



West Coast LEAF NEWS ALERT December 20, 2008

Best holiday wishes from the staff and board of West Coast LEAF.

Many of you have recently received a letter from us requesting your support. If you haven't had a chance yet to make a year-end tax deductible donation and would like to do so, please [click here](#). Thank you to everyone for your support all year.

West Coast LEAF to host Mary Walsh at 2009 Equality Breakfast

Canadian icon Mary Walsh will be the keynote speaker at the 22nd annual West Coast LEAF Equality Breakfast. The Equality Breakfast is an annual event celebrating International Women's Day and the progress made in advancing women's rights.

Mary Walsh is a Canadian actor and comedian best known for her work on *This Hour Has 22 Minutes*. She will be commenting on the current status of women in Canada, including issues such as pay equity, gender roles and the balance of women in politics.

Mary Walsh is also known for her humanitarian work. She participated in Oxfam Canada's fact-finding mission to Ethiopia in 1994 and later that year addressed the United Nations Global Conference on Development. She has supported Oxfam Canada's sanitation, education and health care "For All" campaign as well as the Canadian National Institute for the Blind and Pride Toronto. In 2000, she was made a Member of the Order of Canada.

This fall, Mary Walsh received an honorary degree from McGill University. During her speech, she commented on the disproportionately low level of women's participation in Canadian politics. More recently, she spoke at a Coalition rally in downtown Toronto.

"I've always respected Mary.... She's outspoken and she stands up for the people,"

- New Brunswick MLA Greg Byrne

WHO: *This Hour Has 22 Minutes*' creator Mary Walsh

WHAT: West Coast LEAF 22nd Annual Equality Breakfast

WHERE: Fairmont Hotel Vancouver, 900 West Georgia St, Vancouver

WHEN: Friday, March 13, 2009, 7:30-9:00 a.m.

To order tickets, please [click here](#) or [contact us](#).

Anti-Poverty Legal Strategies: Housing and Human Rights

On November 26, 2008, West Coast LEAF and the [Downtown Eastside Women's Centre Power of Women](#) group held a forum called Anti-Poverty Legal Strategies: Housing and Human Rights.

The speakers were Roz Salvador of the [BC Public Interest Advocacy Centre](#), Laura Track from [Pivot Legal Society](#) and Irene Faulkner, a lawyer in [Victoria Tent City lawsuit](#).

In October, a BC Supreme Court found that Victoria's bylaw preventing homeless people from erecting temporary shelters in city parks violates the *Charter of Rights and Freedoms*.

The following is an edited excerpt from Irene Faulkner's presentation.

- **October 2005** The City of Victoria requested an injunction in response to a "tent city" set up in a Victoria park, claiming it was in violation of a city by-law due to "loitering, damaging turf, littering, and selling or giving refreshments without a permit". The judge granted a limited injunction of 10 months, "in an effort to see that the plaintiff has some interest in getting the trial heard." This was a small victory, as the constitutional issue of the right to shelter could not be raised during an injunction defense, but only by going to court.
- **August 2007** The City of Victoria amended the by-law, dropping the prohibition against loitering (included sleeping) but still preventing tents or tarps for protection
- **September 2007** The case was set for trial. Notice of the constitutional question had been served and the Attorney General of B.C. indicated a possible intervention. An adjournment was requested by the city and granted.
- **October 2007** The Attorney General of B.C. took the position that the City of Victoria by-laws did not prohibit sleeping in public places. There was a long dialogue with the city about the meaning of the by-law, which continued until February 2008, when the AG's arguments were dismissed.
- **June 2008** The hearing was finally held, with expert evidence, evidence of clients and other homeless people. One source of evidence was a City of Victoria task force report on homelessness released in fall 2007 that reported that there were 1,500 homeless people and 140 permanent shelter beds. The hearing focused on s. 7 of the [Charter of Rights and Freedoms](#)* (life, liberty and security of the person).
- **October 14, 2008** Justice Ross agreed with the Defendants' s. 7 arguments and the court declared the sections of the by-laws preventing homeless people from erecting temporary shelter to be of "no force and effect" pursuant to s. 52 of the [Constitution Act, 1982](#). This was a big but limited win. It does not create an obligation to build shelter beds but allows homeless people to erect their own shelter. The city can still regulate the use of public space, such as by designating areas for camping. The Defendants' position is that any such regulation must be enacted through new bylaws.
- **Post-October 2008** Based on now non-existent by-laws, the city has passed a new "enforcement" policy, saying homeless people can camp but must take down their shelters before 7 a.m. Some homeless people set up a tent at city hall and at 7:30 a.m. the police arrested 4 people. Three people have been charged under the Offence Act with continuing to violate a bylaw prohibiting the erection of tents without a permit (s. 16 of the Parks Regulation Bylaw, which was one of the provisions struck down). Their trial is scheduled for December 31, 2008 in Provincial Court. At that time the legality of the enforcement policy will be argued.

**"Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice." s. 7 of the Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982, (U.K.), 1982, c. 11*

About [West Coast LEAF](#)

West Coast LEAF works to realize this vision of women's full equality through public legal education, strategic litigation, and law reform.

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