You should try to speak with Supreme Court Family Duty Counsel before court.

Phone and Website

Phone: 1-866-458-3300 for the Brydges Line. Check the White Pages of your phone book under “Legal Aid” or call Enquiry B.C. at 1-800-663-7867 for the number of the legal aid office nearest you to find out if Duty Counsel will be at court on the day of your court appearance. Website: www.lss.bc.ca. Under the “Legal Aid” drop-down box, click on “Legal Advice” for information about duty counsel services.

Resource #26

Legal Aid

Legal aid in British Columbia is free (or low-cost) legal advice and representation for financially eligible clients facing some types of criminal, family, mental health or immigration problems. The following legal issues are covered:

Criminal charges where the client, if convicted, is likely to:

- go to jail;
- face a conditional sentence that would severely limit liberty
- lose their way of earning a living, or
- face an immigration proceeding that could lead to deportation from Canada.

Also covered are:

- aboriginal clients where a conviction would affect their ability to follow a traditional livelihood of hunting and fishing;
- youths charged with federal offences, and
- client with a mental or emotional illness that makes it impossible for them to represent themselves.

Family cases where the client:

- needs an immediate court order to ensure their child’s safety and security or to overcome a serious denial of access to their children;
- needs to respond to a maintenance enforcement hearing where he or she faces immediate jail;
- is involved in custody and access proceedings related to a “child in care” of the Ministry of Children and Family Development, or
- faces removal of a child from the client’s home by a child welfare agency.

Mental health hearings before a Mental Health Review Panel or the B.C. Review Board.

Prison disciplinary hearings that could result in a loss or serious reduction of liberty.

Immigration proceedings for refugee claimants or clients facing removal from Canada.

Eligibility

Youths charged with federal offences are entitled to legal aid regardless of their financial status. Other applicants must have a net monthly household income equal to or less than the amounts in the following table:

There are also asset limits and some allowable deductions.

Household size	Net monthly income
1	\$1,349
2	\$1,888
3	\$2,427
4	\$2,967
5	\$3,506
6	\$4,046
7	\$4,585

Applying for legal aid

You can apply for legal aid over the phone or in person at a Legal Services Society office or an advocacy office authorized to take legal aid applications.

You will need to provide information about your case and proof of income such as two recent pay stubs, a recent welfare stub or a recent income tax return or bank records. You will also have to provide information about valuable assets such as a car or boat.

Phone and Website

Phone: Check the White Pages of your phone book under “Legal Aid” or call Enquiry B.C. at **1-800-663-7867** for the number of the office nearest you. You can also apply for legal aid over the phone at 1-866-577-2525. Website: www.lss.bc.ca. Click on the appropriate link under the “Legal Aid Offices” drop-down box.

Resource #34

Private Bar Lawyers

Lawyers in private practice provide three main free or low-cost services. These are:

- **Free initial consultations:** Many lawyers will provide up to 30 minutes of free advice to new clients. After the first interview, clients are expected to make financial arrangements for further services.
- **Contingency fee agreements:** Where a client has a legal problem where there is a likelihood of compensation at the conclusion of their case (eg personal injury matters), many lawyers are prepared to provide advice and representation on a “contingency fee” (percentage fee) basis, where they do not collect their fees unless and until the case is resolved successfully for the client. However, clients are usually expected to pay the lawyer’s disbursements (out-of-pocket expenses) along the way.
- **Pro Bono services:** Law firms are encouraged to provide at least some pro bono (free-of-charge) services every year. The extent of these services may extend from advice to full representation.

Contacting a Private Bar Lawyer: One of the best ways to find the names of lawyers in your area is through the Yellow Pages of the phone book. Many of the ads will state whether the firm offers “free initial consultations”. Pro Bono legal services are more difficult to find. However, many lawyers register their availability to do pro bono work with the Pro Bono Law of BC Roster. You can be referred to one of the roster lawyers through such services as Access Justice, the LawLINE or the Salvation Army Pro Bono Lawyer Consultation Program.

