

Learning about the Law

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Fundamentals of Canadian Law



This page is used in the Fundamentals of the Law Lesson Module, a law-related ESL lesson for newcomers to Canada.

In this section, you will learn about Canada's laws, your rights and responsibilities, and how the laws are made.

Canada's laws

Canada's laws express the values and beliefs of Canadian society. They aim to protect individuals and provide stability for society as a whole. They also aim to make sure there is a peaceful way to settle disputes.

Many Canadians have come to Canada from other countries. Some of these countries have laws and legal systems that are different from Canada's.

When people come to Canada, they bring ideas about the law that they learned in their own countries. They may be surprised to find there are many differences here. It is important for newcomers to know that the laws are not the same, and to understand the differences.

Where do Canadians get their ideas about the law?

Canada's legal system and political system first came from Britain. We also brought our ideas of personal rights and freedoms from Britain. In Quebec, parts of the legal system came from France.

Canada's constitution

The Canadian constitution is the set of rules that define the powers of the government and the rights of the people. It says how we want to govern ourselves and structure our society. The constitution includes the *Charter of Rights and Freedoms*^[1] (often called the "Charter"). The Charter lists Canadians' most important rights and freedoms.

The constitution, which includes the Charter, is the highest law in Canada. This means that governments must respect it whenever they pass a law, make a policy, or have day-to-day dealings with us.



Rights and freedoms

A person's rights and freedoms are very important to Canadians. All Canadians have some important freedoms. In Canada, you can:

- speak freely,
- believe in any religion or no religion,
- meet with or join any group, except a terrorist organization,
- live and work anywhere in Canada, and
- participate in peaceful political activities.

Legal rights

Everyone in Canada has legal *rights*. Some of your important legal rights are:

- the right to be thought of as *innocent* until proven *guilty*,
- the right to have a fair *trial* in court, and
- the right not to suffer cruel or unusual *punishment*.

All Canadians are equal

Equality is one of the most important values in Canada. Everyone in Canada is equal under the law. Laws in Canada apply to all people, including the police, judges, and those who work for the government.

People in Canada do not get better jobs because of the amount of money they have, their social class or gender. For example, in Canada, women can have the same jobs as men and all the same responsibilities.

Human rights

There are many Canadian laws that protect your rights. Laws about human rights are one example.

Canada's human rights laws protect you against unfair *discrimination* when you:

- use public services,
- buy or rent a home,
- look for a job, or
- deal with any government agency.

Discrimination is against the law in Canada. To discriminate against someone means to treat him or her differently from other people in a way that is unfair.

The law says that no one can discriminate against you because of your:

- gender,
- age,
- race or birthplace,
- religion,
- sexual orientation (gay, lesbian, bisexual, transsexual or straight),
- marriage or family status (single, married, or living common-law), or
- mental or physical disability.

For example, it is against the law to discriminate against women. Women in Canada are equal to men. They are equal partners in the family, in business, in law, and in government.

Racial discrimination is illegal in Canada. It is against the law for anyone to discriminate against you because of the colour of your skin, or the country you or your ancestors came from.



Your responsibilities

In the same way that the law protects you from discrimination, the law says you have a *responsibility* to respect other people's rights. For example, your right to freedom of religion means you must respect the beliefs of others.

You must respect the rights of other people even if you don't like or don't approve of those rights.

For example: Irena doesn't approve of gay couples. Her culture and religion doesn't accept them. However, in Canada, she cannot discriminate against them.



You also have responsibilities to the community as a whole. Because you can make use of *social services* in Canada, you must pay your share of the taxes that finance those services. Canadian laws aim to balance rights and responsibilities.

For example: When you rent a place to live, you have the right to the quiet enjoyment of your home. Your neighbours also have this right. This means you have a responsibility not to make noise that disturbs your neighbors. And your neighbors have a responsibility not to make noise that disturbs you.

The rule of law

The rule of law means that we recognize and accept that we need laws to *regulate* society. We must find a way to live together peacefully. Laws exist to help us do this. The rule of law is a fundamental principle of Canadian democracy. The Charter states that the rule of law is one of the principles upon which Canada was founded.

The rule of law means that the law applies equally to everyone. No one is above the law. Our *politicians*, police officers, and wealthy individuals must all obey the law. Under the rule of law, Canadians have a responsibility to respect the laws even if they disagree with them. This means you must obey a law even if you don't like it.

Who makes the laws?

Canadians vote for people to represent us in government. The people who get the most votes become our elected representatives. It is their job to make the laws.

When Canadians vote, we give consent to the party that wins the *election* to make our laws.

The elected politicians can propose new laws or bills. A "bill" is what a law is called before it becomes a law. These bills are debated in order to decide whether or not they should become laws. The goal of the debate is to explore all possible effects of a bill, both good and bad. After the debate there is a vote. If the majority of our elected representatives vote for the bill, it can become a law.



Changing the laws

If you want a law to change, you can work with other Canadians to seek change through peaceful means. Canadians write letters, organize political protests, work with political parties, or join groups of people who have the same ideas as they do. Working in this way, groups may succeed in persuading the government to change a law. Changing a law takes a lot of time and work but Canadians believe that slow, peaceful change is best.

Voting

To vote in any election you must:

- be a Canadian citizen,
- be at least 18 years old on election day, and
- be on the voters' list.

To vote in a BC election, you must have lived in the province for the six months before voting day. To find out how to get on the voters list for a federal election, go to Elections Canada, online at www.elections.ca^[2].

Levels of government

In Canada there are three levels of government: *federal*, *provincial*, and *municipal*. The Canadian constitution describes what the federal government is responsible for, and what the provincial governments are responsible for. The provincial governments can give some of their responsibilities to the municipalities.

We have a federal government for the whole country. It is called the Government of Canada. The elected representatives of the federal government are Members of Parliament, often called MPs. They meet in Ottawa. The leader of the federal government is called the Prime Minister.

The Parliament in Ottawa has two sections: the House of Commons and the Senate. The House of Commons is where Members of Parliament debate and vote in order to make laws. The purpose of the Senate is to review proposed laws to make sure they are the best they can be.

British Columbia, like other provinces, has a provincial government. In BC the elected *representatives* of the provincial government are Members of the *Legislative Assembly*, often called MLAs. They meet at the legislature in Victoria. The leader of the provincial government is called the Premier.

We also have local government in our cities and towns. The elected representatives are called councilors. They meet at City Hall or Town Hall. The leader of the municipal government is called the Mayor.

Each level of government has different responsibilities

The federal government has the power to make laws that affect the whole country. Examples are citizenship and immigration laws and criminal laws.

Provincial governments, such as the Province of British Columbia, have the power to make laws that apply only in that province. Examples are landlord and tenant laws, and laws about employment.

Municipalities, cities and towns have the power to make local laws about such things as streets, parking and noise. The laws for municipalities, cities and towns are called *bylaws*.


Canada has a Queen

Queen Elizabeth II, who lives in Britain, is the Queen of Canada. The elected representatives have the political power in Canada. The Queen's role is symbolic.

Canadians often say "The Queen" to mean the elected government of Canada and all of its laws. This is because the Queen and her representative in Canada, the Governor-General, are the symbolic head of Canada.

All new Canadians promise to be loyal to the Queen and her laws.

This information applies to British Columbia, Canada. Last reviewed for legal accuracy by People's Law School, 2013.

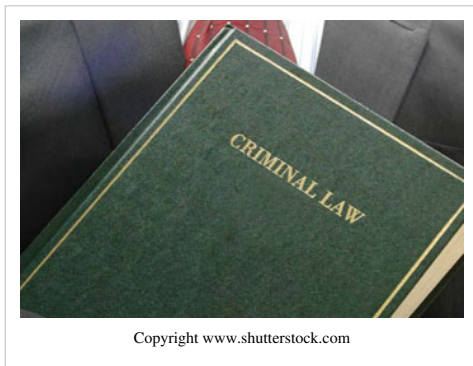
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- [1] <http://canlii.ca/t/8q71>
- [2] <http://www.elections.ca>

Criminal and Civil Law and the Role of the Courts

Two kinds of law: Criminal law and civil law



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There are two kinds of law in Canada.

Criminal law deals with crimes, like assault or theft. People can go to jail if they are found guilty of a crime. The purpose of criminal law is to make sure we stay safe and secure. Criminal law is the same all across Canada. The Criminal Code of Canada lists what the crimes are and how they should be dealt with.

Civil law deals with all other legal issues, like having a contract with someone, or buying property. Family law is another kind of civil law. The purpose of civil law is to make sure that we are fair in our dealings with each other.

The courts apply the laws

The courts exist to provide a way to apply the laws in a fair and rational manner. Courts have a variety of functions. For example, they enforce the criminal law and they *resolve* civil law disputes among people.

Two very important principles are fundamental to the Canadian court system:

- the courts are separate from government, and
- judges are independent.

The courts are separate from government

In Canada, the courts are separate from the government. This arrangement is often called "a separation of powers."

The courts decide how the laws that are made by government apply to individuals in everyday situations. The purpose of the courts is to protect the rights and freedoms of everyone in Canada.

When judges make a decision in court, they apply the law made by our elected representatives. They are also guided by what other judges have decided in previous similar cases.

Judges are independent

In Canada, judges are free to make decisions without interference or influence from any source, including government.

It is our constitutional right to have our legal issues decided by a fair decision-maker. Judges have a responsibility to listen to both sides of a case and then to make fair decisions based on the law and on the facts and evidence before them.

If a judge felt pressure from the government or anyone else to decide a case in a particular way, the result would be unfair. The rights of individual citizens would not be protected.

Courts in British Columbia

In BC there are three levels of court:

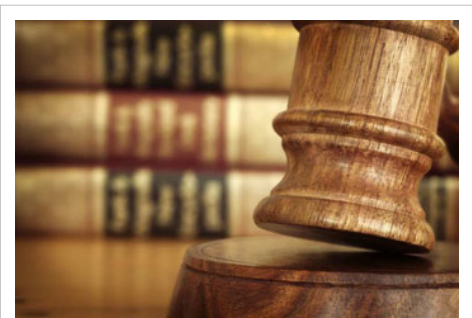
- Provincial Court,
- Supreme Court, and
- Court of Appeal.

Provincial Court of British Columbia

The Provincial Court is the first level of court. The Provincial Court hears most cases about criminal law matters ^[1]. It also hears cases involving *young offenders* who have been *charged* with committing a crime.

The Provincial Court also has several parts that hear cases about civil law matters:

- Family law cases are heard in Family Court ^[2] (but not divorce or division of property used by the family; those are heard in Supreme Court).
- Cases about smaller amounts of money (up to \$25,000) are heard in Small Claims Court ^[3].
- Cases that involve traffic offences are heard in Traffic Court.



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BC Supreme Court

The BC Supreme Court has jurisdiction over most legal cases. It hears:

- serious criminal cases,
- civil cases involving large amounts of money,
- family cases that are about divorce or dividing property owned by the family, and
- appeals of cases from the Provincial Court.

Court of Appeal for British Columbia

If someone does not agree with the decision from their trial in the BC Supreme Court, they may be able to appeal their case to the Court of Appeal for British Columbia. Usually, three judges from the Court of Appeal will hear the appeal.

Federal Courts

The federal court system is separate from the provincial court system. The Federal Court can only deal with some cases that involve the rights of all Canadians, like citizenship, and cases that involve an organization owned by the Government of Canada.

An appeal from the Federal Court goes to the Federal Court of Appeal, then to the Supreme Court of Canada.

Citizenship Court of Canada

This court examines all applications for Canadian citizenship. The judges of the Citizenship Court may interview permanent residents who apply to become Canadian citizens. The Citizenship Court has citizenship ceremonies for new Canadians.

Supreme Court of Canada

The Supreme Court of Canada in Ottawa is the highest court in Canada. It hears appeals from all other courts in Canada. There is no appeal from a decision made by the Supreme Court of Canada.

Tribunals


Tribunals hear disputes about government rules or regulations. Tribunals are like courts but are not part of the court system. Tribunals are less formal than courts.

At the tribunal, each side has a chance to present its case and the decision-maker makes the decision. The decision-maker, also called an *adjudicator*, is someone with specialized knowledge. The decision-maker may be a judge or may be someone who is an expert in a specialized area of law.

Here are some examples of the issues where you can use a tribunal to resolve your dispute:

- disability benefits,
- employment insurance,
- human rights claims,
- landlord tenant matters, and
- refugee claims.

This information applies to British Columbia, Canada. Last reviewed for legal accuracy by People's Law School, 2013.

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- [1] <http://www.provincialcourt.bc.ca/types-of-cases/criminal-and-youth>
- [2] <http://www.provincialcourt.bc.ca/types-of-cases/family-matters>
- [3] <http://www.provincialcourt.bc.ca/types-of-cases/small-claims-matters>

Learning about Family Law



This page is used in the Marriage Separation and Divorce Lesson Module, a law-related ESL lesson for newcomers to Canada.

Family law is the area of law that deals with marriage, relationship breakdown and children. The two laws in BC that you may need to know about are:

- *Family Law Act*: This is a provincial law that applies to all married and common-law couples.
- *Divorce Act*: This is a federal law that applies to married spouses only.

Rights and responsibilities

Marriage and marriage-like relationships

When you are married to someone, the law says you are a *spouse*. As a spouse, you have legal rights and responsibilities about caring for children and caring for each other. You are also considered a spouse under the law in two other types of relationships. The three kinds of living arrangements in which you can be a spouse are:

1. **People who are married.** To be legally married, you must have a religious or civil marriage ceremony. After that, you stay married until one partner dies or until the marriage is legally ended by a divorce.
2. **People who are not married but have lived together in a marriage-like relationship for two years or more.** Many people call a marriage-like relationship a “common-law” relationship. It is not illegal to live in a common-law relationship while you or the other person is still legally married to someone else. A common-law relationship ends when you begin to live apart. No matter how long you live together in a common-law relationship, you are not married under the law.
3. **People who are not married but have lived in a marriage-like relationship for less than two years and have a child together.** If you have a child together you have a responsibility to support that child. One parent may also be responsible for the support of the other parent.



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Getting separated

Every year in BC, thousands of married and common-law couples stop living together. This is called *separation*.

There is no such thing as a “legal separation.” If you’re married or in a common-law relationship, you become separated as soon as you and your spouse start living apart from each other with the *intention* of separating.

You don’t have to see a lawyer or go to court to be separated.

You might still live in the same house to save money, but you are usually considered separated if you don’t share things like meals, a bedroom, and social activities. You don’t need your spouse’s permission to separate.

Getting divorced

For couples who have been legally married, *divorce* is the only way to legally end the marriage.

You apply for a divorce by filling out documents and filing them with the BC Supreme Court. You don’t need your spouse’s *permission* to apply for a divorce.

The only legal reason for divorce is "marriage breakdown."

You can apply for a divorce saying you have "marriage breakdown" if:

- you or your spouse have lived separately for one year,
- you or your spouse has committed *adultery*, or
- you were treated by your spouse with physical or mental cruelty.

You can apply for a divorce in BC even if you were married in another country. You will require proof that you were legally married, and that you or your spouse lived in BC for the 12 months before you apply for divorce.

Canada recognizes the following as proof of marriage from other countries:

- marriage certificate,
- marriage registration, or
- certified copies of marriage documents.

Some cultures have their own divorce ceremony, but you are not legally divorced in Canada unless you have a *court order* for divorce from Canada or another country.

If you and your spouse agree to get a divorce, the judge reviews the documents you filed with the court.

If you have children, the judge will want to see how you have both agreed to care for them and support them.

Making an agreement

An agreement is a written *contract* that describes a couple’s decisions about the legal issues in their relationship.

Couples can make agreements at any time:

- before they move in together,
- while they’re living together, or
- when they separate.

An agreement you make before you move in together or while you’re living together includes your decisions about:

- who owns what,
- how much money each of you will put in to run the household,



- if you will have a joint household credit card or separate individual credit cards,
- how you will use and look after the things you buy together, and
- who will pay debts.

An agreement you make when you separate includes your decisions about parenting, support and property. For example, it describes:

- who the children will live with,
- how parents will spend time with the children,
- how parents will support the children,
- who will stay in the home or apartment, and
- how you will divide the things you own.

You and your spouse can make an agreement with each other about these decisions. Or you can go to court and ask the court to decide what should happen.

It's best if you can settle your family law issues without going to court. Making an agreement saves time, money, and stress. It allows you to keep control of important decisions that affect your family.

Couples can often agree by talking together. But when you are separating you may find it difficult to agree. You can get help to come to an agreement.

Mediation

Mediation is a process where you and the other person ask someone who has special training to listen to what both of you have to say, and help you come to an agreement. The person with this special training is called a mediator.

A mediator can help you and your spouse work together to solve problems.

- A mediator encourages you and your spouse to listen to each other and helps you come up with ideas for resolving your issues.
- A mediator does not take sides or force solutions on you. A mediator does not make any of the decisions. You and your spouse make the decisions.
- Through the mediation process, you can find solutions that are acceptable to both of you.

If you have children, the mediator will help you reach an agreement that is in their best interests.

To find a mediator, contact:

Mediate BC Society (Family Mediation Services)

Phone: 1-604-684-1300 local 23

Toll-free: 1-855-660-8406

fms@mediatebc.com ^[1]

www.mediatebc.com ^[2]

Family justice counsellors

Couples can get help from *family justice counsellors*. Family justice counsellors are government employees who work at Family Justice Centres across the province. Sometimes they are located in the local courthouse.

Family Justice Centers provide free services for families and couples with low incomes. They can help you and the other parent reach an agreement.

To contact a family justice counsellor, call Service BC:

Service BC Contact Centre

Vancouver: 604-660-2421

Victoria: 250-387-6121

Toll-free: 1-800-663-7867

Collaborative family law

Couples can agree to work together with lawyers who practise collaborative family law to find solutions that work for both spouses.

In collaborative family law, you and your spouse each have a lawyer. You and the lawyers participate in a series of meetings to try to come to an agreement.

To find a collaborative family law lawyer through the Lawyer Referral Service, see the Find Out More section.

Finalizing your agreement

When you come to an agreement, you write down what you've agreed to and both of you sign it.

Do not sign any agreement if you feel any pressure to do so. If your agreement deals with property, you must have your signatures witnessed by at least one other person.

To have your signature witnessed, ask a third person to:

- watch you sign the agreement, and
- also sign the agreement.

It's also a good idea for both of you to get legal advice about what goes into your agreement and how it's written.

To protect your legal rights and those of your children, you should each see a different lawyer.

You also need to see a lawyer if you've already signed an agreement and have questions about it.

To find a family law lawyer through the Lawyer Referral Service, see the Find Out More section.

Care and decisions for children

The BC *Family Law Act* changed in 2013. The law uses new terms to describe how parents care for and make decisions for children:

- guardians & guardianship,
- parental responsibilities,
- parenting time, and
- parenting arrangements.

This section looks at what these terms mean in BC.

Guardians and guardianship

Parents are *guardians*. They have *guardianship* of their children. This means they are responsible for caring for and making decisions for their children. Parents who live together after their child's birth are both the child's guardians.

If the parents separate, they are both the child's guardians, unless an agreement or court order removes one of them as a guardian.

If a parent never lived with the child, then that parent is not a guardian unless he or she:

- regularly cares for the child, or
- is appointed as a guardian by a court order or agreement with the child's other guardian(s).

People other than parents can sometimes be guardians, but they must have a court order naming them as guardians.

A guardian may name someone to be a stand-by guardian just in case he or she becomes unable to look after the child. A guardian may also name someone who will become the child's guardian if the guardian dies.



Parental responsibilities

Parents have *parental responsibilities*. These include making decisions about day-to-day care, as well as larger decisions about:

- health care,
- education,
- religious upbringing,
- extracurricular activities, and
- where the child lives.

When parents live together, they share these responsibilities as guardians. Parents need an agreement or court order if they want to change this arrangement.

Parents who separate may continue to share parental responsibilities as guardians. Or one guardian may take on one or more of the parental responsibilities.

Guardians consult with each other when making decisions, unless their agreement or court order says that only one of them is responsible for that particular decision.

Parenting time

If one of the guardians no longer lives with the children, that guardian has *parenting time* with the children.

Parenting arrangements

The arrangements between guardians for sharing parental responsibilities and parenting time are called parenting arrangements. Parenting arrangements can be recorded in an agreement or a court order.

For example: When Susan and Joseph separated they made a written agreement that describes their parenting arrangements:

- The children will live with Susan during the week. She will make the decisions about the children's daily care when the children are with her.

- The children will have parenting time with Joseph every weekend. He will make the decisions about the children's daily care when the children are with him.
- Susan and Joseph will continue to consult with each other about the larger decisions such as the children's education and health care.

Contact with the child

Contact with the child is another important new term in family law. *Contact with the child* refers to the time that a person who is not a guardian spends with the child. A parent who is not the child's guardian would have contact.

Grandparents, step-parents, and other people who may be important to the child can also apply to court to get contact with a child. The law recognizes that the child has a right to maintain these important relationships when parents separate.

People who are not guardians don't have parental responsibilities, so they can't make decisions about the child's life, even during contact.

All guardians and the person with contact can agree to the contact, or the contact may be given in a court order. In some cases, there may be conditions on contact, such as having someone else supervise visits with the child.

Important Note: If you get a divorce, you will find that some different words are used. The federal *Divorce Act* uses the word "custody" to describe daily care of the child and decision-making for the child. It uses the word "access" to describe contact with the child.

Child's best interests

All decisions about parenting arrangements and contact in court orders or agreements must be based on the *child's best interests*. These include:

- what the child wants and needs,
- who cared for the child in the past,
- whether there is a history of family violence, and
- what the parents are capable of (each one's ability to carry out his or her responsibilities for the child).

When you are deciding your parenting arrangements after a separation, the law says you must only consider the best interests of the child. If you go to court, the judge can only consider the best interests of the child in making decisions about parenting.

Children's property

A child's guardian is not automatically the guardian of the child's property (including money). Guardians can manage children's property if it is a certain type of property or below a certain value. If not, a trustee is responsible for managing the child's property. This is complicated. You would need to talk to a lawyer.

To find a family law lawyer through the Lawyer Referral Service, see the Find Out More section.

Child support

The money one parent pays to the other parent to help provide for the child's daily needs is called child support. Each parent has a legal responsibility to support the child, until the child is at least 19.

Parents have a legal duty to support their children. Even if you have never lived with your child's other parent, you have a legal responsibility to *contribute* to the support of your child.

If a man who has been named as the child's father denies being the parent of the child, the court can order him to take a paternity test, also called a parentage test.

Stepparents and guardians who are not parents also have a duty to support the child. Parents have the primary responsibility to pay child support, then non-parent guardians, and then stepparents.

A child should benefit

The laws about child support are based on the idea that a child should benefit from both parents' ability to support him or her.

If a child is living with one parent, the other parent usually must pay support money. Even if a child spends equal or almost equal time with both parents, the parent with the higher income may have to pay child support to the other parent.

Child support, although paid to the other parent, is the legal right of the child. A parent cannot make an agreement saying that the other parent does not have to pay child support.

One parent cannot prevent the other parent from having contact with the child because he or she is not paying child support payments.

Child Support Guidelines

Parents must follow rules called the Child Support Guidelines. The guidelines help set a fair amount of support for children. The Child Support Guidelines are based on the income of the parent who must pay support.

The Child Support Guidelines considers such things as how much money the parent makes and how many children need support. The guidelines make sure that children continue to benefit from the financial means of both parents.

If you and the other parent cannot agree about child support amounts, a mediator can help you. To find a mediator, see the Find Out More section.

While parents must follow the Child Support Guidelines, the rules are different for stepparents. They pay a child support amount based on:

- the length of time the child lived with the stepparent, and
- what the child's living standard was while living with the stepparent.



What if a parent refuses to pay child support?

The provincial government has a free program called the Family Maintenance Enforcement Program.

The people who work in this program can help if a parent is not paying the money the judge said must be paid to support the children, or the money that he or she agreed in writing to pay.

If a parent does not pay child support, the Family Maintenance Enforcement Program may take the money directly from the parent's pay cheque or bank account. Other things that may happen if a parent refuses to pay include:

- He or she may lose his or her driver's licence.
- The Canadian government may take away his or her passport.

Spousal support and property

Spousal support

One spouse may need to ask the other for spousal support when they separate. The purpose of spousal support is to help with living expenses upon separation. Spousal support is usually paid for a limited period of time.

Spouses may make an agreement about spousal support. Or the spouse who wants support can apply to the court.

You must apply for spousal support *within two years* after you got an order for a divorce. If you were living in a common-law relationship, you must apply *within two years* of the date on which you separated.

If you are applying for spousal support, the court will consider:

- If you worked outside the home during the marriage or relationship.
- How long you and your spouse lived together.
- If you are able to support yourself.
- If you are or were at home with the children.
- Whether you earn a lot less than your spouse.
- If your spouse has the ability to pay.

What if a spouse refuses to pay spousal support?

The provincial government has a free program called the Family Maintenance Enforcement Program.

The people who work in this program can help if a spouse is not paying the money the judge said must be paid to support a spouse, or the money that he or she agreed in writing to pay.

Dividing family property

The *Family Law Act* deals with the division of property and debt when a couple separates. This law applies to people who are **spouses** — that is, to married couples and to people in a common-law relationship of two years or more.

When their relationship ends, spouses are presumed to keep property they brought into the relationship and to share in property they acquired during their relationship.

Unless you and the other spouse have an agreement that says something else, the presumption is that all *family property* and *family debt* is divided equally.

All property owned by either or both spouses at the date of separation is considered **family property** unless it is "excluded property" (explained shortly). Family property can include such things as:

- the family home,

- RRSPs,
- investments,
- bank accounts,
- insurance policies,
- pensions, and
- an interest in a business.

Family debts are debts you take on during your relationship that:

- you still owe on the date you separate, or
- you take on after your separation date to maintain family property.

Some property is "excluded property"

Some things are not family property. They are *excluded* from the rule that the property must be divided equally. For example, these things are excluded:

- Property one spouse owned before the relationship started.
- Gifts and inheritances given to one spouse during the relationship.

But if the value of excluded property increased during the relationship, that increase in value is family property. For example, suppose you owned the house when your spouse moved in. When you separated, the value of the house had increased 100%. Your spouse would be entitled to half of that increased value.

You may need a lawyer's help to figure out what is family property or debt. To find a family law lawyer, see the Find Out More section.

There are exceptions to the equal division rule

A court can order that family property and debt be divided unequally if it would be **significantly unfair** to divide it equally. In considering whether an equal division would be significantly unfair, a court will look at factors such as:

- the length of the spouses' relationship,
- whether the debt was incurred in the normal course of the spouses' relationship,
- if the amount of family debt exceeds the value of family property, the ability of each spouse to pay a share of the family debt,
- whether a spouse, after separation, caused a significant increase or decrease in the value of debt or property, and
- whether a spouse may have to pay taxes as a result of a transfer of property.

If you think the arrangements about property and debt are unfair, you can go to court and ask a judge to divide family property or debt.

- If you were married, you must apply to the court to do this *within two years* after you got an order for divorce.
- If you were living in a common-law relationship of two years or more, you must apply to the court *within two years* of the date on which you separated.

People who are separating may want to know what happens to things such as pensions and medical and dental plans. You can find this information in the Legal Services Society publication, *Living Together or Living Apart* ^[3].



Moving with a child

The law in BC says that a guardian who wants to *relocate* with a child must give 60 days' notice to any other guardian and to people who have contact with the child. This is because the move would affect the child's relationship with them.

If there are disagreements about the move, the law says that you must make your best efforts to work out the disagreement. If you cannot agree, you have to go to court and the judge will decide whether or not a guardian can move with a child.

If you want to move, it's wise to discuss your plans ahead of time with the other parent and anyone else who is a guardian or who has contact with the child. You may also want to talk to a lawyer to get advice about how likely it is that a judge might say you cannot move.

Parents can get help

Parenting After Separation program

Separation is difficult. The lives of all family members are changing. When parents are separating, they are often upset and angry. They may argue and say a lot of angry and hurtful things to each other. Their children also feel upset.

For example: Kwan and Mi Hi were married and they had one child. After several years, Mi Hi became unhappy and dissatisfied with the marriage. She wanted to separate from Kwan. Kwan was hurt and angry. He didn't understand why Mi Hi was unhappy. They had many arguments. Kwan didn't want to separate.

Both Kwan and Mi Hi were worried about their daughter. How could they talk to her about their marriage break-up?



Parenting After Separation is a provincial government program that offers free sessions in many BC communities. This is a three-hour workshop about how to solve problems with the other parent.

At the workshop, a trained facilitator will present information about separation, including:

- the impact of separation on you and your children,
- how to help your family adjust to change, ways for you and your children's other parent to communicate,
- how to keep your children out of the middle of conflict,
- options for resolving family disputes, including mediation, counselling and the court process,
- how the child support guidelines work, and
- resources in your local community for parents and children.

In most BC Provincial Court locations, you must attend a Parenting After Separation session before you can get a court order. You will not be asked to attend the same session as your spouse. Parents in smaller communities can take the Parenting After Separation course online.

Even if you don't have to go to a Parenting After Separation workshop, you can attend the course.

Phone Service BC to find out about Parenting After Separation workshops in your area.

Service BC Contact Centre

Vancouver: 604-660-2421

Victoria: 250-387-6121

Toll-free: 1-800-663-7867

For more information about Parenting After Separation, see the Find Out More section.

Protection from violence in the family

Family violence includes:

- physical abuse: using physical force,
- sexual abuse: forced sexual contact of any kind, or
- psychological and emotional abuse: actions that cause mental and emotional harm.

If you are at risk of family violence, you may need to get a *protection order* from the court. The protection order is meant to protect you and your children from violence carried out by another family member. Either you, or someone else on your behalf, can apply to the court for the order.

Protection orders can, for example, stop the family member who is violent:

- from contacting you,
- from visiting the family home, and
- from owning a weapon.

If the family member does not obey the protection order, it is a criminal offence. Police can enforce the protection order under the *Criminal Code*.

If there is a history of family violence or you or your children are at risk, you may be able to get the help of a legal aid lawyer from Legal Services Society. See the Find out More section.

If you plan to go to court on your own to get a court order, you may want to get some help from family duty counsel.

For information about family violence, watch the *Talking about Abuse* ^[4] video series. This series can help non-English speakers understand how Canadian law defines family violence. It provides information on where people in BC can get help in their own language.

For more information and help, see the Find Out More section. It links you to resources that can help anyone who may be a victim of family violence.

Separation and sponsorship

If you are a permanent resident

If your spouse (married or unmarried) sponsored you to come to Canada and you are now a permanent resident (landed immigrant), you can stay in Canada even if you leave the marriage or common-law relationship.

Your sponsor:

- cannot make you leave Canada,
- does not have the right to keep your children or your property, and
- still has a legal responsibility to help support you and your children.

To find out more about what could happen when a sponsorship does not work, read "If Your Sponsor Abuses You ^[5]," published by the Legal Services Society. It explains what to do if the person who sponsored you is unwilling or unable to support you, and you are unable to support yourself.

If you are not a permanent resident

If you are not a permanent resident in Canada and you and your sponsor separate, you will need to get immediate advice about your immigration status. If possible, contact an immigration lawyer.

To find an immigration law lawyer through the Lawyer Referral Service, see the Find Out More section. If there has been violence in the relationship, tell the lawyer.

Going to court

Couples who cannot reach an agreement may have to go to court. The court process focuses on helping you to resolve as much of your case as possible without having a trial.

Note: The section on the Role of the Courts discusses the levels of court. It is helpful to get legal advice if you are going to court.

Here are some things to expect in the court process:

- **Exchanging information:** The law requires you and your spouse to provide each other with "full and true information" so you can resolve your family law dispute. The court rules set out what information you must provide before you go to court.
- **Meeting with a child support clerk:** The court might send you to see a child support clerk to help you figure out how much child support should be paid in your case.
- **Meeting with a family justice counsellor:** In some Provincial Court locations, you meet with a family justice counsellor before you go to court. The family justice counsellor helps you look at your options and can give you legal information.
- **Meetings to discuss options for settling your case:** In BC Supreme Court, you have a meeting called a judicial case conference with a judge or master (a court official). This happens before you can ask the court for an order that your spouse does not agree with. In Provincial Court, you may have a meeting with a judge called a family case conference. This happens before you can have a court hearing.
- **A temporary solution:** You may need a *temporary* solution for parenting arrangements, child and spousal support, and who lives in the family home. You can apply to the court for what is called an *interim order*. An interim order is for a limited time.

If you and your spouse can agree

If you and your spouse can reach an agreement, you can get what is called a consent order. You will be able to get a consent order without appearing in court as long as all your documents are in order and the judge is satisfied that you have arranged for the care of and support of your children.

If you and your spouse cannot agree

If you and your spouse cannot agree, there is a trial in court. A judge decides the issues that you can't agree on. The judge puts the decision into a final order. Both parents must do what the court order says.

For example: Maria and Eduardo couldn't agree. They went to court. The judge decided that their child should live with Maria. The judge also decided how often Eduardo could see the child. By law, Eduardo and Maria must obey the court order.

When children need protection

Sometimes parents don't take care of their children. Maybe they leave the children alone, or hurt them or don't give them enough food. This is child abuse.

If you are aware of a possible case of child abuse, the law requires you to contact the BC Ministry of Children and Family Development. Call the Helpline for Children: 310-1234 (no area code needed). Your action can prevent further child abuse and help the family.

When you call the Helpline for Children, you talk to a social worker who is willing to listen and take action. Actions to protect a child may include:

- providing or arranging support services to the family, or
- supervising the child's care in the home.

If the social worker thinks that the child is in danger, the social worker can remove the child from the home to a safe place. When this happens, the social worker and the parents have to go to court. The social worker has to prove in court that the child was in danger.

The parents have the right to argue that their child should not be taken away from them. The parents should have a lawyer. If they can't afford a lawyer, they should contact the Legal Services Society. For contact details see the Find Out More section.

The law is to protect children. The judge has to decide if the child needs protection. Then the judge will decide what will happen to the child.

For information about child protection, see two Legal Services Society publications: the booklet *Parents' Rights, Kids' Rights* ^[6], and the brochure "If Your Child is Taken ^[7]."

For more information and help, see the Find Out More section.

This information applies to British Columbia, Canada. Last reviewed for legal accuracy by People's Law School, 2013.

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Young People and the Law



This page is used in the Young People and the Law Lesson Module, a law-related ESL lesson for newcomers to Canada.

This section looks at young people and the law.

Legal rights and responsibilities of young people

This chart shows when young people gain legal rights in BC.

<i>Right/Responsibility</i>	<i>Age</i>
Be responsible for crimes	12
Be sentenced for crimes under adult law	14
Go to work	15
Leave school	16
Get married with permission of parent(s)	16
Get married	19
Get a driver's licence with permission of parent(s)	16
Get a driver's licence	19
Vote in a federal election	18
Vote in a provincial election	18
Drink alcohol	19
Leave home without permission of parent(s)	19
Buy cigarettes	19

Going to school

All children between the ages of 5 and 16 years must go to public school every day.

This is not true if:

- the child goes to a private school,
- the child is at home studying lessons approved by the government, or
- the child is sick and can't go to school or there is some other good reason.



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Working

Children under 15 years of age may not work during school hours. They are not usually allowed to work at other times. A child under 15 can't work without special permission from the government. But children are allowed to do jobs such as babysitting to earn pocket money or to help their families. Children 15 and over can work. They have the same laws to protect them as adult workers.

Getting married

People 19 years old or older can marry. Young people between 16 and 19 can marry if their parents agree. Young people under 16 usually can't get married. They have to go to court and ask the judge for *permission* to marry. The judge will only agree if he or she thinks this is good for them.

Young people and criminal law

Sometimes children break the law. A child steals something, or damages someone else's property. What will happen?

The law says children under 12 years old can't be arrested or taken to court. If the police catch children younger than 12 doing something wrong, they take them home and tell their parents. The parents may get help at school or in the community.

The Canadian justice system recognizes that youth crime and adult crime need to be dealt with differently. There is a special law for children from 12 to 17 years old. It is called the *Youth Criminal Justice Act*^[1]. This law says:

- People have the right to be protected from young people's crimes.
- Young people who break the law need to understand that what they did caused harm to the community. They need help to learn how to stay out of trouble and to contribute to the community in a positive way.
- Young people have the same legal rights as adults. The police have to tell young people about their rights and explain what is happening to them.
- Young people don't go to the same court as adults. There is a special youth court. The judge in youth court will make sure young people get a lawyer.
- People 18 years old or older who break the law are adults and have to go to adult court.

What happens to youth who commit a crime

The first time a young person aged 12 to 17 years does something wrong, he or she will not usually have to go to court. The young person may get help from a local community group.

Maybe it's not the first time a young person has been in trouble. Or maybe it is something more serious. Maybe the young person had a weapon such as a knife or gun. Then he or she will have to go to youth court.

If the judge at the court decides the young person is guilty, the youth is called a young offender. The youth will have a youth record.

The judge might:

- make the young person pay a fine,
- make the young person pay for damage with money or with work,
- have the young person do some volunteer work in the community,
- let the young person go home, but someone from the court will check on the young person for up to two years, or
- have the young person go to jail if the crime is serious.

If a young person over 14 years old is accused of doing something very serious they may be sentenced as an adult and receive a tougher sentence than in youth court.

Examples of very serious offences include things such as murder and repeat violent offences.

In most cases the name of the youth who broke the law is not made public. However, in some cases it may be made public, such as when the youth is given an adult sentence for a serious offence.

Young people and gangs

Some young people join gangs. A gang is a group of people who break the law. Some gangs look for young immigrants who don't speak English. They look for someone who has few friends and not much money.

At first, the gang members are good to the young people. They introduce them to new friends. Then they ask them to do something for the gang, such as stealing something.

Often, young people are afraid to say no or to leave the gang. They are afraid the gang will hurt them or their family.

Engaging Parents for Safer Youth is a project aimed at providing information to parents about youth and gangs. To download the *Steering Kids Away From Gangs* booklet, visit www.vsb.bc.ca ^[2].

Rules about driving

Young people over 16 years old can get a driver's licence if they pass the tests. Parents have to apply for the licence for someone under 19. If young people under 18 years old get a car, they can't register or get licence plates for it unless their parents sign the papers.

A young person driving a car has the same responsibilities as an adult. For more information about driving in BC see *Driving in BC* or visit ICBC at www.icbc.com ^[3].

Breaking traffic rules

Sometimes young drivers break the traffic rules. What happens to the youth depends on how serious their actions are.

For example: Youth may be speeding, or fail to stop at a stop sign. They will get a ticket and may have to pay money.

If youth are caught driving dangerously, it is serious. They will be charged with a criminal offence and have to go to youth court.

Street racing

Street racing is a very serious offence. People under 18 years old will go to youth court. Drivers 18 years old and older go to adult court.

Help for children

Many community groups have parenting classes. In these classes, parents learn about taking care of children.

They talk about ways to help their children with problems. They find out how to talk and listen to their children. They also learn about ways to *discipline* children without harming them.

Some community agencies offer parenting classes in other languages. Parenting classes can help parents to solve the special problems of raising children in a new country.

For example: Children usually learn new *customs* faster than their parents. Children also have a lot of pressure from kids at school to be more “Canadian.” Parents may feel that their children are behaving badly. They may worry that their children don't respect them anymore.

Many community agencies give information and advice. People can call these agencies when they have a problem and they don't know where to go for help. Workers at the agencies can help them find the right place to go.

There are also parenting programs in English and other languages on TV and radio. For more information about parenting classes contact your nearest community centre or visit www.vancouver.ca ^[4].



Helpline for Children

The Helpline for Children is **310-1234**, free from anywhere in BC. A child or youth can call the Helpline for Children if they are being abused or mistreated at home, at school, in the playground, or anywhere else.

If you know a family where a child or youth is being hurt, or if you are afraid you may hurt a child, call the Helpline. Your call is *confidential*.

- You can call the Helpline, at 310-1234, from anywhere in BC. *No area code* is required.
- If you are calling from a pay-phone, call the operator "0." This is a *free call*. You don't need to pay. It will not show up on your phone bill.

Youth Against Violence Phone Line

The Youth Against Violence Line is **1-800-680-4264**, free from anywhere in BC. The Youth Against Violence phone line is a province-wide service that provides confidential help to young people who are affected by youth violence or crime.

Parents and members of the community can also call this line for help and information.

Youth who are worried about their safety, or who want to *anonymously* report a crime can call the Youth Against Violence phone Line.

Help at school

Some schools have a police officer who works with the school. The officer comes to the school to teach students about safety and the law. The officer may work with students on school sports teams and in school clubs.

Sometimes students get into trouble at school. Maybe one of the students steals something. Then the police officer tries to solve the problem.

High schools also have counsellors. They help students with problems at school or at home.

They also help students choose school subjects and give advice about what to do when they finish school.

Many elementary schools and high schools have home-school workers. Sometimes parents want to find out about their child's school or what their child does there. Parents can talk to a home-school worker.

If you are worried about your children, talk to one of these people. Some school districts in BC have multicultural workers, or settlement workers who visit a school.

These workers can help immigrant students feel more comfortable in their new life in Canada. If necessary, they also help students deal with *discrimination* at school.

Helpful rules to teach children

Talk with your children about their safety. Teach your children to:

- know their full name, address, and phone number,
- know the difference between a friend and a stranger,
- always check with the family before going anywhere,
- never answer the door if they are home alone,
- never tell anyone over the phone that they are alone, and
- call the Helpline for Children at 310-1234 if they are afraid and feel unsafe.

This information applies to British Columbia, Canada. Last reviewed for legal accuracy by People's Law School, 2013.

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Older People and Elder Law



This page is used in the Elder Law Lesson Module, a law-related ESL lesson for newcomers to Canada.

Elder law covers the laws that affect older people.

Retirement and government benefits

The federal government manages two major public pension programs through Service Canada:

- Old Age Security (OAS), based on years of living in Canada, and
- Canada Pension Plan (CPP), based on years of work in Canada and the amount paid into the plan.

Old Age Security

The Old Age Security (OAS) provides pension benefits to citizens and legal residents of Canada who have lived in the country for 10 or more years as an adult (after turning 18). The Guaranteed Income Supplement (GIS) is an additional monthly benefit paid to Canadian residents who receive Old Age Security pension and have little or no other income.

Apply for Old Age Security benefits six months before you turn 65. For help in making an application, contact your local Service Canada office, or agencies that help seniors in your community.



Canada Pension Plan

The Canada Pension Plan (CPP) provides income to working Canadians after they retire. The amount of pension income you receive depends on the amount you paid in to the fund from your wages over the years you worked in Canada.

You receive CPP retirement benefits, which is a monthly cheque mailed to you or deposited directly into your bank account, if you have contributed and:

- you are 60-64 years old and have stopped working or have a low income, or
- you are 65 years or older.

In Canada, people have a right to keep working after age 65.

If you work past age 65, you can be receiving CPP benefits at the same time.

You can also continue paying in to CPP until age 70; this will increase the amount you receive in retirement benefits.

CPP gives pension benefits to people who are not able to work because they had an accident, were injured or became ill. This is called a disability pension. If a worker dies, CPP has benefits for the family.

How do I apply?

To apply for OAS, the GIC supplement, CPP benefits and for more information on federal government programs, contact:

Service Canada

For service in English: 1-800-277-9914

For service in French: 1-800-277-9915

Hearing or speech impairment: 1-800-255-4786

Website: www.servicecanada.gc.ca ^[1]

Have your Social Insurance Number ready when you call.

International benefits

If you have lived and worked in another country, you may be eligible for social security benefits, either from that country or from Canada.

For information on how to apply for international benefits, contact:

International Benefits Program

Telephone: 1-613-957-1954

Fax: 1-613-952-8901

Toll-free in Canada and the United States: 1-800-454-8731

TTY in Canada and the United States: 1-800-255-4786

Always have your Social Insurance Number ready when you call.

Power of attorney

A *power of attorney* (POA) is a legal document that names another person, called the "attorney," to manage your financial, business and legal matters for you, but *not* health care decisions. The person who gives the power of attorney to someone is called a *donor*.

Note: In this section, the word "attorney" does not refer to a lawyer. It refers to someone who has power of attorney.

The person you name as your attorney must act in the way you have instructed. It is important for the attorney to understand their duties and responsibilities. It may be a crime under the *Criminal Code* ^[2] if an attorney fails to carry out their duties.

Who should I choose?

You should choose a trusted friend, a relative or your lawyer to act for you. You can have one or two people act as your attorney(s). The people who act as your attorney(s) can act together, or one or the other attorney can be named as an *alternate*. This will help make sure your wishes are followed.

Choose your attorney very carefully and ask for a regular report on how they manage your finances or business.

You can still handle your own affairs after you appoint an attorney or attorney(s). You can cancel (revoke) an old power of attorney at any time and make a new one with different attorney(s).

Four different types of power of attorney

There are four different types of power of attorney.

Which one you choose depends on your needs.

1. regular power of attorney,
2. enduring power of attorney,
3. springing power of attorney, and
4. limited power of attorney.

Regular power of attorney

In a regular POA, the power you give an attorney may be *specific* or general.

When you give a specific power of attorney, it means you give this person the power to do certain things only. For example, you may want them to do your banking when you're out of town on vacation.

When you give a general power of attorney, it means you give this person the power to manage all your financial and legal affairs. They are to follow your wishes and instructions.

A regular power of attorney ends if you become *mentally incapable*.

Mentally incapable is a legal term that means not being able to understand what you are doing and what might happen as a result.

You can be incapable in one area of decision-making, yet still be able to manage your life in other areas. For example, you may be able to decide where to live and what kind of health services you want, but not be able to manage your finances.

People can make bad decisions and not be mentally incapable. The test is whether they understand what they are doing.



Enduring power of attorney

An *enduring power of attorney* continues if you become mentally incapable.

You can cancel your enduring power of attorney at any time while you are mentally capable.

You cannot cancel an enduring power of attorney if you are mentally incapable.

The attorney must follow your instructions. The attorney must act in your best interests and consider what your wishes would be.

In your enduring power of attorney you say when you want it to start. You may want it to start right away. Or you may want it to start *only* if you become mentally incapable. (In this case, it becomes a *springing power of attorney*, which is discussed next.)

Springing power of attorney

A springing POA comes into effect only when a specific event happens. An event might be if you have a car accident, or become ill, or become mentally incapable.

A springing power of attorney must say:

- what event will start it, and
- how people will know without a doubt that the event has happened.

Limited power of attorney

In a *limited power of attorney*, you say exactly what action your attorney can take, and put a time limit on when the power of attorney ends.

For example, suppose you are travelling in another country, and you need someone to go to the bank in person to move some funds. You can give your attorney permission to do this and set a time limit. For example, the attorney must move the funds within five days of the start of a new month.

A limited POA ends when the action is completed or when the time limit has passed.

If you have worries about your attorney

Attorney(s) have a duty to act in your best interests and follow your wishes. But some attorneys *misuse* their power. They might take funds out of your bank account without your permission. Or they might sell what you own and use the money for themselves. This is financial abuse and it happens to many people, especially seniors.

If you are worried about your power of attorney agreement or want to name someone else as your attorney, you can end the agreement as long as you are mentally capable.

Talk to a lawyer for help and advice, or contact one of the agencies listed at the end of the Find Out More section.

Joint bank accounts

A joint bank account is held by two or more people. Any person whose name is on the joint bank account can put money into the bank account and take money out of the bank account.

Sometimes people put their bank account into joint names with a friend or relative so that the other person can help with banking, shopping and taking out cash for spending. But any person named on the account can use all of the funds as their own and take out all the money. So joint accounts can be dangerous.

As a safer option, you can apply to have your bank pay monthly bills from your account for you. You can also ask the government to have your pension and other cheques deposited directly into your bank account. The bank will send you a

monthly statement so that you know all the activity in your account. There might be a small cost, but many banks have low or no fees for services to seniors.

You can also open a second, smaller bank account. You can ask the bank to regularly move funds from your main account into the second account to pay for what you need each month. The person who is helping you with banking and shopping can withdraw money from this account but not the main account. The main account stays in your name only.

Talk to your bank manager for more ideas on keeping your money safe.

Representation agreements

A representation agreement allows the person you name as your representative to make personal and health care decisions for you.

There are two types of representation agreements:

- standard representation agreements, and
- enhanced representation agreements.

Standard representation agreements give limited authority to the representative you name to make some health and routine financial decisions for you.

Standard representation agreements do not allow a representative to make decisions about end-of-life care.

If you are incapable of entering into a contract or managing your affairs, you can make a standard representation agreement as long as you can express your wishes, and you understand the effects of a representation agreement.

Enhanced representation agreements give more responsibility to your representative over health care and personal decisions. Your representative might even decide if you will or will not receive medical services necessary to continue life.

To make an enhanced representation agreement, you need to have full mental capacity. Under an enhanced representation agreement, the representative has no authority over financial decisions.



Who should I choose to be my representative?

Choose someone you know well and trust. Make sure they know your wishes. As your representative, they must respect those wishes, now and in the future, especially if you can't speak for yourself.

Advance directives

In an advance directive you can write instructions to your representative or to your doctor about what kind of health care you want and don't want if you have a serious medical condition.

Advance directives often deal with end-of-life decisions. Some people use the term "living will" when talking about an advance directive.

Instructions in your advance directive can be:

- general statements such as: I don't want to be connected to machines to stay alive, or
- specific statements such as: I don't want to receive donated blood.

An advance directive ensures that your wishes are followed even if you are not able to speak for yourself due to an injury or illness. Keep your advance directive updated. For example, there might be improvements in medicine you wish to

consider.

A possible difficulty with advance directives is that your wishes may change over time. Remember to renew and update your advance directive from time to time.

Protecting yourself and your money

When you are a senior, sometimes people try to take advantage of you. It is important to protect yourself and your money.

Criminals use a variety of methods to trick people and take their money. Older people are often the target of these criminal tricks.

Sometimes the criminals take money. Other times, they use your personal information to access your bank accounts or run up debts in your name. This is called identity theft, which means taking your personal information and using your identity.

Be careful with your personal information, which includes your name, address, phone number and date of birth. Be careful when throwing away credit card statements and grocery receipts. Tear the receipts up or put them through a paper shredder, as criminals may go through the trash and use the statements and receipts to find information about you.

Never give out your Canada Social Insurance Number, credit card numbers, or bank account information to someone you don't know and trust. Keep your passwords and bank cards separate.

If you write down your passwords, make sure you store the password in a safe place. Don't keep passwords in your wallet. Never give out personal information on the telephone or by email. If someone is asking questions they may be trying to learn your personal information.

A bank will never ask for personal information or passwords over the phone unless you call them and the bank asks you to prove your identity. A bank will never email you and ask for your passwords or the numbers for debit or credit cards.

Phone calls saying you have won a vacation, or money, and asking you to enter in your phone number are not real contests. It is not safe to give these callers your personal information.

If you have caller ID on your phone, you can look to see if the number belongs to someone you know. If the number is not familiar, you can let the phone ring and ignore the call.

You can also register for the National Do Not Call List to reduce calls from people and companies trying to sell you things. Visit www.innate-dncl.gc.ca/index-eng ^[3] for more information on how to register a phone number for the National Do Not Call List.

If you have a problem, see the resources listed in the Find Out More section. Remember, if an offer sounds too good to be true, it usually is.

Know what you're signing

Talk to a legal advisor or a lawyer before you sign any legal documents.

- Signing a document means you agree to everything that's written in the document.
- Don't sign anything that you don't understand.

Wills and estates

Everything you own at the time of your death is called your estate. Homes, bank accounts, investment accounts, jewelry and cars can all be part of your estate. If you have debt when you die, what you owe is part of your estate.

A *will* is a written legal document that contains your instructions about what happens to your estate after you die.

A will is not the same as a power of attorney. A power of attorney deals with your instructions about what happens to your affairs while you are alive.

You need to name someone as executor of the estate. This is the person who follows the instructions in your will. You should also name a second person in case the first executor cannot act as executor.

The executor can be a trusted friend, relative, lawyer or company. Your executor is *not* automatically your attorney unless you appoint the same person as executor and as your attorney under a power of attorney.

You can cancel an old will and make a new one, as long as you are mentally capable.



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Elder abuse

Elder abuse is mistreatment that results in harm or loss to an older person. Elder abuse falls into a number of different categories:

- **Physical abuse:** using physical force against an older adult.
- **Financial abuse:** misusing an older adult's money or property. It includes forcing an older adult to sign a document.
- **Neglect:** the person is not being kept clean and safe.
- **Sexual abuse:** forced sexual contact of any kind.
- **Psychological or emotional abuse:** any actions that cause mental and emotional harm. It includes threats, verbal abuse, non-verbal abuse and humiliation.

What are some signs of abuse?

Here are some signs that abuse may be happening:

- **Physical abuse:** bruising and injuries that cannot be explained.
- **Psychological or emotional abuse:** showing a high level of anxiety or distress.
- **Financial abuse:** large unexplained withdrawals from bank accounts.
- **Neglect or self-neglect:** lack of bathing, unclean living conditions, and lack of health aids such as dentures or glasses.

Different types of abuse often occur at the same time. For example, a victim of physical abuse may also be a victim of psychological or emotional abuse.

Where to go for help

You deserve to be treated with dignity and respect. Elder abuse is always wrong, and can also be a criminal offence.


If you think you may need legal advice, contact a lawyer.

The following resources can provide support to you or someone you know:

- **BC Centre for Elder Advocacy and Support:** BC CEAS provides *confidential* legal information and emotional support over the phone. BC CEAS can also provide legal representation. Contact details are in the Find Out More section.
- **BC Human Rights Clinic:** Operated by the Community Legal Assistance Society, the BC Human Rights Clinic provides assistance and representation to those who need help dealing with a provincial human rights complaint. For more information phone 604-622-1100 or toll-free 1-855-685-6222.
- **VictimLINK:** VictimLINK can put you in touch with counselling and helping services, and people who may be able to help you find a safe place to stay. Call 1-800-563-0808.
- **BC Association of Community Response Networks:** BCCRN can provide information and help to anyone who is being abused or neglected, or is supporting someone who is. To find your local Community Response Network, email info@bccrns.ca ^[4] or go to www.bccrns.ca ^[5].
- **Community Care Facilities Licensing Officer:** For seniors who are in a care facility or group home, call the Community Care Facilities Licensing Officer in your area. To contact a licensing officer, call the Health Information Line at 1-800-465-4911 and ask for the telephone number.
- **Public Guardian and Trustee:** The Public Guardian and Trustee's Office can tell you which local agency has the responsibility to respond to reports of abuse and neglect of older adults. Phone 604-775-1007 or 604-660-4444. If calling from outside the Lower Mainland, call Service Canada at 1-800-663-7867 and ask to be transferred to the Public Guardian and Trustee's Office.
- **Regional Health Authorities:** The Regional Health Authorities such as Vancouver Coastal Health, Fraser Health, Interior Health, Vancouver Island Health Authority and Northern Health Authority are designated agencies. Designated agencies have a legal responsibility to look into reports of adult abuse and neglect.
- **The police:** If you are in immediate danger, call 911. In non-emergencies or if there has been a criminal offence (like theft), call your local police. You may wish to make a police report.
- **Your local health unit:** Call the Health and Seniors Information Line at 1-800-465-4911 and ask to be connected to your local health unit or a mental health worker.



This information applies to British Columbia, Canada. Last reviewed for legal accuracy by People's Law School, 2013.

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Working in BC



This page is used in the Working in BC Lesson Module, a law-related ESL lesson for newcomers to Canada.

This section looks at laws that apply to the workplace in British Columbia.

Accepting a job

When you accept a job, you enter into a legal agreement with your employer. This is called your **employment contract**. Your employer agrees to pay you a wage and provide other benefits and entitlements in return for your work.

The employment contract will typically set out things like how much vacation you get, any paid sick days you can take, and the rules around overtime.

Your employment contract might take the form of a written agreement you sign. Or it could be expressed in other ways. For example, it could be made up in part by a letter or email you receive from your employer before you start working, and in part by terms in an office policy manual or staff handbook.

See the People's Law School website for more on the employment contract ^[1].

BC employment standards

In BC there's a law that protects the rights of workers. It's called the *Employment Standards Act* ^[2]. This law sets minimum standards for working conditions. It covers:

- certain aspects of hiring
- the minimum wage rate
- hours of work and overtime
- statutory holidays (and pay)
- certain leaves of absence (including maternity and parental leave)
- annual vacation (and pay)
- ending employment

We explain key parts of this law shortly.

The Employment Standards Branch ^[3] administers this law. This is a government office that helps workers and employers resolve problems. The Branch can be reached at 1-800-663-3316 (toll-free).

Most workers are protected by employment standards law

The *Employment Standards Act* applies to **employees**. The definition of who is an employee is very broad. It's intended to cover as many work relationships as possible.

But not everyone is covered by this law. The Act excludes some types of workers. For example, it doesn't cover those working in certain licensed professions (such as architects, veterinarians and lawyers). It doesn't cover babysitters or students working at their school or in work-study programs.

As well, **independent contractors** aren't covered. Unlike employees, independent contractors are hired by the employer to perform a service. They are in business for themselves.

Some workers are covered by parts of the Act but not all of it. For example, farm workers are protected by some but not all sections of the Act.

See the People's Law School website for more on who is covered by BC's employment standards law ^[4].

Minimum wage

Workers covered by BC's employment standards law are entitled to a **minimum wage**. This is the lowest amount of money an employer can pay a worker. As of June 1, 2019, the general minimum wage in BC is \$13.85 per hour. Special minimum wage rates apply for some jobs, such as liquor servers and farm workers who pick crops by hand. The rates change from time to time.

Both full-time and part-time workers have the right to minimum wage.

See the People's Law School website for more on the minimum wage in BC ^[5].

Hours of work

Workers covered by BC's employment standards law are entitled to overtime wages if they work more than eight hours per day or 40 hours per week. (There is one exception: if they agree to average their hours. This is explained below.)

If you agree, your employer may establish a "time bank" in which your overtime entitlement would be saved up and paid out at a later date.

See the People's Law School website for more information on hours of work and working overtime ^[6].

Averaging agreements

If you're covered by BC's employment standards law, you can enter into an **averaging agreement** with your employer. In effect, an averaging agreement allows your employer to compress your regularly scheduled work week into fewer, longer work days without paying the usual overtime.

To use a simple example: If you usually work 40 hours a week, on average, under a one-week averaging agreement, your employer could schedule you to work for 10 hours a day for the four busiest days of work. In this case, your 40-hour, five-day work week has been "averaged" to fit into four days of 10 hours each. No overtime is paid for the 10-hour days.

Averaging agreements can be complicated. See the People's Law School website for more on averaging agreements ^[6].

Overtime pay

If you are covered by BC's employment standards law, here's how the overtime rules work.

The amount of overtime pay you get depends on the number of extra hours you work. You must be paid overtime after eight hours of work in one day. Your employer must pay you one-and-a-half times your regular pay for each hour you work after eight hours. This is called **time-and-a-half**.

Your employer must pay you two times your regular pay for each hour you work after 12 hours. This is called **double-time**.

See the People's Law School website for more on overtime pay ^[6].

Minimum daily pay

If you're covered by BC's employment standards law and you come to work as your employer asks you to, you must be paid for at least two hours at your regular wage, even if you work less. If you have an averaging agreement and you agreed to work more than eight hours in a day, you must be paid for at least four hours, even if you work less.

If you come to work but you are unfit to work because, for example, you have been drinking or because you forgot your safety equipment, your employer does not need to pay you minimum daily pay.

See the People's Law School website for more on minimum daily pay ^[6].

Meal breaks

If you're covered by BC's employment standards law, your employer mustn't allow you to work more than five consecutive hours without a meal break. Each meal break must be at least half an hour long. An employer who requires an employee to work or be available for work during a meal break must count the meal break as time worked by the employee. Employers are not required to provide coffee breaks.

See the People's Law School website for more on meal breaks ^[6].

Statutory holidays

There are ten public holidays in BC. They are called **statutory holidays** because the *Employment Standards Act* says they are holidays. Statute is another name for a law made by the government. If you are covered by the Act, here's how the statutory holiday rules work.

Normally, on a statutory holiday you take the day off work but you still get paid. The statutory holidays in BC are:

- New Year's Day
- Family Day
- Good Friday
- Victoria Day
- Canada Day
- British Columbia Day
- Labour Day
- Thanksgiving Day
- Remembrance Day
- Christmas Day

Easter Sunday, Easter Monday, and Boxing Day are not statutory holidays, though many employers will offer employees a day off with pay on those dates.

To get paid for the statutory holiday, you must:

- have been employed for at least 30 calendar days, and
- have worked on at least 15 of the 30 days before the statutory holiday.

If you work under an averaging agreement any time in the 30 days before the statutory holiday, you automatically have the right to the statutory holiday.

There are different payment rules which apply if you are required to work on a statutory holiday. See the People's Law School website for more on your rights if you work on a statutory holiday ^[7].

Vacation

If you're covered by BC's employment standards law, here's how the rules around vacations work.

After your first 12 months of employment, employers have to give you at least two weeks paid vacation every year. If you have worked for the same employer for five years or more, your employer has to give you three weeks paid vacation every year. Usually you must take your vacation within 12 months of earning it. You may take it in periods of one or more weeks. Statutory holidays are in addition to annual vacation.

If you leave your job before you use up your vacation, your employer still has to pay you for that unused vacation time.

See the People's Law School website for more on your rights to taking a vacation ^[8].

Leave

Maternity leave

Under BC's employment standards law (for workers covered by this law), expectant mothers are entitled to 17 weeks off work, without pay, to have their baby. This is called **maternity leave**. It's also sometimes referred to as pregnancy leave.

Maternity leave can begin up to 13 weeks before the expected birth date. After the 17 weeks, the birth mother may be able to extend the leave for six more weeks for reasons related to the pregnancy.

An employer can't fire a worker because she is pregnant. And when she returns to work, she must get back her old job or a similar job for at least the same pay.

Workers who take maternity leave can apply for Employment Insurance benefits. Maternity benefits are paid at up to 55% of the worker's earnings (capped at a maximum amount per week) for up to 15 weeks.

See the People's Law School website for more on maternity leave ^[9]. The information also explains **parental leave**, where any parent covered by employment standards law is entitled to a period of unpaid leave from work when their child is born or adopted.

Family responsibility leave

A worker is entitled to up to five days of unpaid leave during each employment year to meet responsibilities related to the care, health or education of an immediate family member.

See the People's Law School website for more on family responsibility leave ^[10].

Bereavement leave

A worker is entitled to up to three days of unpaid leave on the death of a member of the worker's immediate family.

See the People's Law School website for more on bereavement leave ^[10].

Leaving or losing your job

The BC *Employment Standards Act* does not eliminate an employer's right to fire a worker.

Notice requirements

The Act says that workers who are fired are entitled to receive written notice or compensation based on length of service:

- after three consecutive months of employment — one week's pay,
- after 12 consecutive months of employment — two weeks' pay, and
- after three consecutive years — three weeks' pay, plus one week's pay for each additional year of employment to a maximum of eight weeks.

For example: Chui worked in a large store for four months. After Christmas, her employer said, "Today is your last day." She gave Chui one week's extra pay.

An employer is not required to pay compensation if a worker is given advance written notice of termination equal to the number of weeks for which the worker is eligible. This notice must be in writing.

You may be entitled to more than these minimum requirements, because the notice you get must be "reasonable." Whether you are entitled to the minimum or a larger amount will also depend on your employment contract.

See the People's Law School website for more on notice requirements ^[11].

Getting fired for "just cause"

Workers can lose their job without notice or compensation if they do something seriously wrong. This is called being fired for "just cause." Examples of when an employer might have just cause to fire a worker are if the worker is dishonest about something important, steals from the employer, or repeatedly breaches a clear workplace policy or rule.

See the People's Law School website for more on being fired for just cause ^[12].

Getting laid off

Sometimes an employer does not have enough work for their workers or does not have money to pay the bills. The employer might lay off the workers for a few weeks.

A **layoff** is usually temporary. The employer doesn't have to tell you ahead of time. If the layoff lasts longer than 13 weeks in a 20-week period, it means your employment has ended.

If the layoff is permanent and your employment has ended, the employer must give you compensation.

See the People's Law School website for more on getting temporarily laid off ^[13].

Quitting your job

Workers can quit a job any time. It is usual to give your employer notice that you are quitting. Two weeks of notice is considered customary but is not required by the *Employment Standards Act*.

If you can, giving plenty of notice that you are quitting is a good idea, especially if you want your employer to give a good report about you when you apply for another job. This is called giving a “reference.”

It is important to note that if you quit your job, or if you are fired for misconduct, you will usually not be eligible to receive Employment Insurance (EI) benefits.

See the People’s Law School website for more on your responsibilities to your employer ^[14].

Getting hurt on the job

Sometimes workers get hurt on the job. Workers' compensation is a program run by WorkSafeBC. This program helps workers who are injured or get sick because of their work.

WorkSafeBC makes safety rules and sends inspectors to most workplaces to check if they are safe. Employers pay for this protection. There is no cost to workers.

Workers who can't work because of an accident at work or illness may get money from the workers' compensation program. If a worker dies at work, the family may get compensation. The WorkSafeBC website is at worksafebc.com ^[15].

Employment Insurance (EI)

Employment Insurance (EI) is a federal government insurance program that all workers and employers pay into. It is often known just by its initials: EI.

EI is meant to help workers when they lose their jobs, or need time off work.

You have to work a certain number of weeks before you can apply for benefits.

There are several types of Employment Insurance benefits:

- **Regular benefits** are for people who lose their jobs through no fault of their own.
- **Maternity and parental benefits** are for those who are pregnant, have recently given birth, are adopting a child, or are caring for a newborn.
- **Sickness benefits** are for people who cannot work because of sickness or injury.
- **Caregiving benefits** are for people who have to provide care or support to a family member who is critically ill or injured or requires end-of-life care.

To apply for EI benefits, you need to fill out an application for EI at a Service Canada Centre ^[16] or online at canada.ca/ei ^[17].

Call your local Service Canada Centre to find out if you need to make an appointment. You can reach Service Canada at 1-800-622-6232 (toll-free). They might ask you for your postal code to find out which office you should go to.

When you go, you should take:

- your Social Insurance Card and proof of your immigration status,
- a second piece of identification, with your photo if possible, like your passport or driver's licence, and
- your Record of Employment (ROE), if you have it, from every place you worked in the last 12 months.

If you do not speak English or French, take someone who can translate for you.

Note: If you want to get regular EI benefits, be sure to apply as soon as you lose your job. Apply even if you do not yet have your Record of Employment (ROE). If you delay applying for benefits for more than four weeks after your last day of work, you may lose benefits.

If you lost your job because you quit or got fired, it will be difficult to get EI benefits. Check with your EI office for the number of weeks you need to have worked in your area.

See the People's Law School website for more on Employment Insurance benefits ^[18].

Discrimination in employment

In Canada, there are laws to protect workers from discrimination. For example, an employer is expected to hire workers on the basis of skills, experience and education needed for the job.

It is discrimination if an employer doesn't give you a job because of your gender, age, race, religion, birthplace, sexual orientation (gay, bisexual, or straight), marital or family status (single, married, or living common-law), mental or physical disability, or because you have a criminal record for an offence that is unrelated to the job you are applying for.

There are also laws to protect you against discrimination while you are on the job.

See the People's Law School website for more on your right to be protected from discrimination at work ^[19].

British Columbia human rights code

The *BC Human Rights Code* ^[20] applies to all businesses, agencies, and services in BC. The Code protects people from discrimination in many areas of daily life, including discrimination in the workplace.

To make a complaint under the Code about discrimination in the workplace, the following must usually be true:

- you have been singled out and treated differently and poorly, compared to others, and
- you are being treated differently and poorly because of a personal characteristic, such as your race, colour, religious belief, gender, mental or physical disability, or sexual orientation.

For information about the *Human Rights Code*, you can contact the BC Human Rights Clinic at 1-855-685-6222 (toll-free). Or, you can visit their website at bhrc.net ^[21].

Where do you file a complaint?

The BC Human Rights Tribunal is where you can make a complaint that someone has discriminated against you under the Code. The tribunal's job is to resolve human rights complaints in a way that is fair to the person who made the complaint and the person whom the complaint is against.

You can contact the Tribunal at 1-888-440-8844 (toll-free) or visit their website at bchrt.bc.ca ^[22].

How do you file a complaint?

To file a complaint you need to get a complaint form, fill it out, and file it with the tribunal within one year of the incident. These materials are available online at bchrt.bc.ca ^[22].

See the People's Law School website for step-by-step guidance on how to file a human rights complaint ^[19].

Belonging to a union

A **union** is a group of workers who join together to negotiate wages and working conditions with the employer. Everyone has the right to form a union if most of the workers want a union. Unions are for the protection of workers.

Your union and your employer will talk together. They will decide about pay, vacation time, sick pay, and other benefits. This is called collective bargaining. They will write a contract. This is called a **collective agreement**.

The collective agreement sets out your rights and working conditions. If you have a problem with your employer, talk to the union. The union will meet with the employer to discuss the concerns.

There are some rules for unions. The rules say what unions can and can't do. In BC, this law is called the *Labour Relations Code* ^[23].

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Renting a Home



This page is used in the Renting a Home Lesson Module, a law-related ESL lesson for newcomers to Canada.

In every province in Canada, there are laws about renting. You must follow these laws if you are a *landlord* or *tenant*. Every province also has laws about buying and owning a home. In this section, you will learn about these laws in British Columbia.

Landlords and tenants

When you rent a home or an apartment, you are a tenant, also referred to as a renter. If you own a home or apartment and you rent it to someone else, you are a landlord.

There is a department of the provincial government that is responsible for making sure landlords and tenants follow these laws. It is called the *Residential Tenancy Branch*.

Find out what the law says

Before you rent a place, find out what the law says. There are more rules contained in laws called *Regulations*.

The main law that gives the rules for landlords and tenants is called the *Residential Tenancy Act*. The Residential Tenancy Branch and Tenant Resource & Advisory Centre can provide you with important, free information.

Residential Tenancy Branch

Vancouver: 604-660-1020

Victoria: 250-387-1602

Toll-free: 1-800-665-8779

www.rto.gov.bc.ca ^[1]

Tenant Resource & Advisory Centre (TRAC)

Vancouver: 604-255-0546

Toll-free: 1-800-665-1185

www.tenants.bc.ca ^[2]



Looking for a place to rent?

If you are renting for the first time, or if you are new to BC, it is important to ask the landlord what is included in the rent — for example, heat, hot water, cable service, and laundry machines for your use. If you have any doubts or questions, call the Residential Tenancy Branch or the Tenant Resource & Advisory Centre (TRAC).

When you look at a place to rent, the landlord will tell you how much the rent is. If you apply to rent the place, the landlord cannot charge you money to take your application. Doing this is illegal.

Making an agreement to rent

When a tenant finds a suitable house or apartment to rent, the tenant and the landlord make a contract. A contract is a legal agreement. A contract between a landlord and tenant is called a *tenancy agreement*.

A tenancy agreement must follow the rules about renting in the *Residential Tenancy Act* and Regulations.

The Residential Tenancy Branch has a tenancy agreement form that you and your landlord can use. The form is called Residential Tenancy Agreement. It is available from their website ^[3].

A tenant and a landlord can sign a month-to-month agreement or a fixed term agreement, also known as a *lease*. If you sign a lease, you can't move out until your lease is finished without paying extra money.

For example: if you sign a one year lease, you have to stay until the end of the one year. If you decide to move out before the end of the lease, you may have to pay your landlord some extra money to cover the difference between what you agreed to in writing and what you now want to change.

A tenancy agreement must be in writing. The tenant and the landlord sign it and date it. The landlord must give the tenant a copy of the tenancy agreement within 21 days. The agreement will say how much the rent is and when you must pay it. The agreement should also include what the law says about such things as *security deposits*, *rent increases*, and repairs.

You should read the agreement before you sign it. Get someone to help if you need to.

Move-in and move-out

A tenant and a landlord do an inspection together when a tenant moves in and when a tenant moves out. They check to see that everything is working. Make sure you get a copy of this inspection from the landlord.

Before you move in or move out, call the Residential Tenancy Branch or the Tenant Resource & Advisory Centre for information about the rules for the inspection. The phone numbers are in the section called Find Out More.

Rent and security deposit

Paying rent

When you rent a house or apartment, you usually pay rent to the landlord once a month. Make sure you have proof that you paid the rent, such as a witness, a receipt from the landlord, or a cancelled cheque from your bank or credit union. Keep this proof in case there is a dispute about it later.

If your landlord wants to increase your rent, he or she must follow the rules. For example, the landlord cannot increase the rent if you have not been in the place for at least 12 months.

Landlords must give tenants three months' notice if they increase the rent. This means the landlord must tell you in writing three months before you start to pay the higher rent. The month you receive the notice doesn't count, even if you receive notice on the first of the month.

The landlord must use a special form called Notice of Rent Increase ^[4].

The landlord can only increase the rent once a year. In most cases, the landlord can only increase the rent according to a percentage set by the government. This percentage may change from year to year. In 2013, this percentage is 4.3%.

Check with the Residential Tenancy Branch or the Tenant Resource & Advisory Centre to see if this percentage has changed. Their phone numbers are in the section called Find Out More.

Paying a security deposit

When tenants move into a place, they usually must pay the landlord some extra money that they may get back when they move out. This is called a security deposit. It is to pay for any damage the tenant might do. It can't be more than one-half of one month's rent money. It is very important for the tenant to keep the receipt for the security deposit.

Getting your money back

When the tenant moves out, the tenant should give the landlord an address in writing saying where to send the security deposit. Once the tenant has given the landlord this address, the landlord must return the security deposit with interest within 15 days or ask the Residential Tenancy Branch for permission to keep some or all of it.

If the tenant damaged the place, the landlord can use some of the security deposit money for repairs. However, the tenant must agree to this in writing.

The landlord cannot keep the security deposit or part of it unless the tenant agrees in writing to pay for damages or unpaid rent. If the tenant does not agree in writing, the landlord must contact the Residential Tenancy Branch for permission to keep some of the security deposit money. For more information, contact the Residential Tenancy Branch.

Repairs

Making repairs

The landlord must put up a sign or tell the tenant in writing who to call if there is an emergency. If you have problems with the electricity, or the toilet doesn't work, or there is no hot water, for example, the landlord must fix it. The law says a landlord must make such repairs.

Ask your landlord to make the repairs. It is a good idea to do this in writing and keep a copy of the letter.

If the landlord doesn't make the repairs, phone the Residential Tenancy Branch or the Tenant Resource & Advisory Centre. Their phone numbers are in the section called Find Out More.



Asking for help with repairs

Some towns and cities have rules about keeping rental suites safe and healthy. You can phone your local city hall or town council and ask them about these rules.

You can use the Blue Pages of your phone book. Look under "Health," "Fire" or "Building Inspections." Or you can do a search for your local government on the Internet.

If you live in Vancouver, the phone number for the City of Vancouver Property Use Inspector is 604-873-7398.

When you call, ask if they will send an *inspector*. An inspector can check your place and order the landlord to do the repairs.

For example: Susan Johnson lived in an apartment. The pipe from the toilet had water coming out, and the landlord didn't fix it after Susan asked him to. Susan phoned city hall and told the people there about the problem.

An inspector came to Susan's apartment and looked at the problem. This inspection was free. The inspector told the landlord to fix the pipe right away. If an inspector tells a landlord to do something, he or she must do it.

Another place to get help is at the Residential Tenancy Branch. You can apply for a *dispute resolution* hearing for repairs.

Resolving disputes

Residential tenancy dispute resolution

If you have a problem with your landlord, you may be able to resolve the matter by talking to him or her. If you cannot work it out on your own you can access dispute resolution services through the Residential Tenancy Branch. A dispute resolution hearing is a bit like a court. You ask a Dispute Resolution Officer (DRO) to make a decision based on the law. You would need to have evidence in support of your argument.

A dispute resolution hearing can be held on the phone or in person. The DRO makes a decision. You and the landlord must obey the decision.

To find out more about dispute resolution, see the *Tenant Survival Guide*, a free publication of the Tenant Resource & Advisory Centre (TRAC), available online and in print. Contact details are in the Find Out More section.

Paying for damage

When a tenant or tenant's visitors damage a rented house or apartment, the tenant should tell the landlord right away. The tenant must pay for the repair. The landlord doesn't have to pay for it.

For example: Bill Lee is a tenant living in a suite in an older house. One evening he had a party. One of his friends accidentally broke the big front window. In the morning, Bill called the landlord and explained what happened. The landlord called a company to replace the window and Bill paid for the new window. It cost \$200.

Letting the landlord in

Landlords can ask to see the rented house or apartment. They may want to come once a month. Landlords must give a letter to the tenant 24 hours before they come. The letter must say what time between 8 a.m. and 9 p.m. the landlord will come and why he or she is coming.

Sometimes there is an emergency. For example, you may have a fire or a broken water pipe. Then the landlord can come in without permission.

Eviction information

For landlords

A landlord can sometimes make a tenant move out. This is called eviction.

If you are a landlord, and you need to evict a tenant, you must:

- Give notice in writing to tell the tenant to move out. You can get a form at the Residential Tenancy Branch or your local Service BC Centre. The notice must contain reasons for eviction and explain to the tenant his or her right to dispute the eviction.
- Give the notice to the tenant yourself or send it by registered mail. Landlords are not supposed to just put the letter under the door.

Give the tenant proper notice. The law says how much time you have to give tenants before they must move out.

For tenants

If a landlord wants you to move out, the law says he or she must follow the rules and put the notice in writing. The landlord cannot just tell you to leave. If you are a tenant and you get an eviction notice, read it very carefully. You may disagree with the reason the landlord is evicting you. For example, you don't think you're too noisy, or you don't have too many people living in your place.

You may want to try to stop the eviction. You can *appeal*, which means you ask an official to decide. The eviction form says how much time you have to do that. *Never ignore an eviction notice.* You should ask for help or advice. See the Find Out More section.

How much notice must a landlord give?

The landlord must give:

- **Immediate notice** when the tenant is doing something that is likely to be dangerous to others. The landlord can apply to the Residential Tenancy Branch for something called an order of possession.
- **10 days notice** when the tenant didn't pay the rent.
- **One month notice** when the tenant is too noisy or has too many people living in the place.
- **Two months notice** when the landlord is going to renovate the apartment, or tear it down, convert it to something else, or live in it. If you get a two-month eviction, check with the Residential Tenancy Branch or the Tenant Resource & Advisory Centre about compensation.

Moving out

When you want to move out of a house or apartment that you are renting, the law requires that you tell your landlord in writing. This is called *giving notice*. You have to write your address and the date you will move out and sign your name.

If you are in a *month-to-month* tenancy, you must give it to the landlord at least one month

before you will move out. The first day of the month before you plan to move out is too late.

If you signed a *fixed-term agreement* or lease, you are not allowed to end your tenancy early. If you do, you may have to pay extra money to the landlord for breaking the tenancy agreement.

For example: Raj Gill has a month-to-month agreement and has decided to move. He plans to move out of his apartment on December 31. He will give his notice to his landlord on November 30 at the latest. Giving notice December 1 is too late. If he is late, Raj has to pay an extra month's rent.

It's best to give the notice to the landlord or the building manager yourself. You may want to ask someone to go with you in case the landlord denies receiving the notice. Keep a copy of the notice.

If you mail the notice via registered mail, make sure you keep the receipt and a copy of the notice. Remember that if the landlord denies you gave proper notice, you will need evidence to prove that you did.

Discrimination in renting

Sometimes a house or apartment is for rent. The landlord can't refuse to rent to people because of their gender, age, race, religion, birthplace, sexual orientation (gay, bisexual, or straight), marital or family status (single, married, or living common-law), or mental or physical disability.

Unless the building is reserved for people over 55 years old, a landlord can't refuse to rent to people because they have children. The landlord also can't refuse to rent to you because you are on welfare. BC law says this is discrimination.

A landlord can't charge a different price or make different rules for tenants of a different race, skin colour, religion, sex, and so on. This is the law. You can complain to the BC Human Rights Tribunal if you think a landlord has discriminated against you.

BC Human Rights Tribunal

Vancouver: 604-775-2000

Toll-free: 1-888-440-8844

www.bchrt.bc.ca ^[5]

For information about the *Human Rights Code* and how to file a human rights complaint, you can contact the BC Human Rights Clinic operated by the Community Legal Assistance Society:

BC Human Rights Clinic

300 - 1140 West Pender Street

Vancouver BC V6E 4G1

www.bchrc.net ^[6]



Buying a home

If you want to buy a home, you need to know how much you can afford. Home expenses include the purchase price, legal fees, property taxes, insurance, maintenance, heating costs and others expenses such as repairs.

It is a good idea to talk to your banker, credit union or mortgage broker to find out how much you can afford to pay for a home.

Most people cannot afford to pay for the entire cost of a home. A lender may lend you money to purchase it. Borrowed money for a home is called a mortgage.

The lender will also expect you to use some of your own money and make a down payment on the home you buy. Sometimes a lender will give you a pre-approved mortgage. This is a mortgage amount at an interest rate they guarantee for a period of time, often for 90 days.

You make a regular payment, most often monthly, to pay down your mortgage. Your monthly payment includes the interest that the bank charges for you to borrow their money.



What's involved in buying a home

Most homes in Canada are sold through real estate agents, also called realtors. A real estate agent can assist you through the purchase process including: negotiating the price, providing you with information on the community you want to live in and sharing information about the housing market in general.

The cost associated with working with an agent is usually covered by the seller of the home. It is a good idea to meet with a realtor before you decide if you would like to work with them.

When you find the property you want to purchase, a real estate agent will write an offer, called a Contract of Purchase and Sale. The agent will present your offer to the seller.

Once you and the seller have agreed on a price, the agent will prepare the necessary documents to complete the purchase. Your agent will take care of sending the documents to the bank in order to arrange for the mortgage that you had been pre-approved for.

It is a good idea to have the home inspected before you buy it. This may help you avoid big or small surprises such as a broken frame or mold in the walls. A realtor can help you find a home inspector. You can also find information about home inspectors online or in your local phone book. The buyer pays for the cost of the inspection.


You will need a lawyer or notary public to prepare the documents that transfer legal ownership from the seller to you. Your real estate agent may be able to suggest a lawyer or notary public for you to choose from. Lawyers and notaries can also be found online or in your local phone book.

Owning a home: bylaws

When you own your home, you must still obey the city laws. These are called bylaws. They deal with safety and health issues and allowable uses of the property.

They cover everything from rules about building a house to rules about making noise and maintaining fences. To find out more, read *Buying a Home in British Columbia*, available online at www.hpo.bc.ca ^[7].

This information applies to British Columbia, Canada. Last reviewed for legal accuracy by People's Law School, 2013.

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References

- [1] <http://www.rto.gov.bc.ca>
- [2] <http://www.tenants.bc.ca>
- [3] <http://www.rto.gov.bc.ca/documents/RTB-1.pdf>
- [4] <http://www.rto.gov.bc.ca/documents/RTB-7.pdf>
- [5] <http://www.bchrt.bc.ca>
- [6] <http://www.bchrc.net/>
- [7] <http://www.hpo.bc.ca/files/download/Bulletins/BuyingANewHome.pdf>

Resources

Find Out More in Learning about the Law

Fundamentals of law and criminal and civil law

Canadian Bar Association	"Our Court System and Solving Disputes" offers information describing our court system and ways to resolve legal disputes without going to court.	www.cbabc.org/For-the-Public/Dial-A-Law ^[1]
Clicklaw	A website with legal information and education from across BC. The resources available through Clicklaw are designed to be used by the public.	www.clicklaw.bc.ca ^[2]
Dial-A-Law	Has brief legal information on over 130 topics, available in English, Chinese and Punjabi. Dial-A-Law is a free service of the Canadian Bar Association, British Columbia branch. You can listen on the telephone or online. You can also read the information online.	Phone: 604-687-4680 Phone toll-free: 1-800-565-5297 www.dialalaw.org ^[3]
Family Law in BC	Family Law in BC is a website that provides information and resources on a wide range of family law issues. It is produced by the Legal Services Society.	www.familylaw.lss.bc.ca ^[4]
ImmigrantLegal.ca	ImmigrantLegal.ca provides free legal information and education on legal topics for newcomers to Canada and the people working with them. The website is a project of the Immigrant Public Legal Education and Information Consortium. It is managed by the Justice Education Society	www.immigrantlegal.ca ^[5]
JusticeBC	This is the website of the BC Ministry of Justice, which is responsible for managing the justice system in BC. The website provides information on a wide range of legal topics and describes the government services available to help you.	www.justicebc.ca ^[6]

<p>Justice Education Society</p>	<p>The Court Information Program for Immigrants provides free legal information to new immigrants and refugees. All content on the website is available in English, Chinese, Vietnamese, and Hindi.</p> <p><i>Your Human Rights in BC</i> is a series of five videos – available in English, Mandarin and Punjabi – which teaches immigrants about human rights in BC and Canada. Discrimination occurs when someone treats you differently based on your personal characteristics.</p> <p>Courts of BC is a website that uses information and videos to describe the structure and function of BC's courts: Provincial Court, Supreme Court and Court of Appeal.</p> <p>Administrative Law BC - Early Resolution is a website that explains what tribunals are and how they work.</p>	<p>www.justiceeducation.ca/programs/court-information-program-immigrants [7]</p> <p>www.justiceeducation.ca/resources/human-rights-in-bc [8]</p> <p>www.courtsofbc.ca [9]</p> <p>www.adminlawbc.ca [10]</p>
<p>Lawyer Referral Service</p>	<p>This service can help you find a lawyer who will meet with you for 30 minutes for \$25.</p>	<p>Phone: 604-687-3221</p> <p>Phone toll-free: 1-800-663-1919</p> <p>cbabc.org/For-the-Public/Lawyer-Referral-Service [11]</p>
<p>Legal Services Society of BC</p>	<p>You may be able to get free legal help (legal aid) if:</p> <ul style="list-style-type: none"> • your legal problem is covered by legal aid rules, • your income and the value of your property are below a certain limit, and • you have no other way of getting legal help. <p>The Legal Services Society also has free booklets on legal topics in English and many other languages.</p>	<p>Phone: 604-408-2172</p> <p>Phone toll-free: 1-866-577-2525</p> <p>www.lss.bc.ca [12]</p>
<p>MOSAIC</p>	<p>Offers programs and services to help immigrants and refugees in their settlement and integration into Canadian society.</p> <p>The MultiLingoLegal.ca website features many legal publications in nine languages.</p> <p>MultiLingoLegal is operated by MOSAIC - a settlement and integration organization for immigrants and refugees in BC.</p> <p>The Multilingual Legal Glossary is an online dictionary that allows you to search for the meaning of legal words. It provides the meaning of the word in English, and translates it into Chinese (Simplified and Traditional), Farsi, Korean, Punjabi, Russian, Spanish, or Vietnamese.</p>	<p>Phone: 604-254-9626</p> <p>www.mosaicbc.com [13]</p> <p>www.multilingolegal.ca [14]</p> <p>www.legalglossary.ca/dictionary [15]</p>
<p>People's Law School</p>	<p>The People's Law School provides people in BC with free public legal education and information. Visit our website or call us to find out how to access the education and information needed to exercise your legal rights and responsibilities.</p>	<p>Phone: 604-331-5400</p> <p>www.publiclegaled.bc.ca [16]</p>

Pro Bono Legal Services	In these programs, lawyers volunteer to provide free legal advice to those who can't afford a lawyer or can't get legal aid. A good place to start is with the Access Pro Bono Society of BC, which has legal advice clinics across BC.	Phone: 604-878-7400 Phone toll-free: 1-877-762-6664 www.accessprobono.ca ^[17]
Victimsinfo.ca	A website for victims and witnesses of crime in BC. The website gives people the information they need to deal with the consequences of crime.	www.victimsinfo.ca ^[18]

Family law

Clicklaw	A website with legal information and education from across BC. The resources available through Clicklaw are designed to be used by the public. Start on the homepage (Solve Problems) and explore by topic. Select "Family law." You can use the Clicklaw HelpMap to find someone who can help with legal problems.	www.clicklaw.bc.ca ^[2] www.clicklaw.bc.ca/helpmap ^[19]
Family Law in British Columbia	The Family Law in British Columbia website has important information about family matters including: child protection, child support, common-law relationships, divorce and separation, and family violence. Information is available in 12 languages. The website is produced by the Legal Services Society. The Legal Services Society has free print and online booklets on family law topics in English and many other languages, including: <i>Living Together or Living Apart: Common-Law Relationships, Marriage, Separation, and Divorce</i> is a booklet explaining the basics of family law in BC. It includes information about living common-law or being married, getting separated or divorced, and where to find help. The booklet is available in eight languages. <i>Parents' Rights, Kids' Rights: A Parent's Guide to Child Protection Law in BC</i> is a booklet explaining what happens if the Ministry of Children & Family Development has concerns about a child's safety. <i>For Your Protection</i> is written for people who need protection from violent partners or ex-partners, but the information applies to anyone in an abusive relationship. "If Your Child is Taken" is a fact sheet explaining the steps that parents or guardians can take if the director of Children and Family Development removes their child or is planning to remove their child from the home. It describes what the law says, what parents can do, and what happens in court.	www.familylaw.lss.bc.ca ^[20] www.familylaw.lss.bc.ca/resources/publications ^[21]
ImmigrantLegal.ca	This website provides free legal information and education on legal topics for newcomers to Canada and the people working with them. The website is a project of the Immigrant Public Legal Education and Information Consortium. It is managed by the Justice Education Society. On the homepage of the site, select "Family Law."	www.immigrantlegal.ca ^[5]
JP Boyd on Family Law	This resource, available online and in print, offers information about family law and the court process in British Columbia. It's written in language that is easy to understand, and it has definitions for legal words and phrases.	wiki.clicklaw.bc.ca/index.php/jpboyd ^[22]
JusticeBC	The Ministry of Justice manages BC's justice system. This website has information to help parents who are separating. It includes how parents can reach an agreement, what government services are available, and where parents can find programs to help them and their children cope.	www.justicebc.ca ^[6] or www.justicebc.ca/en/fam ^[23]

<p>Justice Education Society</p>	<p>On the homepage, select the quick link to "Family Law." Court Information Program for Immigrants provides free legal information to new immigrants and refugees. All content on the website is available in English, Chinese, Vietnamese, Punjabi, and Hindi. Families Change: Guide to Separation & Divorce is a multimedia website that provides information on separation and divorce for children, teens, and parents. KidsBC.ca: Explore Changeville is a multimedia website that aims to help children cope with the changes in their lives when parents separate or divorce.</p>	<p>www.justiceeducation.ca ^[24] www.courtinformation.ca ^[25] www.familieschange.ca ^[26] www.kidsbc.ca ^[27]</p>
<p>Lawyer Referral Service</p>	<p>This service can help you find a lawyer who will meet with you for 30 minutes for \$25.</p>	<p>Phone: 604-687-3221 1-800-663-1919 www.cba.org/bc ^[28]</p>
<p>Legal Services Society of BC</p>	<p>You may be able to get free legal help (legal aid) if you have a serious family law problem and:</p> <ul style="list-style-type: none"> • your legal problem is covered by legal aid rules, • your income and the value of your property are below a certain limit, and • you have no other way of getting legal help. 	<p>www.legalaid.bc.ca ^[29]</p>
<p>Mediate BC Society</p>	<p>Mediate BC's Family Mediation Services can put you in touch with a mediator who can help you and your spouse work together to find a solution to legal problems and help you make an agreement.</p>	<p>Phone: 1-604-684-1300 local 23 1-855-660-8406 www.mediatebc.com ^[30]</p>
<p>Parenting After Separation</p>	<p>Parenting After Separation is a free three-hour workshop that helps parents make decisions about their separation that focus on the best interests of their children.</p>	<p>www.justicebc.ca/en/fam ^[23]</p>
<p>People's Law School</p>	<p>The People's Law School offers free public legal education and information to the people of British Columbia. Free booklets are available online and in print. They include: <i>Caring for Children</i> outlines parents' responsibilities and children's rights, and where to get help. <i>Child Support in BC</i> booklet offers general information for parents about child support in BC. <i>Talking about Abuse</i> is a video series that can help non-English speakers understand how Canadian law defines family violence. It includes information on where people in BC can get help in their own language. You can order resources online.</p>	<p>Phone: 604-331-5400 www.publiclegaled.bc.ca ^[31]</p>
<p>Pro Bono Legal Services</p>	<p>In these programs, lawyers volunteer to provide free legal advice to those who can't afford a lawyer or can't get legal aid. If you have a family law problem, you can contact Access Pro Bono Society of BC. It has legal advice clinics across BC.</p>	<p>Phone: 604-878-7400 1-877-762-6664 www.accessprobono.ca ^[17]</p>
<p>VictimLink</p>	<p>VictimLink can put you in touch with services that will help victims of violence.</p>	<p>1-800-563-0808 www.victimlinkbc.ca ^[32]</p>

Young people and the law

Child Abuse Prevention	This website from the BC Ministry of Children and Family Development has two sections: Preventing Child Abuse in Your Community, and Just for Teens.	www.safekidsbc.ca [33]
Clicklaw	A website with legal information and education from across BC. Clicklaw is operated by Courthouse Libraries BC. Start on the homepage (Solve Problems) and explore by topic. Select "Children & teens." You can use the Clicklaw HelpMap to find someone who can help with legal problems.	www.clicklaw.bc.ca [2] www.clicklaw.bc.ca/helpmap [19]
Dial-A-Law	Has brief legal information on over 130 topics, available in English, Chinese and Punjabi. Dial-A-Law is a free service of the Canadian Bar Association, British Columbia branch. You can listen on the telephone or online. You can also read the information online. Scripts include "Children's Rights" and "Young People and Criminal Law."	Phone: 604-687-4680 1-800-565-5297 www.dialalaw.org [3]
JusticeBC	This is the website of the BC Ministry of Justice, which is responsible for managing the justice system in BC. The website provides information on a wide range of legal topics and describes the government services available to help you. Select "Criminal Justice System" for information about young offenders.	www.justicebc.ca [6] or www.justicebc.ca/en/fam [23]
Justice Education Society	Gang Prevention is a website that aims to prevent youth involvement in gang activity. It provides information and resources to parents and youth. On the website, select "Youth, Families & Community." Legal Rights for Youth is a website for youth. It describes the legal rights for youth living in British Columbia.	www.gangprevention.ca [34] www.legalrightsforyouth.ca [35]
Lawyer Referral Service	This service can help you find a lawyer who will meet with you for 30 minutes for \$25.	Phone: 604-687-3221
People's Law School	The People's Law School offers free public legal education and information to the people of British Columbia. Free booklets are available online and in print. They include <i>Consequences of a Youth Record</i> , a free booklet that explains what a youth record is, how long it remains, and what a record means for the youth. You can order booklets online.	Phone: 604-331-5400 www.publiclegaled.bc.ca [31]
Pro Bono Legal Services	In these programs, lawyers volunteer to provide free legal advice to those who can't afford a lawyer or can't get legal aid. If you have a family law problem, you can contact Access Pro Bono Society of BC. It has legal advice clinics across BC.	Phone: 604-878-7400 1-877-762-6664 www.accessprobono.ca [17]

Elder law

BC Association of Community Response Networks (BCCRN)	Provides information and help to anyone who is being abused or neglected, or is supporting someone who is.	www.bccrn.ca [36]
BC Centre for Elder Advocacy and Support (BCCEAS)	BCCEAS provides information about benefits and programs for seniors, financial and legal planning, elder abuse and where to go for help, and how to protect yourself against theft and fraud.	Phone: 604-437-1940 1-866-437-1940 Call between 9am and 1pm Monday-Friday www.bcceas.ca [37]
Clicklaw	A website that will take you to legal information and education from across BC. Clicklaw is operated by Courthouse Libraries BC. Start on the homepage (Solve Problems) and explore by topic. Select "Seniors." You can use the Clicklaw HelpMap to find someone who can help with legal problems.	www.clicklaw.bc.ca [2] www.clicklaw.bc.ca/helpmap [19]

Dial-A-Law	Has brief legal information on over 130 topics, available in English, Chinese and Punjabi. Dial-A-Law is a free service of the Canadian Bar Association, British Columbia branch. You can listen on the telephone or online. You can also read the information online. Includes a script on "Elder Law, Elder Abuse and Seniors' Rights."	Phone: 604-687-4680 1-800-565-5297 www.dialalaw.org [3]
Justice Education Society	The Justice Education Society creates programs and resources that improve access to British Columbia's justice system. They include <i>Your Human Rights in BC</i> , a series of five videos for immigrants about human rights in BC and Canada. The videos are available in English, Mandarin and Punjabi.	www.justiceeducation.ca [24] www.justiceeducation.ca/resources/human-rights-in-bc [8]
Lawyer Referral Service	This service can help you find a lawyer who will meet with you for 30 minutes for \$25.	Phone: 604-687-3221 Phone toll-free: 1-800-663-1919 cbabc.org/For-the-Public/Lawyer-Referral-Service [11]
Nidus Personal Planning Resource Centre and Registry	Nidus provides information to British Columbians about personal planning, including information on making a representation agreement or enduring power of attorney. At the homepage, select "Information" and "Self-Help."	www.nidus.ca [38]
People's Law School	People's Law School offers free public legal education and information to British Columbians. Free booklets are available online and in print. They include <i>When I'm 64</i> , a series of three booklets with information about benefits and services available to seniors and about planning for your future. You can order booklets online.	www.publiclegaled.bc.ca [16]
Pro Bono Legal Services	In these programs, lawyers volunteer to provide free legal advice to those who can't afford a lawyer or can't get legal aid. If you have a family law problem, you can contact Access Pro Bono Society of BC. It has legal advice clinics across BC.	Phone: 604-878-7400 1-877-762-6664 www.accessprobono.ca [17]
Public Guardian and Trustee	The office of the Public Guardian and Trustee provides services to adults who need help managing their affairs.	Phone: 604-775-1007 www.trustee.bc.ca/services/adult/index.html [39]
VictimLink	VictimLink can put you in touch with counselling and helping services, and people who may be able to help you find a safe place to stay.	1-800-563-0808 www.victimlinkbc.ca [40]

Working in BC

BC Human Rights Clinic	Operated by the Community Legal Assistance Society, the BC Human Rights Clinic provides assistance and representation to those who need help dealing with a provincial human rights complaint.	Phone: 604-622-1100 Phone toll-free: 1-855-685-6222 www.bchrc.net [41]
Clicklaw	A website that will take you to legal information and education from across BC. Clicklaw is operated by Courthouse Libraries BC. Start on the homepage (Solve Problems) and explore by topic. Select "Employment." You can use the Clicklaw HelpMap to find someone who can help with legal problems.	www.clicklaw.bc.ca [2] www.clicklaw.bc.ca/helpmap [19]
Dial-A-Law	Has brief legal information on over 130 topics, available in English, Chinese and Punjabi. Dial-A-Law is a free service of the Canadian Bar Association, British Columbia branch. You can listen on the telephone or online. You can also read the information online. Scripts include "Protection Against Job Discrimination" and "Applying for Employment Insurance Benefits."	Phone: 604-687-4680 Phone toll-free: 1-800-565-5297 www.dialalaw.org [3]

ImmigrantLegal.ca	ImmigrantLegal.ca provides free legal information and education on legal topics for newcomers to Canada and the people working with them. The website is a project of the Immigrant Public Legal Education and Information Consortium. It is managed by the Justice Education Society. On the homepage of the site, select "Employment."	www.immigrantlegal.ca ^[5]
Justice Education Society	Administrative Law BC - Early Resolution is a website that explains what tribunals are and how they work. <i>Your Human Rights in BC</i> is a series of five videos for immigrants about human rights in BC and Canada. The videos are available in English, Mandarin and Punjabi.	www.adminlawbc.ca/early-resolution ^[42] www.justiceeducation.ca/resources/human-rights-in-bc ^[8]
Lawyer Referral Service	This service can help you find a lawyer who will meet with you for 30 minutes for \$25.	Phone: 604-687-3221 Phone toll-free: 1-800-663-1919 cbabc.org/For-the-Public/Lawyer-Referral-Service ^[11]
MOSAIC	Offers programs and services to help immigrants and refugees in their settlement and integration into Canadian society. The MultiLingoLegal.ca website features many legal publications in nine languages. MultiLingoLegal is operated by MOSAIC - a settlement and integration organization for immigrants and refugees in BC. The Multilingual Legal Glossary is an online dictionary that allows you to search for the meaning of legal words. It provides the meaning of the word in English, and translates it into Chinese (Simplified and Traditional), Farsi, Korean, Punjabi, Russian, Spanish, or Vietnamese.	Phone: 604-254-9626 www.mosaicbc.com ^[13] www.multilingolegal.ca ^[14] www.legalglossary.ca/dictionary ^[15]
People's Law School	The People's Law School provides people in BC with free public legal education and information. Visit our website or call us to find out how to access the education and information needed to exercise your legal rights and responsibilities. Booklets are free and are available online and in print.	Phone: 604-331-5400 www.publiclegaled.bc.ca ^[16]
Pro Bono Legal Services	In these programs, lawyers volunteer to provide free legal advice to those who can't afford a lawyer or can't get legal aid. A good place to start is with the Access Pro Bono Society of BC, which has legal advice clinics across BC.	Phone: 604-878-7400 Phone toll-free: 1-877-762-6664 www.accessprobono.ca ^[17]


Renting a home

BC Human Rights Clinic	Operated by the Community Legal Assistance Society, the BC Human Rights Clinic provides assistance and representation to those who need help dealing with a provincial human rights complaint.	Phone: 604-622-1100 Phone toll-free: 1-855-685-6222 www.bchrc.net ^[41]
Clicklaw	A website that will take you to legal information and education from across BC. Clicklaw is operated by Courthouse Libraries BC. Start on the homepage (Solve Problems) and explore by topic. Select "Housing, tenancy & neighbours." You can use the Clicklaw HelpMap to find someone who can help with legal problems.	www.clicklaw.bc.ca ^[2] www.clicklaw.bc.ca/helpmap ^[19]
Community Legal Assistance Society	CLAS will provide legal advice and some representation to low-income British Columbians who are facing eviction, foreclosure of their mortgage, expulsion from a co-op, or who want to challenge a Residential Tenancy Branch decision.	Phone: 604-685-3425 Phone toll-free: 1-888-685-6222 www.clasbc.net ^[43]

Dial-A-Law	Has brief legal information on over 130 topics, available in English, Chinese and Punjabi. Dial-A-Law is a free service of the Canadian Bar Association, British Columbia branch. You can listen on the telephone or online. You can also read the information online. Scripts include "Residential Tenancy" and "Neighbour Law."	Phone: 604-687-4680 Phone toll-free: 1-800-565-5297 www.dialalaw.org ^[3]
ImmigrantLegal.ca	ImmigrantLegal.ca provides free legal information and education on legal topics for newcomers to Canada and the people working with them. The website is a project of the Immigrant Public Legal Education and Information Consortium. It is managed by the Justice Education Society. On the homepage of the site, select "Residential Tenancy."	www.immigrantlegal.ca ^[5]
Justice Education Society	Administrative Law BC - Early Resolution is a website that explains what tribunals are and how they work. <i>Your Human Rights in BC</i> is a series of five videos for immigrants about human rights in BC and Canada. The videos are available in English, Mandarin and Punjabi.	www.adminlawbc.ca/early-resolution ^[42] www.justiceeducation.ca/resources/human-rights-in-bc ^[8]
Lawyer Referral Service	This service can help you find a lawyer who will meet with you for 30 minutes for \$25.	Phone: 604-687-3221 Phone toll-free: 1-800-663-1919 cbabc.org/For-the-Public/Lawyer-Referral-Service ^[11]
Legal Services Society of BC	The Legal Services Society also has free print and online booklets in English and many other languages. At the website, select "Housing and tenancy."	www.lss.bc.ca/publications ^[44]
MOSAIC	Offers programs and services to help immigrants and refugees in their settlement and integration into Canadian society. The MultiLingoLegal.ca website features many legal publications in nine languages. MultiLingoLegal is operated by MOSAIC - a settlement and integration organization for immigrants and refugees in BC. The Multilingual Legal Glossary is an online dictionary that allows you to search for the meaning of legal words. It provides the meaning of the word in English, and translates it into Chinese (Simplified and Traditional), Farsi, Korean, Punjabi, Russian, Spanish, or Vietnamese.	Phone: 604-254-9626 www.mosaicbc.com ^[13] www.multilingolegal.ca ^[14] www.legalglossary.ca/dictionary ^[15]
People's Law School	The People's Law School provides people in BC with free public legal education and information. Visit our website or call us to find out how to access the education and information needed to exercise your legal rights and responsibilities. Booklets are free and are available online and in print.	Phone: 604-331-5400 www.publiclegaled.bc.ca ^[16]
PovNet	Advocates help low-income people who have renting problems. PovNet is an online resource that can help you contact an advocate in your area. Visit the website and select "Find an Advocate."	www.povnet.org ^[45]
Pro Bono Legal Services	In these programs, lawyers volunteer to provide free legal advice to those who can't afford a lawyer or can't get legal aid. A good place to start is with the Access Pro Bono Society of BC, which has legal advice clinics across BC.	Phone: 604-878-7400 Phone toll-free: 1-877-762-6664 www.accessprobono.ca ^[17]
Residential Tenancy Branch	The branch of the BC government responsible for landlord-tenant matters. The website has free publications that contain important information.	Vancouver: 604-660-1020 Victoria: 250-387-1602 Phone toll-free: 1-800-665-8779 www.rto.gov.bc.ca ^[46]

Tenant Resource and Advisory Centre (TRAC)	The Tenant Resource & Advisory Centre provides tenants with legal education and information about residential tenancy law. You can phone them if you have a problem with renting. You can also read their free publications, including the <i>Tenant Survival Guide</i> . It is available in English or Traditional Chinese.	Phone: 604-255-0546 Phone toll-free: 1-800-665-1185 www.tenants.bc.ca ^[47]
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- [4] <http://www.familylaw.lss.bc.ca/>
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[47] <http://www.tenants.bc.ca>

What the Words Mean in Learning about the Law

Fundamentals of law and criminal and civil law

adjudicator

Someone who makes a formal judgment on a disputed matter, such as a judge in a court.

appeal

Ask a higher court to overturn a lower court's decision.

arrest

Take someone into custody by legal authority.

confidential

Something that is meant to be kept a secret from non-approved people.

cross-examine

To question an opposing party's witness in order to challenge or clarify their testimony in a court proceeding.

discrimination

The practice of treating one person or group differently from another in an unfair way.

elected

Chosen by popular vote to fill a position, usually political.

equality

A situation where people are treated the same way despite their cultural, social or economic differences.

federal

Matters or institutions that deal with the whole country where different provinces or states also have their own institutions and responsibilities.

guilty

Found to be responsible for a wrongdoing.

innocent

Found to be not responsible for a wrongdoing.

judgment

A decision on a dispute. In law, it is a decision by a court on a contested matter.

jurisdiction

The right to use an official power to make legal decisions, or the area where this right exists.

Legislative Assembly

The group of individuals who, meeting in regular session, have the power to pass laws provincially. In Canada, each province has a legislative assembly whose members are elected by popular vote at general elections.

mediator

Someone who tries to bring parties in dispute to a mutual agreement or resolution.

municipal government

The government for a local area, usually a city or a district.

parole

The release of a prisoner before his or her full sentence is served on a promise of good behavior in future.

politicians

People who involve themselves in matters related to governing a territory.

punishment

The penalty given to a wrongdoer.

regulate

Control or supervise by means of rules and regulations.

representatives

People chosen to act and speak on behalf of a wider group.

responsibilities

The things one is required to do or not do as part of a legal obligation, a job or a role.

rights

Legal or moral entitlement to have or do something.

social services

Services provided by the government or other organizations for the benefit of the community.

trial

A court procedure to examine the evidence in a disputed matter, whether criminal or civil, to arrive at a legal judgment.

tribunals

Official legal forums set up to decide or pass judgment on disputed matters.

young offenders

Criminal offenders who are 12 years or older and 18 years or younger. Among other things, they are subject to less severe sentences than adults, and their names are generally not publicized. For certain serious offences, youths aged 14-18 can be tried and sentenced as adults.

Family law

adultery

Sex between someone who is married and someone who is not their spouse.

agreement

A written contract that sets out how spouses have agreed to deal with things like parenting, support, and property.

Child's best interests

A legal test used in family law cases to decide what would best protect your child's: physical, psychological, and emotional safety; security; and well-being.

Child Support Guidelines

The amount of money the person who is paying support must pay. The amount depends on how many children you have. The Guidelines are online on CanLII ^[1].

collaborative family law

A situation that involves two or more people working together, usually with lawyers, to reach an agreement or end a dispute.

common-law relationship

A relationship that is considered to be marriage-like because the couple has lived together for at least two years.

consent order

A court order that both spouses agree to.

contact

The time that a person who is not a guardian spends with the child. This person could be a parent who does not have guardianship or another relative, like a grandparent.

contract

An agreement that the law can enforce.

contribute

To give or supply in common with others; to help bring about something better.

court order

An order or decision made by a law court.

custom

Something that is done by people in a particular society because it is traditional.

dispute resolution

A process in which two people work through their family law issues with a trained professional, like a mediator.

divorce

The legal ending of a marriage.

duty counsel

Lawyers who work at the courthouse. They can give you advice about your family case.

enforcement

When people are made to obey a rule, law etc.

excluded property

Any property that is not considered family property.

family debts

Debts that you take on during your relationship that you still owe on the date you separate. They can also be debts you take on after your separation date to maintain family property.

family property

Family property is everything either you or your spouse own together or separately on the date you separate.

final order

A court order that does not have a time limit. It is permanent.

guardian

A person who has the right to make decisions about a child, such as:

- where the child will live or go to school,
- the sort of medical and dental care the child will receive, and
- what religion the child will be raised in.

guardianship

The position of being legally responsible for a child.

impartial

Not involved in a particular situation, and therefore able to give a fair opinion or piece of advice.

interim order

A temporary court order. It has a time limit. You can get an interim order when you need to make decisions right away.

intention

A plan to do something.

mediator

A person that tries to end a dispute between people by discussion.

parental responsibilities

The responsibility of guardian(s) is to make decisions about the child's life. These can include decisions about daily care, as well as larger ones about health care, education, religious upbringing, etc.

parenting arrangements

Arrangements made for parental responsibilities and parenting time in a court order or agreement between guardians.

parenting time

The time that a guardian has with a child under an order or agreement.

permission

To allow someone to do something.

protection order

A court order made to protect someone from violence.

relocate

Move out of the area, move to another place.

responsibility

Something a person must do.

separation

A situation in which a married couple or common-law couple agree to live apart.

spouse

A married person or a person in marriage-like relationship.

temporary

For a limited time only.

Young people and the law

anonymously

You do not have to give your name, for example, when you phone a help line.

confidential

When information is confidential, the person you tell is not allowed to tell anyone else about it.

contribute

To help bring about something better.

court order

An order or decision made by a law court.

custom

Something that is done by people in a particular society because it is traditional.

discipline

To punish someone in order to keep order and control.

discrimination

Treating someone differently from other people in a way that is unfair.

mistreated

To treat badly, to abuse.

permission

To allow someone to do something.

responsibility

Something a person must do.

sentence

The punishment a person receives after being found guilty of or pleading guilty to committing a crime.

young offender

Criminal offenders who are 12 years or older and 18 years or younger.

youth record

A record of a young person's involvement in Canada's youth justice system.

Elder law

advance directive

Instructions to your representative or to your doctor about what kind of health care you want and don't want if you have a serious medical condition. Sometimes called a "living will."

alternate attorney

An alternate person who can manage your financial, business and legal matters if your attorney cannot.

attorney

A person you appoint to manage financial, business and legal matters for you.

confidential

Will not be shared with anyone else, e.g., confidential information.

designated agencies

Agencies that have a legal responsibility to look into reports of adult abuse and neglect.

donor

The person who gives power of attorney to someone to manage.

enduring power of attorney

A power of attorney that continues if you become mentally incapable.

enhanced representation agreement

Gives authority to your representative to make personal and health care decisions for you, possibly including end-of-life decisions.

estate

Everything that is left when you die.

executor

The person you appoint in your will to distribute your estate when you die. The executor carries out your instructions.

financial, business and legal matters

The time that a person who is not a guardian spends with the child. This person could be a parent who does not have guardianship or another relative, like a grandparent.

limited power of attorney

A power of attorney for a specific action, with a time limit.

mental capacity

The ability to understand decisions and make them.

mental incapacity/mentally incapable

Not having the ability to understand decisions and make them. Someone who cannot understand decisions and make them is mentally incapable.

mistreatment

Treating someone badly.

misuse

Using something in the wrong way.

power of attorney

A legal document that allows an attorney to manage your financial, business and legal matters for you.

representation agreement

A legal document that allows the person you name as your representative to make personal and health care decisions for you.

revoke

Cancel, end.

specific

Particular, distinct.

springing power of attorney

A power of attorney that takes effect only when a particular event has taken place.

standard representation agreement

Gives limited authority to your representative to make some health and routine financial decisions for you.

will

A written legal document that contains your instructions about what happens to your estate when you die.

Working in BC

appeal

A formal request to a court or to someone in authority asking for a decision to be changed.

averaging agreement

Agreements that permit hours of work to be averaged over a period of one, two, three or four weeks. Employees may agree to work up to 12 hours in a day, averaging 40 hours in a week, without being paid overtime.

collective agreement

An agreement between employers and employees which regulates the terms and conditions of employment in their workplace.

collective bargaining

A process of negotiation between the employer and employees aimed at reaching agreements.

compensation

Money paid to someone because they have suffered injury or loss (i.e. loss of employment), or because something they own has been damaged.

criminal record

A record of a person's criminal history.

dispute resolution

When someone solves a problem, argument, or difficult situation.

double-time

A rate of pay equal to double the standard rate.

entitlements

Things you have a right to under a law.

excludes

Keeps something or someone out of an agreement or situation.

inspector

A person whose job is to check that something is satisfactory and that rules are being obeyed.

layoff

Temporary or permanent termination of employment.

overtime

The amount of time someone works beyond their normal working hours.

pregnancy leave

A leave of absence for an expectant or new mother for the birth and care of the baby.

reference

A person who provides information about your character and abilities.

regulations

These are rules that say how a particular law should work in practice.

statutory holiday

A public holiday legislated either through federal, or a provincial or territorial government. Most workers can take the day off with regular pay.

terminate

To end. For example, if you are terminated you no longer have a job.

Renting a home

appeal

A formal request to a court or to someone in authority asking for a decision to be changed.

compensation

Money paid to someone because they have suffered a loss (e.g. the landlord is evicting a tenant in order to renovate the place, or tear it down, or move in).

criminal record

A record of a person's criminal history.

dispute resolution

When someone solves a problem, argument, or difficult situation.

eviction

To tell someone legally that they must leave the house they are living in.

evidence

Facts or signs that show clearly that something exists or is true.

fixed-term tenancy (lease)

A tenancy agreement where the tenant agrees to live somewhere for a certain amount of time, such as 1 year.

giving notice

Give written notice to the landlord that you want to move out.

inspector

A person whose job is to check that something is satisfactory and that rules are being obeyed.

landlord

A person who owns property and rents or leases it to another person.

lease

A contract for the temporary use or occupation of an apartment or house in exchange for payment of rent.

month-to-month tenancy

A tenancy agreement with no fixed term.

regulations

These are rules that say how a particular law should work in practice.

rent

The amount of money the tenant pays the landlord each month for the right to live in the landlord's property.

rent increase

An increase in a tenant's rent.

Residential Tenancy Act

The law that says what tenants and landlords can and cannot do.

Residential Tenancy Branch

The government department in charge of tenant-landlord law.

security deposit

An amount of money that you give to a landlord before you rent a house or apartment, and that is returned to you after you leave if you have not damaged the property.

tenancy agreement

A form signed by the tenant and landlord saying what they agree to.

tenant

A person who pays rent to occupy the landlord's house or apartment.

welfare

Welfare also referred to as social assistance or income assistance is government-managed funding for the basic necessities of life for those who cannot earn an income. An applicant for welfare must apply for the funding through the Ministry of Social Development. A self-serve assessment tool is available at www.eia.gov.bc.ca/bcea.htm ^[2].

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About Learning about the Law Wikibook

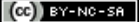
This wikibook from People's Law School will help you understand the law in Canada. It focuses on your legal rights and responsibilities under Canadian law.

We tried to keep the language easy, but some parts may still be hard. The words that are in italics are defined in the section, What the Words Mean.

Be sure to use the information in the section Find Out More at the end of the wikibook. It refers you to a wide range of resources that will answer your questions and provide help if you have a legal problem.

This wikibook was developed from a three-part series of booklets, *Learning About the Law*. The three booklets in the series are:

- *Learning about the Law: Fundamentals of Law, Criminal Law, Civil Law*
- *Learning about the Law: Family Law, Young People and the Law, Older People and Elder Law*
- *Learning about the Law: Working in BC, Renting a Home*

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Acknowledgements

- Content contributors: Gayla Reid, Diane Rodgers, Lou Cruz, Andrew Sakamoto
- Legal reviewers: Aman Sanghera, Nighat Afsar, Kristine Chew, Martha Jane Lewis
- ESL reviewers: Harvinder Dhariwal, Randy Keats, Bachan Rai
- Publications coordinator: Terresa Augustine
- Technical support: Courthouse Libraries BC and People's Law School
- Publisher: People's Law School

The People's Law School acknowledges the contribution of The Justice Education Society in the earlier versions of this publication. The explanation of getting legal help in the section on criminal law is based on the Legal Services Society booklet, *If You Are Charged with a Crime*. The section on family law is based on Legal Services Society booklet, *Living Together or Living Apart*. You can read this free booklet on the Family Law in BC website ^[2]. The section is also based on the Legal Services Society publication *Guide to the New BC Family Law Act* on the Family Law in BC website. BC's Legal Services Society holds the copyright to all information on their site. None of its material may be commercially reproduced, but copying for other purposes, with credit, is encouraged.

This project is made possible through funding from the Government of Canada and the Province of British Columbia.

For more information on learning about the law, public legal education events or referral services, visit publiclegaled.bc.ca^[3] or contact the People's Law School at 604-331-5400.

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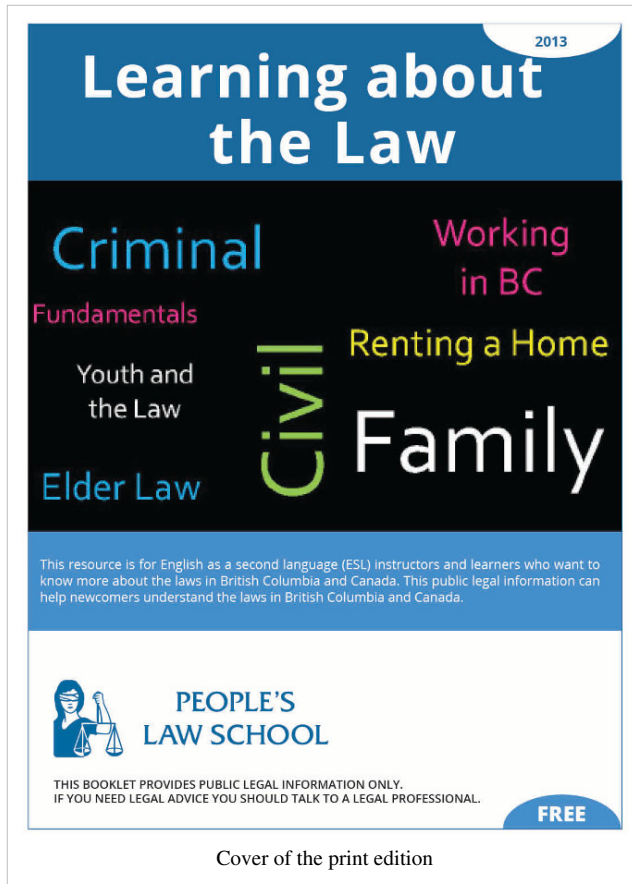
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