

FIRST NATIONS LEADERSHIP COUNCIL

News Release

November 28, 2023

FNLC Calls on BC to Defer Amendments to Bill 45; Urges a Human Rights Approach to Encampment Legislation

(xʷməθkʷəyəm (Musqueam), Sḵwxwú7mesh (Squamish) and səliwətał (Tsleil Waututh)/Vancouver, B.C.) The First Nations Leadership Council (FNLC) supports the growing calls from advocates to pause Omnibus Bill 45 pertaining to encampments. The legislation proposes amendments to the Community Charter and Vancouver Charter, including definitions of 'reasonably available' shelter, which municipalities will be required to prove before seeking a decampment injunction.

Grand Chief Stewart Philip, UBCIC President, stated, "Local legal advocates have raised concerns that the Province's encampment response fails to take a human rights approach in the proposed legislative amendments. While Minister Kahlon may have intentions to protect encampment residents, the legislative amendments and BC's definition of 'reasonably available' do not go far enough to protect some of our most vulnerable members of society and must not be pushed through."

In 2021, the City of Prince George lost an injunction to dismantle the Lower Patricia Boulevard encampment. Central to the outcomes of this ruling was evaluating the availability of adequate shelter spaces to which Justice Hinkston determined that existing shelter spaces were inaccessible for persons grappling with mental health and substance use disorders. BC Assembly of First Nations Regional Chief Terry Teegee stated, "There has been considerable progress in the views of the courts with regard to the availability of shelter that takes a human rights-based approach that we can all learn from. In *Prince George v. Stewart*, Justice Hinkston held the opinion that most emergency shelter beds in Prince George lacked low-barrier access, and many of the dehousing were ineligible to access these critical services. These gaps and barriers are central to considering the definition of reasonably available shelter, particularly when it is being legislated, which will impact many of our First Nations relatives who unfortunately overrepresent the dehousing population in BC."

First Nations Summit Political Executive member Hugh Braker stated, "Despite the Province of BC asserting their intentions to move forward with the legislation, grave concern has been echoed by many across the province demonstrates a lack of meaningful engagement with the dehousing, First Nations, service providers and municipalities. Housing is a human right and central to the *United Nations Declaration on the Rights of Indigenous Peoples*. The Province of BC must take its commitments and obligation to reconciliation seriously and make all reasonable efforts to align its colonial laws with the UN Declaration. Municipalities are located on First Nations ancestral and territorial lands. Provincial and municipal governments, in establishing land-based processes and laws, must adhere to a rigorous co-development process with rights holders."



BRITISH COLUMBIA
ASSEMBLY OF
FIRST NATIONS

1004 Landooz Rd.
Prince George, BC
V2K 5S3

Ph: 778-945-9910
Fx: 778-945-9916



FIRST
NATIONS
SUMMIT

1200-100 Park Royal South
West Vancouver, BC
V7T 1A2

Ph: 604-926-9903
Fx: 604-926-9923
Toll Free: 866-990-9939



UNION OF
BRITISH COLUMBIA
INDIAN CHIEFS

401 - 312 Main Street
Vancouver, BC
V6A 2T2

Ph: 604-684-0231
Fx: 604-684-5726

The First Nations Leadership Council is comprised of the political executives of the BC Assembly of First Nations (BCAFN), First Nations Summit (FNS), and the Union of BC Indian Chiefs (UBCIC).

For further comment please contact:

Grand Chief Stewart Philip, Union of BC Indian Chiefs	250-490-5314
Hugh Braker, First Nations Summit:	604-812-2632
Annette Schroeter, BCAFN Communications Officer:	778-281-1655