

May 7, 2021

RE: LMLGA R4 Updating BC's Wrongful Death Laws

Dear [City Councillor],

My name is Michael-James Pennie and I'm the President of the BC Wrongful Death Law Reform Society.

I'm writing to you specifically about the upcoming motion R4 at the LMLGA 2021 AGM regarding the updating of BC's wrongful death laws. This motion represents support of one of the most important legislative modernizations in British Columbia's history with respect to enshrining legislated protections and human rights for every citizen in this province. While this may be a provincial legislative issue, we are writing to local government to make a special request for your support and endorsement as this issue impacts local communities and residents.

Our Society represents families who have lost a loved one to wrongful death in BC and were unable to access justice under the province's antiquated legislation. BC's wrongful death laws are guided by the *Family Compensation Act* and the *Wills, Estates, and Succession Act*. These laws have seen no significant or meaningful updates in over 175 years.

Only those who meet the discriminatory criteria of having both an income plus dependents have "worth" under the law. Everyone else in BC is considered "free" to be killed, with no accountability to wrongdoers. This especially affects vulnerable groups such as children, seniors, the disabled, and first nations are also disproportionately represented in the data relating to wrongful death.

Not only is a family wronged when they have lost their loved one, but they are victimized again when they are unable to access justice. When a family is wrongfully deprived of a loved one's care, guidance, companionship, love, and affection that one could have expected over an entire lifetime, the impact is insurmountable. The grief and injustice is often accompanied by time off work, career changes, marriage problems, divorce, depression, health issues, etc. The pursuit of truth and justice is inextricably linked to the grieving process, and when this is denied, often times the family is never able to move on from this grief and indignity.

All of the other provinces in Canada, including the Yukon, have undertaken modernization and, in most cases, long ago. At this juncture, British Columbia has the opportunity to put forth the best legislative protections in Canada. The Attorney General understands this and is interested in reform. With your support, we can ensure we drive this impact to this provincial government office so we can get this critical human rights work done. That is the legacy opportunity available to both our provincial and local governments in setting an example for the rest of Canada.

The volunteer families behind our Society have been working on this issue since at least the 1990s. We all came to find each other and formed the Wrongful Death Law Reform Working Group and we later incorporated as a Society in 2015. Sadly, it's a tragic club to join, but it gives us purpose and meaning to fight for legislative change, so other families do not have to experience the inability to access justice and hold wrongdoers accountable as we have. We as families will see no personal gain in this modernization, only the comfort that with legislative protections and meaningful deterrence, we can save lives, as arguably, these financial deterrent mechanisms would also spark the necessary change to prevent wrongful deaths in the first place.

Sometimes bureaucrats only see this issue as another line item on the provincial budget sheet. They ask "okay how much is this going to cost?". Our Society has done extensive economic research demonstrating that not only can we save lives, but we can reduce costs through these general deterrence mechanisms. The government can move forward with proactive measures, rather than reactive measures, to ensure safety and transparency of its hospitals, roads, and other institutions. Through access to a fair justice system, we can both preserve and enhance this democratic function of our government that is designed to protect us.

Our Society has received no outside funding from the legal community in over 5 years. We rely on small individual donations from members of the public and our volunteer team is comprised of families and students from across BC. In just the past several months after several of our member family stories have gone viral, over 13,000 British Columbians have petitioned their local MLAs through our website – <https://intheirname.ca> to make their voice heard in support of this issue.

Many of those voices are from your local community.

Our Society was granted the opportunity to speak directly to the Vancouver City Council who initiated this motion.

Catherine Adamson talked about how her 17-year old daughter Heidi was hit by a drunk driver, survived her injuries and later died in hospital due to a series of preventable medical errors. She discussed how one of our other member families, Lorie Kean, lost her 16-year old daughter Lindsey 19 years later to the exact preventable medical error as Heidi.

Frank Watts Jr., an indigenous man originally from Northern BC shared how his Father, 57-year old Frank Watts Sr. was killed in police custody.

I was also able to share how my Father, James, was neglected at a care facility, developed gangrene and had to have his foot amputated, followed by a 5-month hospitalized recovery. While my Father miraculously survived his neglect, he later died before the conclusion of the justice process that I was pursuing as a self-represented litigant. His life, now considered "worthless" after his death, became a windfall for the wrongdoer, allowing them to escape accountability.

Faith Hayman, a human rights lawyer, shared how under the current law when families that have suffered a tragic and preventable loss of a loved one come into her office, she simply isn't able to help them access justice, due to our antiquated laws. She outlined the shock and indignity a family experiences in discovering that their loved one was considered "worthless" under the law. They cannot understand how BC is essentially the last jurisdiction in North America and most of the developed world to not have updated these laws.

A city council allows for more direct and accessible representation for the voices of the people to be heard in a community. You represent a group of local representatives who are resourceful, capable, and are willing to adapt in real-time to the needs and modern requirements of our communities.

Your support and endorsement of motion R4 – Updating BC's Wrongful Death Laws can send a clear message to the provincial government on behalf of the people that this critical human rights work needs to get done to bring BC to a modern international standard for legislated protections, dignity, and access to justice under the law.

Thank you very kindly for your time and consideration in supporting this motion. The families behind our Society greatly appreciate it.

Sincerely,



Michael-James Pennie
President – The BC Wrongful Death Law Reform Society

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The BC Wrongful Death
Law Reform Society

Focused on solving the biggest human rights crisis in British Columbia