



West Coast LEAF NEWS ALERT November 20, 2008

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Anti-Poverty Legal Strategies: Housing and Human Rights

Meet Irene Faulkner, Lawyer in the Victoria Tent City Case

In October, the BC Supreme Court judged that Victoria's bylaw preventing homeless people from erecting temporary shelters in city parks violates the *Charter of Rights and Freedoms**. Irene Faulkner will speak in Vancouver on Wednesday, November 26, 2008 as part of a panel on housing and human rights.

Join us in a discussion with legal organizations and lawyers representing poor and homeless people in the fight against poverty. What are the possibilities and limitations of the law in anti-poverty organizing? What role do those directly affected by poverty have in advancing legal challenges?

WHO:

IRENE FAULKNER: Lawyer in Victoria Tent City lawsuit. Last month, 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*.

ROZ SALVADOR: lawyer with [BC Public Interest Advocacy Centre](#), a non-profit, public interest law office that advocates for poor people in matters of income assistance, disability benefits and residential tenancy.

LAURA TRACK: lawyer with [Pivot Legal Society](#) that utilizes strategic legal advocacy to focus on the causes of problems rather than symptoms. PIVOT has released several reports and launched several legal complaints on the issue of lack of affordable housing in the DTES.

WHAT: "Housing, fighting poverty and the *Charter of Rights and Freedoms*"

WHERE: YWCA, 733 Beatty Street

WHEN: Wednesday, November 26th, 6:30 p.m.

The event is free.

This event is organized by West Coast LEAF and co-sponsored by the [Downtown Eastside Women's Centre](#) POW (Power of Women) Project. For more information please phone (604) 684-8772 or email exec@westcoastleaf.org or project@dewc.ca

"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

[From The Canadian Press, October 14, 2008:](#)

The B.C. Supreme Court has struck down a Victoria bylaw aimed at preventing homeless people from setting up tents and sleeping in city parks.

The court ruled Tuesday the bylaw deprives the homeless of life, liberty and security in violation of the Charter of Rights and Freedoms.

Irene Faulkner, a lawyer for the group that challenged the law, said the judge decided a sleeping bag or blanket isn't enough to protect people from the elements when sleeping outside in Victoria or anywhere on the West Coast.

Faulkner said the ruling also says that sleeping in a tent or under another structure is not a public safety issue but rather a basic human dignity.

In her ruling, Justice Carol Ross found that due to insufficient capacity in Victoria's shelters, hundreds of homeless people have no choice but to sleep outside.

Ross said Victoria's bylaw prevented the homeless from protecting themselves from the elements, something that could lead to potentially fatal health risks.

Three years ago, Victoria had served notice to people sleeping in Cridge Park that they had to leave.

More about Irene Faulkner

Irene Faulkner worked as a paralegal and law firm manager and for Physicians for the Prevention of Nuclear War (formerly Physicians for Social Responsibility). She was called to the Bar in 1995 and worked with Arvay Finlay until 2005, then practiced with Cathie Boies Parker and Mark Underhill.

Some noteworthy cases:

- Junior counsel to Joe Arvay on Little Sisters case. Worked on case all the way to SCC.
- Surrey School Board case re. prohibition of books depicting same sex parents

Irene and Cathie Boies Parker were recently honoured by the Victoria Bar Association with the award for Contribution to the Law for their work on *Victoria (City) v. Adams* (the Tent City case).

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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