

VICTORIA

Community Action Plan on Discrimination

8 May 2017

City of Victoria
1 Centennial Square
Victoria, BC
V8W 1P6
[via email]

ATTN: City of Victoria – Mayor and Council

Through Mayor Lisa Helps:

RE: Rezoning/Development Applications: Discrimination and the City of Victoria

As a signatory to both the *Canadian Coalition of Municipalities Against Racism and Discrimination* and the *Vienna Declaration*, the City of Victoria has committed to taking concrete action to identify, monitor, and proactively address forms of individualized and systemic racism and discrimination in the Victoria community¹. The Community Action Plan on Discrimination (CAP-D) was endorsed by the City in 2013 as part of the City's commitment to human rights and non-discrimination, and is comprised of community organizations and community members dedicated to building a safe, inclusive, and welcoming community for all.

The purpose of CAP-D is to raise awareness around social profiling, stigma, discrimination, bullying and harassment, and to liaise with the City of Victoria to eliminate actions, systems, and behaviors that are associated with, or serve to perpetuate these negative and exclusionary societal factors.

CAP-D is requesting that Mayor and Council take immediate action to ensure that all City-endorsed public consultations with respect to land use and development in Victoria be carried out in a manner that upholds the City's commitment to non-discrimination.

This request is prompted by the bullying and discriminatory behaviour² directed towards people living in poverty and those living with addictions by Victoria residents at a Community Association Land Use Committee (CALUC) meeting held on April 24, 2017.

¹ Time for Action: Social and Racial Profiling in Victoria, CAP on Discrimination Steering Committee: Presentation to Victoria City Council, March 28, 2013.

² **Discrimination** - The denial of equal treatment, civil liberties and opportunity to individuals or groups with respect to education, accommodation, health care, employment and access to services, goods and facilities. Behaviour that results from prejudiced attitudes by individuals or institutions, resulting in unequal outcomes for persons who are perceived as different. Differential treatment that may occur on the basis of

While this request arises in response to recent instances of social profiling and discrimination based on visible poverty, the proposed measures are relevant to all forms of discrimination in land use development, including but not limited to race, nationality, gender, age, religion, political or ethnic affiliation, sexual orientation, marital or family status, physical, developmental or mental disability.

It is a well-recognized principle of municipal planning that a local government cannot discriminate against individuals in land use decisions, unless specifically authorized by statute. Section 479 of the *BC Local Government Act* gives statutory authority to local governments to regulate the use of land, buildings and other structures within defined zones. This authority applies only to *uses* and does not extend to the regulation of potential *users*. The distinction between “uses” of a property and “users” of a property ought to be foremost in any application process so as to avoid any direct or indirect adverse treatment of individuals through municipal zoning practices. Where participants in community consultation are permitted to consider the users of a property in discriminatory terms, the comments offered are not only potentially harmful to the would-be residents who form part of the broader community, but are often based on stereotypes and serve no value to legitimate considerations associated with land use decisions.

The focus of rezoning applications in residential neighbourhoods ought to be about buildings, and not the personal characteristics of those who might inhabit them. Nevertheless, the “kind” of people living in the building proposed at the former Mt. Edwards Court Care Home located at 1002 Vancouver St, Victoria BC, V8V 3V8, was the focus of many of the participants at the April 24th CALUC. Potential residents of the building, namely people living in poverty, many of whom are in various stages of addictions recovery, were characterized as “dangerous”, “violent”, and “a risk to children”. One commentator even suggested the potential residents should be shipped out of town.

In an example of bullying and intimidation at the April 24th meeting, a resident opposed to the application interrupted the CALUC process by insisting on a show-of-hands of attendees who were either for or against the rezoning. The participant demanded the “poll” be recorded for the report to Council from the CALUC. Through intimidation and outside of a formal consent based process, participants were forced to visibly express their position on the application before an emotional and often hostile room. In addition, individual attendees who spoke in favor of the rezoning application which seeks to provide housing for low income seniors at various stages of

race, nationality, gender, age, religion, political or ethnic affiliation, sexual orientation, marital or family status, physical, developmental or mental disability. Includes the denial of cultural, economic, educational, political and/or social rights of members of non-dominant groups. (NOTE: in Canada, equal treatment for all is guaranteed under the law regardless of race, national or ethnic origin, colour or religion. The list of prohibited grounds in the Canadian Human Rights Act includes race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and conviction for which a pardon has been granted.) [Canadian Commission for UNESCO, Toolkit: Canadian Coalition of Municipalities Against Racism and Discrimination, 2012]

addictions recovery were confronted outside and during the April 24th meeting with hostility and anger for their position.

Unfortunately, the discriminatory language used at the April 24th CALUC to describe people living in poverty does not represent an isolated incident. Our members have witnessed multiple public consultations and meetings through the CALUC, and in Council Chambers, regarding rezoning applications and development that has permitted discriminatory language toward people living in poverty and struggling with disabilities such as addictions.

As participatory community consultation through the CALUC and Council public hearings are an essential component of all rezoning and variance permits, we ask for the City's leadership in facilitating safe, inclusive, and constructive public consultation by implementing the following measures:

1. Clearly communicate to the public the terms of reference to be addressed in rezoning/development applications, including explicit direction that an individual's race, social or economic status are not acceptable considerations for approval or denial of these applications.
2. Prepare and present a physical list of guidelines which outline acceptable behaviours in public consultations, including anti-bullying and anti-discrimination best practises. Require that this list be displayed in a visible location during all community meetings, including CALUC meetings endorsed by the City of Victoria.
3. Provide revised *principals and policies*³ to guide future CALUC meetings, specifically targeted at eliminating bullying and the discrimination of marginalized individuals based on their protected personal characteristics. Revise a similar set of policies and procedures to ensure all hearings before Council conducted in Council Chambers include the same.
4. Develop and implement procedures to confront bullying and discriminatory conduct which would allow for the denial or reasonable restriction on the participation of organizations and individuals in CALUC meetings or Council Chamber's that violate the City of Victoria's commitment to human rights, anti-racism and anti-discrimination.
5. Lead in the convening of a public meeting to confront community stigma associated with poverty and addictions through dialogue⁴ in partnership with the Centre for Addictions

³ Community Association Land Use Committee (CALUC) Procedures, Approved by Council, December 2016.

⁴ CARBC on the importance of **dialogue** – "We have become used to debates that pit one against another: idea against idea, agenda against agenda, and person against person. But debates don't build community. Those who lose do not go away, they simply stop taking part. Disconnection actually contributes to the tensions and divisions that are having devastating consequences in our world. People who are disconnected have important knowledge that can help us build safer and healthier communities.

Research of BC (CARBC) and The BC Ministry of Public Safety & Solicitor General (see attached: *Community Dialogue on Opioid Use - Call for Funding*).

The CAP-D's role is not to offer a position or to advocate for any development or rezoning requests. It is the purpose of our committee to assist Council to adhere to its anti-discrimination commitments, and it is with this purpose in mind that we now write to Mayor and Council. It is an obligation of Council to provide robust, transparent, and inclusive community consultations that welcome a rich diversity of opinions and facts regarding rezoning and development applications. Furthermore, it is Council's legal obligation to ensure that these consultations are free from discrimination, bullying, and harassment.

We therefore ask Council to show immediate leadership by liaising with CAP-D and members of the public to enhance anti-discrimination policies in advance of future CALUC and Council meetings, thereby ensuring the City of Victoria's compliance with obligations pursuant to the *BC* and *Canadian Human Rights Codes*, and demonstrating Council's commitment to the *Canadian Coalition of Municipalities Against Racism and Discrimination* and the *Vienna Declaration*.

We believe the above recommendations offer a clear path forward towards true inclusive community engagement.

Sincerely,

Stephen Portman, Advocacy Lead
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TAPS, CAP-D Member

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Encl.

Community Dialogue on Opioid Use - Call for Funding: The BC Ministry of Public Safety & Solicitor General and University of Victoria's Centre for Addictions Research of BC (CARBC)

By talking to people from different backgrounds and vantage points, we become more informed. When we are more informed, we tend to make better choices. Those choices affect everybody."

CAP-D Organizational Members:

Vancouver Island Immigrant and Refugee Society (VIRCS)

Together Against Poverty Society (TAPS)

Vancouver Island Human Rights Coalition (VIHRC)

Greater Victoria Committee to End Homelessness (CTEHV)

Aids Vancouver Island (AVI)

Society of Living Illicit Drug Users (SOLID)

Action Committee of People with Disabilities (ACPD)

