

Thank you for subscribing to CLAS Action - the CLAS newsletter where we tell you about how we work to increase access to justice. This volume explores fairness for tenants, an interview with one of our Indigenous lawyers and an overview of the CLAS hard-hitting report, *Operating in Darkness: BC's Mental Health Act Detention System*.



In our blog "[Fairness at the Tenancy Branch](#)", we talk about issues tenants are facing as they navigate the Residential Tenancy Branch (RTB). In CLAS's 2013 report [On Shaky Ground](#) CLAS made several recommendations to improve equity, access, and accountability. CLAS is beginning to see changes at the RTB, as hearings are now recorded and available to tenants upon request. Records of hearings provide an accurate account of the hearing and enhance transparency and accountability. This initiative improves fairness, especially in cases where the tenant applies for a Judicial Review for a decision that in their view contained a serious error or was decided in a way that was procedurally unfair at the tribunal.



A recent post on the BC Human Rights Clinic's blog entitled [“Increasing Access to Justice for Indigenous Clients”](#) features an interview with Debra Febril, an Indigenous Lawyer with [CLAS's Human Rights Clinic](#). Debra is dedicated to empowering Indigenous individuals in navigating the intricate process of filing complaints and pursuing justice. Debra provides insight into her experiences and delves into the challenges faced by Indigenous people in B.C. and the enduring impacts of colonialism in Canada. Debra emphasizes the significance of Indigenous People having access to an Indigenous lawyer or advocate, and explains: [“Until 1951 it was illegal for Indigenous Peoples to hire a lawyer under the Indian Act, let alone become one! It is important to provide access where a human right was previously denied.”](#)



People who are involuntarily detained in the hospital under the *BC Mental Health Act* or released on leave, have no right to give or refuse consent to any psychiatric treatment, including medications and electroconvulsive therapy. This harmful coercive approach does not require an assessment of capacity to make decisions, allow for other independent decision makers, and raises barriers to establishing positive therapeutic relationships. CLAS's report [\*\*Operating in Darkness: BC's Mental Health Act Detention System\*\*](#) recommends changes to mental health legislation, regulation, policy, and practice, and addresses unfairness and Charter rights violations for individuals with mental disabilities.

[\*\*CLAS's Mental Health Law Program provides representation at hearings before the Mental Health Review Board, and the B.C. Review Board\*\*](#) for low-income people, ensuring individuals have an advocate for regaining their liberty and agency.

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**Help us to provide more free legal services to low-income people in BC.**



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