



March 27, 2018

BC Poverty Reduction
PO BOX 9929 STN PROV GOVT
Victoria, BC V8W 9R2
BCPovertyReduction@gov.bc.ca

Via Email

RE: Submission on the Development of a BC Poverty Reduction Strategy

Access Pro Bono is a non-profit organization dedicated to promoting access to justice in BC by providing and fostering quality pro bono legal services for people and non-profit organizations of limited means. As we regularly work with and for marginalized members of our communities, we are thrilled that the government is working towards a province-wide poverty reduction strategy. We welcome this opportunity to provide our input into its development.

An important aspect of addressing poverty is ensuring that people are able to meaningfully assert their rights. We have reviewed the comprehensive submission prepared by the BC Poverty Reduction Coalition (BCPRC),¹ and as a member of the BCPRC, Access Pro Bono strongly supports the BCPRC's proposed framework and policy recommendations. Given our organization's mandate, we focus our submission narrowly on issues the strategy must address to improve equitable access to justice for low income British Columbians.

First, we wish to highlight in particular the need for a dramatic increase in funding to legal aid. BCPRC's submission notes that "BC Budget 2018 only included \$5 million per year for legal aid, which does not go far in filling the \$40 million cut from the previous government."² While recognizing the efforts of those currently trying to meet the need through pro bono services and what remains of our underfunded legal aid system, we note that the supply of Access Pro Bono's free legal services does not even meet the demand from low income people who know and enquire about them, especially in the area of family law. We also submit that poverty legal aid services eliminated from Legal Services Society's mandate and budget in 2002 must be restored. As set out in a recent letter to the Honorable David Eby, QC by BC Public Interest Advocacy Centre (BCPIAC), "[t]here are virtually no government-funded poverty law services today... The Law Foundation of BC has provided direct funding for anti-poverty and social justice

¹ BC Poverty Reduction Coalition, "Submission for the Development of a Poverty Reduction Strategy for BC," (March 2018): http://bcpovertyreduction.ca/wp-content/uploads/2018/03/BCPRC_SubmissionPRConsultation_Mar15_2018.pdf ("BCPRC Submission").

² BCPRC submission, p. 25.

lawyers and advocates over the past years; however, despite their best efforts, a large gap in service remains.”³

Second, the poverty reduction strategy must ensure people are able to access supports to which they are legally entitled, and eliminate bureaucratic barriers that currently bar some people from those supports. Notwithstanding the need to restore poverty law services, it should not require the support of a legal advocate or lawyer to, for example, apply for income assistance or disability benefits. Unfortunately, as anti-poverty advocates on the Minister’s Advisory Forum on Poverty Reduction can attest, for many of the most marginalized people in the province, this is currently the case. Many government services have moved to service delivery models that are primarily over the phone and online, which can make such services inaccessible for people with language barriers, disabilities, or mental health issues – as well as for those who are unable to afford the technology on which such services rely. Ensuring in person services are available and simplifying the process to apply for critical supports such as income assistance and disability benefits would reduce the workload on overburdened legal advocates, and allow them to focus on supporting people through review and appeal processes. An important step in this direction would be restoring offices for the Ministry of Social Development and Poverty Reduction (MSDPR) and the Residential Tenancy Branch (RTB) to allow for in-person assistance from workers with specialized knowledge in a particular area – generalized Service BC offices are simply not an adequate substitute. The BCPRC submission discusses this issue in more detail, and we agree with the comments therein.⁴

Finally, we emphasize the need for regular review of administrative tribunals that disproportionately affect low income people to ensure those bodies are accessible, are functioning well, and are procedurally fair. A reasonable starting place would be the Employment and Assistance Appeal Tribunal (EAAT) and the Residential Tenancy Branch (RTB). A 2013 report by the Community Legal Assistance Society⁵ called for a renewed mandate for RTB adjudicators and staff with a focus on the basic elements of administrative fairness, including:

- Accessibility of services;
- Accuracy of information provided;

³ <http://bcpiac.com/poverty-law-legal-aid-funding/>

⁴ BCPRC Submission, p. 11. See also BCPIAC’s 2015 systemic complaint to the BC Ombudsperson about barriers to accessing provincial income assistance and disability assistance: http://bcpiac.com/wp-content/uploads/2015/09/BCPIAC-Ombuds-Complaint_Final_May-12-2015.pdf.

⁵ Community Legal Assistance Society, “On Shaky Ground: Fairness at the Residential Tenancy Branch” (October 2013), https://d3n8a8pro7vhmx.cloudfront.net/clastest/pages/51/attachments/original/1400860798/On_Shaky_Ground_October2013.pdf?1400860798.

- Fairness, and perception of fairness, in all aspects of operation;
- Quality of decision making, including transparent reasons for decisions; and
- Continued responsiveness to complaints.⁶

In our view, despite recent changes to the RTB, the need for such a review and renewed mandate persists. We have heard anecdotally from advocates across the province that there are similar concerns about the fairness and efficacy of the EAAT. Regularly scheduled reviews of these bodies should form part of the comprehensive poverty reduction strategy, as their proper functioning determines whether people can effectively challenge important decisions about their basic needs (e.g. housing, critical income supports, and disability benefits).

All of which is respectfully submitted,

Erin Pritchard
Program Manager
Access Pro Bono

⁶ *Ibid*, at p. 57.