



# FORM 1.3 – COMPLAINT FOR GROUP OR CLASS

Use This Form to File a Complaint for a Group or Class of Persons

## BC Human Rights Tribunal

1270 - 605 Robson Street  
Vancouver BC V6B 5J3  
Phone: 604-775-2000  
Toll Free: 1-888-440-8844

Fax: 604-775-2020  
TTY: 604-775-2021

Tribunal Stamp

## GENERAL INSTRUCTIONS

- For detailed instructions select the **Help** buttons as you go or click on **All Instructions** now
- See the Tribunal's website for further information – [www.bchrt.bc.ca](http://www.bchrt.bc.ca)
- Your information will NOT be automatically saved by the Tribunal
- Click on **Save** at any time to save your form to your computer
- Fill in the areas for Part I and Part II
- **Email** us your form by attaching a saved copy and sending it to [BCHumanRightsTribunal@gov.bc.ca](mailto:BCHumanRightsTribunal@gov.bc.ca)
- OR click on **Print** and **fax, mail** or **hand deliver** a copy of your form to us
- Keep a copy of this Complaint Form and all the documents

## For assistance with filing your complaint contact

**BC Human Rights Clinic**  
Tel: 604-622-1100  
Toll Free: 1-855-685-6222  
[www.bchrc.net](http://www.bchrc.net)

**The Law Centre**  
Tel: 250-385-1221  
[www.thelawcentre.ca](http://www.thelawcentre.ca)

## YOUR INFORMATION

FIRST NAME: ** Kamloops Fly Fishers Association (KFF)		LAST NAME: **	
NAME OF LAWYER OR OTHER PERSON WHO REPRESENTS YOU IN THIS COMPLAINT (IF APPLICABLE):			
MAILING ADDRESS: ** care of #13-1775 McKinley Court			
CITY: ** Kamloops		PROVINCE: ** BC	POSTAL CODE: ** V2E 2P2
<b>Purpose of collecting contact information:</b> The Tribunal uses your contact information to process the complaint and conduct surveys to evaluate and improve its services. The Tribunal will give your mailing address to the other parties for the exchange of information and other documents. Your additional contact information will only be given to the other parties if you agree. <input type="checkbox"/> Check here to tell the Tribunal not to disclose the additional contact information below to the Respondent.			
TELEPHONE: ** 250-319-9187		FACSIMILE:	CELLULAR: 250-319-9187
EMAIL: kamloopsflyfishers@gmail.com and lenpiggin@gmail.com			

## PART I: REPRESENTATION OF THE GROUP OR CLASS

NOTE: If the remedy you seek for the group or class is the same remedy you would seek in your own complaint, file only an individual complaint. For example, if the only remedy you want is for an organization to change its policy, you would file only your own individual complaint.

### Describe the group or the class of persons:--

Our current membership exceeds 90 members with the majority being Seniors.

### 1. Are you a member of the group or class? --

☒

Yes

☐

No

### 2. Why are you filing the complaint? --

All my Members NOT just Seniors want access where we can drive up to the lake and launch our boats by using trailers, automatic boat loaders or by other means.

### 3. Do your interests in the complaint differ from the members? --

☐

Yes

☒

No

### 1. Describe your communications with the group or class of persons to date: --

Attached are the following documents;

1. Our letter to Honourable George Heyman & Honourable Doug Donaldson dated 2018 March 12th.
2. Response letter received from Honourable George Heyman dated 2018 June 1st.
3. Letter from TKemlups te Secwepemc (Kamloops Indian Band) dated 2018 May 11th.
4. Two photographs of the current bollards at the Paul Lake Provincial Campground.

### 2. Do you have any reason to believe that the group or class or some of its members may not want you to file this complaint on their behalf? --

☐

Yes

☒

No

### 4. Describe your plan for communicating with the group or class in the future: --

Filing the Human Rights complaint was approved by our Membership unanimously at our monthly meeting of 2019 March 26th. At the meeting our Members made the following comments.





## PART II: COMPLAINT

### STEP 1: NAME THE RESPONDENT(S)

Name each individual person, business or organization you believe is responsible for the discrimination.

An individual Respondent might be a co-worker, boss, building manager, landlord, restaurant server, employee at a recreation facility, health care provider or government official.

A business or organizational Respondent might be the company the group members worked for, a newspaper, a school district, a trade union, a society or a strata corporation.

#### State The Relationship of the Group or Class With Each Respondent

##### Respondent 1:

NAME: ** Honourable George Heyman Minister of Environment & Climate Change Strategy Province of B. C.			
RELATIONSHIP TO THE GROUP OR CLASS YOU REPRESENT: ** None			
MAILING ADDRESS: ** Box 9047 Stn. Prov. Gov.			
CITY: ** Victoria		PROVINCE: ** BC	POSTAL CODE: ** V8W 9E2
TELEPHONE: ** 250-387-1187	FACSIMILE: 250-387-1356	CELLULAR:	
MAILING ADDRESS: ** env.minister@gov.bc.ca			

##### Respondent 2:

NAME: ** Regional Director Ministry of Environment & Climate Change Province of B. C.			
RELATIONSHIP TO THE GROUP OR CLASS YOU REPRESENT: ** Non			
MAILING ADDRESS: ** 1259 Dalhousie Drive			
CITY: ** Kamloops		PROVINCE: ** BC	POSTAL CODE: ** V2C 5Z5
TELEPHONE: ** 250-371-6200	FACSIMILE: 250-828-4000	CELLULAR:	
MAILING ADDRESS: **			

### STEP 2: AREA(S) & GROUND(S) OF DISCRIMINATION

List the area(s) and ground(s) of discrimination that apply to this complaint:

A complaint must show that the Respondent's conduct took place in an area of daily life protected under the BC *Human Rights Code*. These are called "**areas of discrimination**".

It must also show that the person has a personal characteristic(s) protected under the *Code*. These are called "**grounds of discrimination**". These protected personal characteristics may be:

- actual (for example, a person's ancestry or age), or
- perceived (for example, someone thinks that a person has or may develop a disability in the future, or makes homophobic comments regardless of the person's sexual orientation).

**Not all grounds of discrimination apply to all areas of discrimination.**

**Respondent 1:** Honourable George Heyman Minister of Environment  
& Climate Change Strategy Province of B. C.

### Area of Discrimination

- ☒ Accommodation, service or facility    ☐ Employment    ☐ Employment advertisement    ☐ Publication  
☐ Purchase of property    ☐ Tenancy    ☐ Unions and associations    ☐ Wages

### Grounds of Discrimination

- ☒ Age    ☐ Ancestry    ☐ Colour    ☐ Family Status  
☐ Gender Identity or Expression    ☐ Marital Status    ☐ Mental Disability    ☒ Physical Disability  
☐ Place of Origin    ☐ Race    ☐ Religion    ☐ Sex  
☐ Sexual Orientation

"Age" means 19 years or more. It *does not apply* to purchase of property.

**Details:** Lots of our Members are over the age of 19 and lots of Seniors in the KFF.

"Physical Disability" includes a physical condition that affects or is seen as affecting a person's abilities.

The bollards at the Paul Lake Provincial Park doesn't allow anyone with a physical condition to launch their boat. Residents of Paul Lake can use private boat launches to launch their speed boats but we

**Details:** can't launch small trailered boats. This is discriminatory.

## Respondent 2: Regional Director Ministry of Environment & Climate Change Province of B. C.

The Area(s) & Grounds are the same as Respondent 1

### Area of Discrimination

- ☒ Accommodation, service or facility    ☐ Employment    ☐ Employment advertisement    ☐ Publication  
☐ Purchase of property    ☐ Tenancy    ☐ Unions and associations    ☐ Wages

### Grounds of Discrimination

- ☒ Age    ☐ Ancestry    ☐ Colour    ☐ Family Status  
☐ Gender Identity or Expression    ☐ Marital Status    ☐ Mental Disability    ☒ Physical Disability  
☐ Place of Origin    ☐ Race    ☐ Religion    ☐ Sex  
☐ Sexual Orientation

"Age" means 19 years or more. It *does not apply* to purchase of property.

**Details:** Lots of our Members are over the age of 19 and lots of Seniors in the KFF.

"Physical Disability" includes a physical condition that affects or is seen as affecting a person's abilities.

The bollards at the Paul Lake Provincial Park doesn't allow anyone with a physical condition to launch their boat. Residents of Paul Lake can use private boat launches to launch their speed boats but we

**Details:** can't launch small trailered boats. This is discriminatory.

## STEP 3: RESPONDENTS' CONDUCT

Answer these questions to show that the Respondent's conduct could be discrimination under the *Human Rights Code*



**Respondent 1: Honourable George Heyman Minister of Environment  
& Climate Change Strategy Province of B. C.**

**1. What did the Respondent do?**

Date (YYYY MM DD) **	What Happened? **
2018 07 16	The Respondent is responsible for the policy that restricts my Members from launching their fishing boats safely in Paul Lake which is located in the Paul Lake Provincial Park near Kamloops B. C. The public boat launch at Paul Lake has installed barriers (bollards) that restrict my Members ability to launch their boats safely using Trailers, Automatic Boat Loaders or by other means. Residents (Gottfreidson Estates, South West End Condos & Houses) that live at Paul Lake can launch any type of boat. My members have to unload their boat before the boat launch and physically turn their boat sideways to get it through the bollards and then lift/drag it to the water. This includes motors (usually not bigger than 9.9 horsepower). All other fishing equipment needs to be unloaded and transported to the boat.

**2. What is the adverse impact on the group or class you represent? \*\***

Paul Lake is within 1/2 hour of Kamloops and is easy to get to with paved road etc. Being that we are Seniors we don't travel far to enjoy our fishing recreation especially with gas constantly in \$1.29+ range.

1. Very few of my Members and the Members of the public use Paul Lake because this is physically exhausting to drag boat and equipment to the shore.
2. The need to drag my boat & equipment across bare gravel strewn ground to the waters edge causes damage to it.

**3. How was each ground of discrimination a factor in the adverse impact? \*\***

1. The age of my Members and the Public prevents them from using the boat launch safely therefore, they don't fish Paul Lake which has Kokanee as well as Rainbow Trout.
2. Age doesn't allow my Members or Members of the Public from launching their boat using Trailered or Automatic Boat Loaders.

**Respondent 2: Regional Director Ministry of Environment & Climate  
Change Province of B. C.**

**1. What did the Respondent do?**

Date (YYYY MM DD) **	What Happened? **
2018 07 16	The Respondent is responsible for the policy that restricts my Members from launching their fishing boats safely in Paul Lake which is located in the Paul Lake Provincial Park near Kamloops B. C. The public boat launch at Paul Lake has installed barriers that restrict my Members ability to launch their boats safely using Trailers, Automatic Boat Loaders or by other means. Residents (Gottfreidson Estates, South West End Condos & Houses) that live at Paul Lake can launch any type of boat. My members have to unload their boat before the boat launch and physically turn their boat sideways to get it through the bollards and then lift/drag it to the water. This includes motors (usually not bigger than 9.9 horsepower). All other fishing equipment needs to be unloaded and transported to the boat.

**2. What is the adverse impact on the group or class you represent? \*\***

See Respondent #1

**3. How was each ground of discrimination a factor in the adverse impact? \*\***

See Respondent #1



## STEP 4: PART A – TIME LIMIT TO FILE COMPLAINT

To file the complaint on time, you must file it within one year of each Respondent's conduct (acts or omissions). If only some of the conduct happened in the last one year the complaint may be filed in time if all of that Respondent's conduct is related or similar and close enough in time.

Answer the questions in **STEP 4: Part A** to show whether the complaint is filed in time. If some or all of the complaint may be filed late, you will also complete **STEP 4: Part B**.

### 1. Did all the conduct you say is discrimination happen in the last one year?

☐ Yes ☒ No

**Respondent 1:** Honourable George Heyman Minister of Environment & Climate Change Strategy Province of B. C.

### 2. Is all the conduct related or similar and, if so, how? --

☐ No ☒ Yes

EXPLAIN WHY RELATED OR SIMILAR

### 3. If there are gaps between the conduct, can you explain them?

The Kamloops Fly Fishers Association have pressed our concern/complaint at every opportunity. Please see Document #1

**Respondent 2:** Regional Director Ministry of Environment & Climate Change Province of B. C.

### 2. Is all the conduct related or similar and, if so, how? --

☐ No ☒ Yes

EXPLAIN WHY RELATED OR SIMILAR

### 3. If there are gaps between the conduct, can you explain them?

The Kamloops Fly Fishers Association have pressed our concern/complaint at every opportunity. Please see Document #1

## STEP 4: PART B – TRIBUNAL MAY ACCEPT LATE COMPLAINTS

If **ANY** of the conduct you say is discrimination happened more than one year ago, part or all of the complaint **MAY** be filed late. Answer the questions in **STEP 4: PART B**, even if you believe that all of the complaint is filed on time because it is about similar or related events with at least one event in the last one year.

The Tribunal may accept a late complaint if it decides that accepting the late-filed complaint:

- is in the public interest; and
- no one would be substantially prejudiced (harmed) by the delay.

### 1. Why did you or the group or class you represent wait to file the complaint? --

We have exhausted all avenues to get access to Paul Lake with our trailered boats. Everyone else who lives at Paul Lake has complete unblocked access but the Public does not. That is discriminatory. Our complaint is not late as you can see by the Response letter received from Honourable George Heyman dated 2018 June 1st.

**2. Why should the Tribunal accept the complaint? \*\***

This discriminatory practice must cease. The Public deserves the same access as the Residents of Paul Lake.

**3. Why would the delay in filing not cause substantial prejudice to any other person? \*\***

No one is prejudiced.

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**STEP 5: OTHER RELATED PROCEEDINGS**

The Tribunal may defer the complaint (put the complaint on hold) until another proceeding capable of dealing with the human rights complaint, such as a grievance, has been completed. If the complaint is deferred, the Tribunal will take no further steps until the deferral ends.

**Is there another proceeding? \*\***

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Yes

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No

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**STEP 6: REMEDIES**

**1. List the type of remedies you want for the group or class: \*\***

Implement the same boat launch facilities that the B. C. Parks Branch has implemented at Lac Le Jeune Lake and Big Heffley Lake. Both these lakes have the exact characteristics as Paul Lake. Both Lac Le Jeune & Heffley Lake have houses around parts of the lake but their boat launch facilities do not restrict my Members or the Public from launching Trailered Boats or Boats from Automatic Boat Loaders right to the waters edge.

**2. List any other person or organization affected by these remedies:**

The Public, Tourist.

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**STEP 7: SETTLEMENT MEETING**

The Tribunal can provide a mediator to resolve the complaint informally and voluntarily. This is called a "**settlement meeting**". This is a free service. What is said during the settlement meeting is confidential and cannot be used against either party later.

**Do you want to participate in a settlement meeting? \*\***

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Yes

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No

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**STEP 8: COMPLETE THE COMPLAINT FORM**

After you have filled out the complaint form:

- check the box to confirm that the information is true and accurate
- keep a copy of this complaint form and the documents
- send the complaint form to the Tribunal.

**Check the following for:**

☒

I confirm that the information in this complaint form is true and accurate to the best of my knowledge and belief. \*\*



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## WHAT HAPPENS NEXT?

After the Tribunal has reviewed the complaint, it will tell you one of the following:

- the complaint form is complete, the Tribunal will accept it for filing, and a copy will be sent to the Respondent(s)
- the complaint form is incomplete and the Tribunal will ask you for further information by a certain date
- the complaint is deferred pending the outcome of other proceedings
- the complaint cannot be accepted for filing because:
  - the complaint is not covered by the *BC Human Rights Code* (it may be covered by the *Canadian Human Rights Act*)
  - the complaint does not set out enough information to support a complaint of discrimination under the *BC Human Rights Code*
  - the complaint was filed late and the Tribunal has decided not to accept it.

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## PROTECTION FROM RETALIATION

After a complaint is filed a complainant, anyone named in a complaint, a witness or anyone who assists in a complaint is protected from retaliation for their involvement in the complaint. You must show:

- a complaint was filed with the Tribunal;
- the person who retaliated knew about the complaint; and
- it is reasonable to conclude that the person intended to retaliate against someone because of their involvement in the complaint.

As of May 14, 2015, the Code also protects you from retaliation because someone thought you might make a complaint, be named in a complaint, or give evidence or assist in a complaint.

If the person you represent or someone else has been retaliated against, complete a Retaliation Complaint Form available on our

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## HELP FILING YOUR COMPLAINT

For assistance with filing the complaint contact:

**BC Human Rights Clinic**  
300 - 1140 W Pender Street  
Vancouver BC V6E 4G1  
Tel: 604-622-1100  
Fax: 604-685-7611  
Toll Free: 1-855-685-6222  
www.bchrc.net

**The Law Centre – University of Victoria Faculty of Law**  
225 - 850 Burdett Avenue  
Victoria BC V8W 0C7  
Tel: 250-385-1221  
Fax: 250-385-1226  
www.thelawcentre.ca

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## PRIVACY NOTICE

The Tribunal collects personal information to process complaints filed under the *Human Rights Code* and to conduct surveys to evaluate and improve its services under s. 59.1 of the *Administrative Tribunals Act*.

The personal information in this form may be disclosed to members of the public. This is because the Tribunal's process is public:

- The Tribunal publishes most decisions on its website
- The Tribunal publishes a hearing schedule (list of upcoming hearings) with the parties' names and the area and ground of a complaint
- After a complaint is on the hearing schedule, the public has access to information, including the complaint and response forms (except contact information)
- Hearings are open to the public.

You can ask the Tribunal to limit the information it makes public. However, the Tribunal will only do so if it decides that your privacy interests outweigh the public interest in access to the Tribunal's proceedings.

For more information, contact the Tribunal Registrar at the address or phone number at the top of this form