

Cultivating YIMBYism

by Alex DeForge

Imagine a new family was looking to move to your block and your neighbours saying, “we already have enough of those types of people,” or, “there are too many of their kind here.” We would cringe to hear that in reference to an ethnic or religious group, however, for people impacted by poverty, homelessness, mental illness and addiction, these are exactly the attitudes they face.

The lack of safe, affordable housing is undeniable, but barriers to building that social and supportive housing is sometimes found in the attitudes of people. A big obstacle to building safe, affordable housing is community opposition to projects that serve low-income or vulnerable people. A “yes” to social housing is not enough in the face of a “but...not in my backyard” attitude (NIMBYism).

So, Pivot is launching our YIMBY (Yes in My Backyard) Toolkit this month. We know there are amazing people and groups out there who understand the importance of addressing homelessness, addictions and mental illness through safe and accessible housing. The YIMBY toolkit is designed to help them build inclusive neighbourhoods by breaking down the commonly held misconceptions about social housing.

Of course homeowners want to feel that their property investment is secure. Of course people want to feel safe in their neighbourhoods. Fortunately, evidence shows that social and supportive housing does not have a negative impact on property values and that building social housing actually helps improve safety in communities and leads to reductions in crime. We want to listen to NIMBY concerns and address them from a YIMBY perspective.

By debunking NIMBYism and building communities of YIMBYs, we are moving closer to the solutions to homelessness and cultivating a movement that demands action from our municipal, provincial and federal governments.

To launch the YIMBY Toolkit, we will be hosting some “backyard parties” with the help of our dedicated supporters. It will be a great opportunity for communities and people to connect, socialize, check out the Toolkit and even try a few of the interactive pieces like our “cringe test”. The YIMBY Toolkit will also be available online.

Alex DeForge spent the summer with Pivot as the donor relations coordinator and fundraiser extraordinaire. During the school year, Alex is a philosophy student at SFU and looks forward to continuing her work part-time at Pivot.

1. Host a backyard YIMBY party
2. Donate to our internship program
3. Tell Mayor and Council (mayorandcouncil@vancouver.ca) that you support the enforcement of standards of maintenance bylaw for DTES hotels
4. Buy a Hope in Shadows 2012 calendar after October 4
5. Come out to our Housing forum on Oct. 26

**5 THINGS
YOU CAN DO**



Message from the CEO

Summer is always an amazing time at Pivot: our Hope in Shadows project is in full swing, our lawyers meet people all over the Downtown Eastside, and we welcome a new group of summer interns. For the last five years, we have had close to 100 students commit their talents, passion, and enthusiasm to our work. Over that time, they have contributed over 50,000 hours of full-time work to our campaigns!

This summer we have four interns working full-time: Alex DeForge (development), Nazampal Jaswal (Hope in Shadows) Laura Drake (legal) and Heather McMahon (legal). Interning at Pivot is an immersion into all aspects of a non-profit legal advocacy group and it allows us to connect with fresh, young, passionate people ready to change the world. From the very first day, Alex, Naz, Laura, and Heather were given responsibility and were accountable to the Pivot team. The interns have attended all our team meetings, added to the discussion and taken on regular work (including organizing, writing, and shipping this issue of our newsletter).

The interns also came to know Vancouver's Downtown Eastside. They attended legal clinics with Katrina Pacey, listening directly to legal issues people face and participated in the Hope in Shadows camera handout, Rhizome event, and Community Vote. They helped Pivot set-up and run two press conferences in June and regularly blogged about Pivot's work.

One of the hardest pieces of this job - and has been forever - is saying goodbye to people as they come in and out of the Pivot orbit. It's now August and I can feel the goodbye coming. We will miss this crew dearly. Thank you Alex, Laura, Heather, and Naz for everything you have done this summer and in advance for everything you will do in the world.

Warmly,

Peter Wrinch

PIVOT PROFILES

Joe Arvay
lawyer

For most lawyers, appearing before the Supreme Court of Canada is a rare, terror-inducing experience. For Joseph Arvay, that experience is practically old hat. Mr. Arvay is one of the country's foremost Charter litigators and passionate advocates for individual's rights - though, that wasn't always his plan.

"I had no such lofty ideals when I went in to law. The only understanding I had of law at that time, and this goes back to the 60s, was the only television show that there was about law at the time and that was Perry Mason," he says.

There were several factors that pushed his career toward public interest litigation.

"What probably was the most instrumental event in the direction my law career took was probably the most significant event in my life personally. That's when I had a car accident in 1969 and became paraplegic and began to understand what discrimination was all about," he explains. The other key event in Mr. Arvay's career was the introduction of the Canadian Charter of Rights and Freedoms in 1982, just one year after he entered the legal field.

Mr. Arvay is currently acting as co-counsel with Pivot's Katrina Pacey in *SWUAV & Kiselbach v. AG Canada*, which is to go to the Supreme Court next year and could have a drastic impact on the ability of public interest groups to litigate on behalf of marginalized groups. He is acting as counsel for the British Columbia Civil Liberties Association in their newly-launched challenge to euthanasia laws.

by Laura Drake

Laura is a second-year University of Victoria law student who interned at Pivot this summer on the policing and housing campaigns.





Housing Forum

by Nazampal Jaswal

It's not a new story that lack of housing is a major problem, not only in the Downtown Eastside, but in all of Metro-Vancouver. As the challenge of affordable and livable housing becomes more pronounced across the Lower Mainland, Pivot wants to move beyond just recognizing the issue to finding solutions.

This October, Pivot will co-host the Housing Forum with SFU Woodward's Cultural Unit, as part of our joint Discussion Series on Social Justice. The first installment of this series was in May with a discussion on InSite which welcomed over 350 people from diverse backgrounds and speakers presenting their perspective on InSite.

The Housing Forum will focus on what can be achieved at a local level. The forum is an opportunity to leverage the insight that people have about their own community to develop solutions that will work on the ground. Federal strategies are important, but municipal bodies are not powerless. With an election looming on November 19th, now is the perfect time to ask what can be done and how we can do it.

ACORN BC, an organization that represents low-to moderate-income people across the Lower Mainland, has found through their research, that the housing crisis extends far beyond the DTES. Dignity Villages, operating in Portland, Oregon shows how housing issues surpass even national borders. They began as an illegal tent city and are now recognized as a transitional housing campground. Both organizations will be present at the forum to discuss their struggle in the face of a housing crisis.

They are just two of many presenters to address housing in BC. The Housing Forum will be held on October 26 from 6:30pm to 9:30pm at the SFU Woodward's building. We invite anyone interested to join us.

Nazampal Jaswal is studying International Studies at York University. As a Hope in Shadows intern this summer, she hoped to gain a deeper understanding of the community in the Downtown Eastside and how Pivot's public policy work addresses issues that many here face.

NEWS IN BRIEF

- **Harbour Centre:** On June 28th, Pivot filed a human rights complaint and a lawsuit against Harbour Centre and Fusion Security, a private security company hired by the mall on behalf of three men who endured brutal assault by Fusion's security guards.
- **Community Groups Shut Out of the Missing Women's Inquiry:** In June the Attorney General announced the government would not be funding the community groups who were granted full or partial standing to participate at the Missing Women Commission of Inquiry, including Pivot's coalition with BCCLA and Amnesty International. Since, then there have been a series of hearings where the groups expressed their concern about the inability to participate in a meaningful way without funding. Commissioner Wally Oppal wrote a second letter urging the attorney general to fund the groups. We are waiting to hear whether the Attorney General will update his decision.
- **Hotel Residents Launch Law Suit against SRO Landlord:** Twelve residents of the Wonder Rooms and Palace hotel launched a group lawsuit against their landlord citing deplorable conditions. A joint effort by Downtown Eastside Neighbourhood Council and Pivot, the lawsuit was launched after a recent inspection by the City found the buildings in an alarming state. After a charged City Council meeting where residents were allowed to testify off camera to avoid reprisal from their landlord, council voted unanimously to seek an injunction to have the Supreme Court order that the building be brought up to code.
- **Pivot Intervenes at the Ontario Court of Appeal:** In June, Katrina Pacey flew to Toronto to give submissions about the violent and disempowering circumstances of sex workers in the DTES. The Court was hearing the appeal of the Bedford case which, in September 2010, struck down three of the laws around sex work (communication, bawdy house and living off the avails).

EVENTS

Hope in Shadows 9th Annual Exhibition
Portraits of the Downtown Eastside and
Beyond by low-income members of the
DTES Community

The Pendulum Gallery, 885 West
Georgia (lobby of the HSBC building)
October 11 through 22, gallery open
Mondays to Saturdays
Join us at the Opening Reception on
Thursday October 13, 6pm to 8pm

Housing Forum
Solutions to Homelessness in Metro
Vancouver
SFU Woodward's building
October 26 from 6:30pm to 9:30pm
Free of Charge

Passion for Justice
Pivot auction and drag show
November 3 from 7pm to 10pm
District 319

Homelessness Action Week
For a full listing of events see the
website: stophomelessness.ca
October 9 - 15



Public Interest Standing:

Providing an Even Financial Playing Field by Heather McMahon

When Pivot launched a challenge against the country's prostitution laws, no one imagined that the litigation would turn into an examination of an entirely different area of law: public interest standing. It's not a glamorous part of the legal realm, but it has a huge impact on many people.

Any law is subject to review by the courts to make sure it complies with the Constitution or the Charter of Rights and Freedoms. But someone has to bring that law before the court. The easiest way for this to happen is when someone asking the court to consider the law has private interest standing. Generally, a person has private interest standing when they've been charged under a piece of legislation and they believe the legislation is unconstitutional. They have the right to ask the court to determine the Constitutionality of a law and don't have to ask the court for standing.

A person who is affected by a law is often marginalized in other ways that may prevent them from challenging a law in court. Sex workers in the DTES have a tenuous relationship with the law and its institutions. They are not eager to engage in a system which they don't trust.

Constitutional challenges are costly and time consuming, and most sex workers have insufficient resources to defray the costs of a legal action. If those who are affected are unable to make use of the system, the law will go unchallenged. Public interest standing avoids this, allowing groups, like Pivot, to bring matters that adversely affect our constituents to court.

The court has to grant public interest standing; it isn't something that any group has inherently. The hurdle is convincing the court that there is not another reasonable and effective way to bring the issue before the court (i.e. there isn't someone who has private interest standing who could just as easily bring the case). While the court doesn't want to insulate any piece of legislation from review, it also doesn't have the resources to review the law every time someone has a concern about the law's validity.

Sex Workers United Against Violence (SWUAV) was initially denied public interest standing by the BC Supreme Court

when it tried to challenge Canada's sex work laws. This meant that the sex work laws would go unchallenged in BC. The group wanted to challenge the laws because they make it impossible for sex workers to establish safe working conditions.

When SWUAV appealed the decision, the court took the position that unless there is a person who is both more directly affected by the law than the group seeking public interest standing and who is expected to challenge the law, public interest standing must be granted. In the context of Pivot's work, this is favorable because it allows for a broader group of interested-but-not-directly-affected parties to bring cases on behalf of others. Increasing this breadth allows greater protection for individuals whose rights are limited by a law but do not have the means to bring the issue before a judge.

The court noted, in another case, that requiring individual cases to come forward in order to address an issue is wasteful of judicial resources and unfair. The unfairness stems from the imposition of burdens of delay and cost. Right now, we have a justice system that barely affords people a chance to defend their own case against a charge, let alone take on Parliament or a legislature. Public interest standing is an important tool, whatever the particular law at issue, because of the power it gives marginalized people to have their community groups represent them.

Constitutional litigation is an important check on Parliament. It is complex and comes with a hefty price tag. Public interest standing evens the financial playing field enabling groups to hold Parliament accountable in this way.

Heather McMahon is heading into her final year of law school at the University of Windsor and spent the summer interning with Pivot.

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