

Kamloops Pride Association

# Knowing Your Rights

A Toolkit for 2SLGBTQIA+ Folks in Navigating Criminal Justice, Health Care, and Youth Issues

## Knowing Your Rights: A Toolkit for 2SLGBTQIA+ Folks in Navigating Criminal Justice, Health Care and Youth Issues

Knowing Your Rights is a collaborative project between the Kamloops Pride Association and Pro Bono Students Canada, Thompson Rivers University Law School chapter. Knowing Your Rights would like to thank Grace McDonell, the supervising lawyer for the project. The project was completed by Thompson Rivers University Law students, their names, pronouns, and graduation years are as follows: Alexandra Comber (she/her - 2021), Sydney Snape (she/her - 2022), Abbey Fortin (she/her - 2023), Erin Pillipow (she/her - 2023), Katelyn Chaudhary (she/her - 2023), and William Clark (he/him - 2023).

The Kamloops Pride Association and Thompson Rivers University are both situated on the traditional and unceded Secwepemc territory, also known as Secwepemcúl'ecw. We acknowledge and give honour to the Secwepemc — the ancestral peoples who have lived and cared for the Secwepemcúl'ecw since time immemorial.

If you would like to contact Kamloops Pride, you can contact them at: [info@kamloopspride.com](mailto:info@kamloopspride.com)

For free access to Canadian legal cases and legislation, visit the Canadian Legal Information Institute (CanLII): <https://www.canlii.org/en/>

### DISCLAIMER:

Knowing Your Rights does not constitute legal or medical advice. Please consult a lawyer for legal advice or a doctor to for medical advice. The information contained herein was up to date as of 20, 2021. This is a fast-evolving area of law and policy; therefore, some content, forms, or appendices may be out of date. Links and resources have been provided to ensure that readers can still access the most up to date content.

### CONTENT WARNING:

Some of the content contained in this document may be triggering as it discusses instances of negative interactions by 2SLGBTQIA+ folks with institutions and close, familial relationships.



# TABLE OF CONTENTS

Criminal Justice .....	4
What are my rights if an officer approaches me on the street? .....	4
What are my rights if I am approached while sleeping in my car? .....	4
What are my rights if I am pulled over while driving? .....	5
What can I do if an officer, judge, lawyer, or other state-actor deadnames or misgenders me? .....	6
How can I file a complaint against the police? .....	6
What ID do I have to show the police? .....	7
What if my ID does not represent my gender identity and I am stopped by the police? .....	7
What if my transgender identity is a secret to the people in my life? .....	8
When do I have to answer my door to a police officer? .....	8
How do I know if I am being detained? .....	8
What are my rights if I am detained? .....	9
How do I know if I am being arrested? .....	9
What are my rights if i am being arrested? .....	9
How can I report a hate crime? .....	10
How can I go about changing my documentation? .....	10
Who can I approach about changing my documentation? .....	15
What will happen if I am homeless and stopped/approached by the police? .....	16
What can I do if I feel unsafe in a situation with the police? .....	16
What are my rights during a traffic stop? .....	17
What information do I have to give to the police if I am not detained? .....	18
If arrested and held in custody, are you detained in the appropriate gendered cell? Are you allowed to keep the gender-affirming prosthesis worn such as binders, packers, breastplates, gaffs, etc? .....	18
If I am held in federal prison, what are my rights? .....	19
If I am held in a provincial prison, what are my rights? .....	19
If I am being disrespected by the prison staff, what can I do? .....	20
If I feel unsafe in prison, what can I do? .....	21
How can I access the healthcare needs that I have when in prison? .....	21
What if I cannot afford a lawyer? .....	22
What happens if I am arrested? .....	23
What happens if I am convicted of a crime? .....	23
How to expunge a criminal record? .....	23

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Healthcare .....	25
How can I find a trans-competent doctor? .....	25
What is hormone therapy? What are the criteria for hormone therapy eligibility? .....	25
Are the costs of Hormone Replacement Therapy (HRT) covered by healthcare plans? .....	26
How do I get access to binders, packers, and prosthetics? .....	26
Are gender-affirming procedures covered under MSP? How do I start the process of getting gender-affirming surgery? .....	27
Can I access to gender-affirming procedures in Canada? .....	29
What are my rights if I travel out of country for gender-affirming procedures? .....	30
If my doctor cannot provide trans-competent care, do they have to refer me to another doctor? .....	30
What if my doctor refuses to treat me (based on my transgender identity)? .....	31
What if my health care provider is not providing quality care or following the best standards of practice? .....	32
How do I start a complaint against a healthcare provider? .....	33
Youth Healthcare.....	35
As a youth, am I allowed access to HRT and what does this process look like? .....	35
In regard to hormone blockers, can a transGender youth's parents prevent them from receiving this treatment? .....	36
What information can a doctor divulge to a youth's parents, despite doctor-patient confidentiality? .....	37
Youth .....	39
If I am struggling or feel unsafe, who can I call or reach out to? .....	39
What are some local youth centres and safe spaces? .....	40
What are your options if a parent/guardian refuses to use gender-affirming pronouns and acknowledge transition needs? .....	40
Are there protections for the child if the time spent is court ordered? .....	41
What protections do transgender students have against discrimination based on their gender identity or expression in schools? .....	41
Other Resources .....	43
<b>Appendices</b> .....	45
Appendix A - Definitions .....	45
Appendix B - Resources .....	53
Appendix C - The Human Rights Complaint Process for Transgender People in BC .....	57
Appendix D - BC Corrections Transgender & Gender Diverse Inmates Policy .....	70
Appendix E - Forms and Other Documents .....	93



# CRIMINAL JUSTICE

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## WHAT ARE MY RIGHTS IF AN OFFICER APPROACHES ME ON THE STREET?

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Section 9 of the *Charter of Rights and Freedoms*<sup>1</sup> protects citizens from certain arbitrary state actions. If you are stopped by a police officer on the street, you have the right to ask the officer if you are being arrested or detained. If you are not being detained or arrested, you are free to leave.

## WHAT ARE MY RIGHTS IF I AM APPROACHED WHILE SLEEPING IN MY CAR?

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If you are in an area with a bylaw restriction against sleeping in your car, you may have to show the police your ID, and you may be issued a ticket. Police may ask you to leave the premises or area.<sup>2</sup> If you are experiencing homelessness, the City of Kamloops provides shelter resources. Here are [Shelter Resources](#) from the City of Kamloops.<sup>3</sup>

In addition to traditional shelters, Kamloops also has supportive housing locations. Supportive housing projects provide residents self-contained units with kitchenettes and private bathrooms. There is also a range of on-site resources, life skills training, connections to health care, mental health or substance-use services. Supportive housing is available for folks who are low-income adults, are homeless or at risk of homelessness, require supports to live independently, or need support to maintain a successful tenancy.<sup>4</sup>

To be considered for supportive housing, you must complete the Vulnerability Assessment Tool (VAT). The agencies that can administer the VAT in Kamloops are:

- ASK Wellness
- John Howard Society
- Lii Michif Otipemisiwak Family and Community Services
- Interior Health
- The Mustard Seed Kamloops

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<sup>1</sup> *Canadian Charter of Rights and Freedoms*, s 9, Part I of the *Constitution Act*, 1982, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11.

<sup>2</sup> Trans Rights BC, “Police & Prison System” online: *Provincial Health Services Authority* <<http://www.transrightsbc.ca/know-your-rights/police-prison-system/>> [Police & Prison System].

<sup>3</sup> Shelter Resources, online: *City of Kamloops* <[https://www.kamloops.ca/sites/default/files/docs/our-community/scd\\_shelterresourceflatsheet\\_8-5x11\\_nov2019\\_final.pdf](https://www.kamloops.ca/sites/default/files/docs/our-community/scd_shelterresourceflatsheet_8-5x11_nov2019_final.pdf)> [Shelter Resources].

<sup>4</sup> BC Housing “Supportive Housing” online: *BC Housing* <<https://www.bchousing.org/housing-assistance/housing-with-support/supportive-housing>>.

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- Elizabeth Fry Society
- Canadian Mental Health Association – Kamloops and Safe Spaces.<sup>5</sup>

For the COVID-19 pandemic, the City of Kamloops has outlined rules for temporary overnight shelters. As explained on their website, shelters may only cover an area of less than 10 m<sup>2</sup> and must be free of garbage and excessive clutter. There can be no fires or smoking, and the shelters must be detached from other structures. Regardless, in British Columbia, people cannot be restricted from sleeping in parks at night and people who are experiencing homelessness can create structures to sleep under, as long as they are taken down by morning.<sup>6</sup>

There are also day storage lockers that are free to use to store a single persons' belongings at 48 Victoria Street West (Across from City Hall), from Monday to Sunday, between the hours of 11:00 AM – 5:00 PM. Further details can be found via this [link](#).<sup>7</sup>

The areas the Temporary Overnight Shelter Locations can be located are outlined on the map [here](#).<sup>8</sup>

Additional resources may be found [here](#).<sup>9</sup>

## WHAT ARE MY RIGHTS IF I AM PULLED OVER WHILE DRIVING?

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If you are pulled over by the police, you must show the officer a valid driver's license. You may also be required to show your vehicle registration. If an officer suspects you have been drinking and driving, you may be asked for a breath sample. If you refuse to provide a breath sample, you may be arrested.<sup>10</sup>

*\* Note: Generally, you can ask for an officer's name, badge number, and information*

*\* Note: If your license does not correspond with your gender identity, you may be required to explain this to the officer*

*\* Note: You may call 911 if you are being pulled over by an unmarked police car to ensure that you are being pulled over by an officer*

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<sup>5</sup> Shelter Resources, *supra* note 3.

<sup>6</sup> *Victoria (City) v Adams*, 2009 BCCA 563 at para 195; *Abbotsford (City) v Shantz*, 2015 BCSC 1909 at paras 124, 203, 276.

<sup>7</sup> Temporary Overnight Shelters, online: *City of Kamloops* <<https://www.kamloops.ca/our-community/building-strong-communities/housing-and-homelessness/temporary-overnight-shelters>>.

<sup>8</sup> Temporary Overnight Shelter Locations, online (pdf): *City of Kamloops* <[https://www.kamloops.ca/sites/default/files/docs/our-community/bl\\_temporaryovernightshelters\\_11x8-5\\_may2018\\_map.pdf](https://www.kamloops.ca/sites/default/files/docs/our-community/bl_temporaryovernightshelters_11x8-5_may2018_map.pdf)>.

<sup>9</sup> Resources List, online: *City of Kamloops* <[https://www.kamloops.ca/sites/default/files/docs/our-community/scd\\_resourceflatsheet\\_8-5x11\\_nov2019\\_final.pdf](https://www.kamloops.ca/sites/default/files/docs/our-community/scd_resourceflatsheet_8-5x11_nov2019_final.pdf)>.

<sup>10</sup> Police & Prison System, *supra* note 2.

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## WHAT CAN I DO IF AN OFFICER, JUDGE, LAWYER, OR OTHER STATE-ACTOR DEADNAMES OR MISGENDERS ME?

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A state actor is someone acting on behalf of the government, such as a police officer, judge, social worker, or lawyer working for the government.<sup>11</sup> If a state actor does not use your correct pronouns or name, you should make them aware of the proper way to refer to you. If the state actor still *refuses* to call you by your correct pronouns or name, it may be deemed contrary to the *BC Human Rights Code*.<sup>12</sup> You may submit a complaint through the RCMP website (as illustrated in the next question, “How can I file a complaint against the police?”). You may also submit a complaint through the Human Rights Tribunal:<sup>13</sup> <http://www.bchrt.bc.ca/complaint-process/index.htm>.

*Note: There is a 1-year limitation period to file your human rights complaint and it is free to file.*

## HOW CAN I FILE A COMPLAINT AGAINST THE POLICE?

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You can file a complaint about an officer, civilian member, or a special constable through the RCMP website. You can submit your complaint through an online form: <https://www.crcc-ccetp.gc.ca/en/make-complaint-form>

By Telephone:

1-800-665-6878

TTY: 1-866-432-5837

By Fax:

Print and complete this form: <https://www.crcc-ccetp.gc.ca/pdf/complaintplainte-en.pdf>  
613-960-6147

By Mail:

Print and complete this form: <https://www.crcc-ccetp.gc.ca/pdf/complaintplainte-en.pdf>  
Civilian Review and Complaints Commission for the RCMP National Intake Office  
P.O. Box 1722, Station B  
Ottawa, ON K1P 0B3.<sup>14</sup>

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<sup>11</sup> Definitions Dictionary, online: *Definitions Dictionary* <<https://www.definitions.net/definition/state+actor>> *sub verbo* “state actor”.

<sup>12</sup> *Human Rights Code*, RSBC 1996, c 210, s 44(2).

<sup>13</sup> BC Human Rights Tribunal, “Human Rights Complaint Process” online: *BC Human Rights Tribunal* <<http://www.bchrt.bc.ca/complaint-process/index.htm>>.

<sup>14</sup> Royal Canadian Mounted Police, “Making a public complaint against an RCMP member” online: *Royal Canadian Mounted Police*, <<https://www.rcmp-grc.gc.ca/cont/faq-comp-plainte-eng.htm>>.

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## WHAT ID DO I HAVE TO SHOW THE POLICE?

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When required, you have to show police a document with your name, age, and address on it, typically a driver's license, passport, permanent residency card, or birth certificate are all sufficient. If your ID does not match your gender identity, you may have to explain to the officer why that is.<sup>15</sup> This is discussed further in the next question, "what if my id does not represent my gender identity and I am stopped by the police?".

There are many reasons in which a photo ID may not fully match up with a driver, such as changes over time, age, haircuts, etc. Although the police may ask a few questions to ensure it is you driving the vehicle, they are trained to ask these questions respectfully and in a way that acknowledges who you are. For example, the police may ask for your "legal name", and if your name has not yet been legally changed, you may disclose your legal name as well as your correct name. The officer should then use your correct name when they speak to you.

It is important to note that officers are duty-bound to ensure the person is who they say they are. To accomplish this, officers may ask questions to ensure you are the same person as your identification, or for properly detailed information that is necessary for identification.

## WHAT IF MY ID DOES NOT REPRESENT MY GENDER IDENTITY AND I AM STOPPED BY THE POLICE?

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If your ID does not represent your gender identity and you are stopped by the police, you can explain this to the officer(s). Let the officer know both your legal name and correct name for the purposes of identification.

For example, you may tell an officer "I am transgender/non-binary/etc. and I go by the name \_\_\_\_\_", but my legal name on my drivers' license is \_\_\_\_\_".

You should also advise the officer if you are in the process of getting your name changed or in the process of transitioning. Officers will use your legal name for the court-process but refer to you with your correct name. Officers will write on documents such as a report to the Crown both your legal name as well as your correct name. In all levels of BC Court, all participants, counsel, judge or justice, and witnesses will be required to share their correct pronouns.<sup>16</sup> Counsel

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<sup>15</sup> Police & Prison System, *supra* note 2.

<sup>16</sup> The Supreme Court of British Columbia, "Forms of Address for Parties and Counsel in Proceedings PD-59" (16 December 2020) online (pdf): *BC Courts* <[https://www.bccourts.ca/supreme\\_court/practice\\_and\\_procedure/practice\\_directions/civil/PD-59\\_Forms\\_of\\_Address\\_for\\_Parties\\_and\\_Counsel\\_in\\_Proceedings.pdf](https://www.bccourts.ca/supreme_court/practice_and_procedure/practice_directions/civil/PD-59_Forms_of_Address_for_Parties_and_Counsel_in_Proceedings.pdf)>.

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addressing Court will state your legal name first for the record, before your correct name. The court will then use your correct name.<sup>17</sup>

Most officers will use your correct name when referring to you, but there may be a few officers who will either make a mistake or purposefully refuse to respect your wishes. If a police officer refuses to respect your identity, you may submit a complaint to the RCMP (<https://www.crcc-ccetp.gc.ca/en/make-complaint-form>), or submit a complaint through the Human Rights Tribunal (<http://www.bchrt.bc.ca/complaint-process/index.htm>).

*Note: There is a 1-year limitation period to file your human rights complaint and it is free to file.*

## **WHAT IF MY TRANSGENDER IDENTITY IS A SECRET TO THE PEOPLE IN MY LIFE?**

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When interacting with a police officer, unless they are required to by law, they will not share your personal information without your permission.<sup>18</sup>

## **WHEN DO I HAVE TO ANSWER MY DOOR TO A POLICE OFFICER?**

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You must open your door to the police under certain circumstances. If the police have a warrant you must open the door. Be sure to check if the name, date, and address on the warrant are correct. If anything is wrong on the warrant, they do not have a right to enter your home. You must open the door if they have a condition for bail or a probation order.

Additionally, if they are chasing someone who has entered your building, if they believe the evidence of a crime is being destroyed, or if they are trying to help someone they believe is in immediate danger, then they may enter your home. If none of these circumstances are taking place you are not legally obligated to open the door to the police or answer their questions.<sup>19</sup>

## **HOW DO I KNOW IF I AM BEING DETAINED?**

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If you are in a situation where a police officer is not allowing you to leave, or you feel that you aren't able to leave, you may be detained. Detainment is different from arrest. If you are being detained, you are being officially held by the police, usually for questioning concerning a crime. If

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<sup>17</sup> The Provincial Court of British Columbia, *Notice to the Profession and Public: Form of Address for Parties and Lawyers*, NP 24 (16 December 2020) online: <<https://www.provincialcourt.bc.ca/downloads/Practice%20Directions/NP%2024%20Form%20of%20Address%20for%20Parties%20and%20Lawyers.pdf>>.

<sup>18</sup> Police & Prison System, *supra* note 2.

<sup>19</sup> Police & Prison System, *supra* note 2.

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you are unsure what is taking place, ask the police “am I being detained?” They are required to tell you if you are being detained and why you are being detained. When you are detained, you are not free to go. If you are detained, the police are required under Section 10 of the *Canadian Charter of Rights and Freedoms* to make you aware of your rights, which include speaking to legal counsel.<sup>20</sup>

## WHAT ARE MY RIGHTS IF I AM DETAINED?

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Section 9 of the *Canadian Charter of Rights and Freedoms* protects all citizens from arbitrary detention. If you are being detained, you do not have to answer any questions besides identification questions.

You have the right to speak with legal counsel, and the police can pat you down for a safety search.<sup>21</sup> If you do not have the resources to hire a lawyer, the police must provide you with the resources to contact a legal aid lawyer, who will represent you free of charge.

## HOW DO I KNOW IF I AM BEING ARRESTED?

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If you are being arrested the police are required to tell you that you are being arrested, why you are being arrested, and to read you your rights. You may be put into handcuffs or restrained in another way.<sup>22</sup>

## WHAT ARE MY RIGHTS IF I AM BEING ARRESTED?

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When being arrested, you have a right to know the reason for arrest. You must be “read your rights,” in most cases, officers will not explicitly read your rights to you, but tell you in a verbal format. You must be told that you have a right to remain silent and the right to a lawyer. If you are not told these things, you must tell your lawyer when you contact them.

You also have the right to be given the number of a legal aid lawyer, and the opportunity to speak with them privately. Police officers do have the right to search your person incident to arrest. This means they can search you and your immediate surroundings for weapons or evidence related to the arrest. They must not conduct the search in an abusive fashion, and if you feel the search was abusive you must share this with your lawyer.<sup>23</sup>

<sup>20</sup> *R v Grant*, 2009 SCC 32, at para 22, 58; *R v Suberu*, 2009 SCC 33 at para 2.

<sup>21</sup> See *R v. Mann*, 2004 SCC 52 at para 45.

<sup>22</sup> See *R v Grant*, 2009 SCC 32, at para 22, 58; *R v Suberu*, 2009 SCC 33 at para 2.

<sup>23</sup> See *Cloutier v Langlois*, [1990] 1 SCR 158, at paras 21, 22, 59-64, 1990 CanLII 122.

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## HOW CAN I REPORT A HATE CRIME?

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A hate crime is any crime that is motivated by hostility to the victim as a member of an identifiable group, such as one based on sexual orientation, race, colour, creed or gender. Examples of hate crimes can include assault, or defamation of property.<sup>24</sup> You are entitled to protection from hate crimes under sections 318 and 319 of the *Criminal Code*. If you believe that a hate crime has been committed against you, you may report it and file a Human Rights complaint.

*Note: To report a hate crime, you may file a complaint to the Human Rights Tribunal within one year of the incident.*<sup>25</sup> There are no fees attached to filing a Human Rights complaint.<sup>26</sup>

You may also go to your local police detachment, phone 1-855-462-5733, or email [BC\\_HATE\\_CRIMES@rcmp-grc.ca](mailto:BC_HATE_CRIMES@rcmp-grc.ca). If the hate crime is in progress, call 911.

When you report a hate crime, any of the information you provide is confidential, and may not be shared or admitted into evidence unless you give consent.<sup>27</sup>

## HOW CAN I GO ABOUT CHANGING MY DOCUMENTATION?

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Transgender, Non-Binary, and Gender diverse people are not legally required to change their documentation; however, if you choose to do so, the processes and some resources are outlined below.<sup>28</sup>

Trans Care BC has a free and helpful tool that helps you navigate the processes and requirements for changing Provincial and Federal Identification for name changes, and/or gender markers. It can be found here: <http://live-transcarebc.button.build/updating-id/>

### Provincial Documentation

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<sup>24</sup> *Merriam-Webster Dictionary*, online: <<https://www.merriam-webster.com/dictionary/hate%20crime>> *sub verbo* “hate-crime”.

<sup>25</sup> *Human Rights Code*, RSBC 1996, c 210, s 22.

<sup>26</sup> Trans Rights BC “Human Rights Complaints” online: *Provincial Health Services Authority* <<http://www.transrightsbc.ca/take-action/human-rights-complaints/>> [Human Rights Complaints].

<sup>27</sup> *Human Rights Code*, RSBC 1996, c 210, s 40.

<sup>28</sup> Trans Care BC “Updating ID Guide” online: *Provincial Health Services Authority* <<http://live-transcarebc.button.build/updating-id/>>.

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*\*Note: This information is constantly being updated and adapted. Please see <https://www2.gov.bc.ca/gov/content/life-events/legal-changes-of-name> for any up-to-date changes.*

*\*Note: Most people change their provincial documents before their federal documents.<sup>29</sup>*

### Provincial documents include:

- BC Birth Certificate
- BC Driver's license
- BC Identification Card
- BC Services Card (can be separate from or joined with BC Driver's License, and may or may not include a photo)
- Enhanced Driver's License and Enhanced Identification Card.<sup>30</sup>

To change your name and gender marker, you can complete both applications at the same time, but the processes are separate.

### Change of Name:

For someone who is over the age of 19 and born in Canada, you must complete an application for a change of name.<sup>31</sup>

In conjunction with the application, you must send in your:

- original Birth Certificate,
- a photocopy of a receipt for fingerprinting completed in the last 30 days,
- any marriage certificates,
- a photocopy of government-issued picture ID,
- any previous Change of Name documents,
- and any fees that are required.<sup>32</sup>

The fee required to send the application is \$137.00. If you earn less than \$20,000 per year, you may qualify for a **fee waiver**. To do so, you must include a copy of your last tax return, as well as a letter requesting the change of name fee is waived.<sup>33</sup>

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<sup>29</sup> *Ibid.*

<sup>30</sup> Human Rights Complaints, *supra* note 25.

<sup>31</sup> Vital Statistics Agency "Application for Change of Name" online (pdf): *BC Vital Statistics* <<https://www2.gov.bc.ca/assets/gov/health/forms/vital-statistics/vsa529.pdf>>.

<sup>32</sup> Trans Care BC "Legal Change of Name (born in Canada)" online: *Provincial Health Services Authority* <<http://live-transcarebc.button.build/tid-result-a/>> [Legal Change of Name].

<sup>33</sup> *Ibid.*

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To have your fingerprints taken electronically, you may visit an RCMP detachment. There is a fee of \$80.00 for this service, but you can apply to have it reduced to \$25.00 through a waiver provided by Catherine White Holman Wellness Center, only if your fingerprinting is taking place in Vancouver.

A lawyer or notary must sign your name change application for it to be complete. This may require additional fees; however, Service BC may be able to do this for free. In Kamloops, they are located at 455 Columbia Street, Room 250, and are open Monday to Friday from 9 AM-4:30 PM, with a lunch break from 12:30 PM-1 PM.<sup>34</sup>

If your change of name application is approved, you will receive a confirmation letter from Vital Statistics BC. Your certificate of Name Change will arrive separately.<sup>35</sup> If you plan on changing your gender marker as well, it is advised you do not order a new ID or birth certificate until after that has been approved as well.<sup>36</sup>

The next steps for you to take include ordering a new birth certificate, sending a copy of that birth certificate to Health Insurance BC, wait for your new service card to arrive, and take your new documentation to an ICBC location to receive an updated Driver's License or BCID.<sup>37</sup>

Here is an updated websites you can use for more information about the websites necessary to change information and documentation, such as your name, gender marker, birth certificates, and much more: <http://www.phsa.ca/transcarebc/care-support/transitioning/id-name-change> or <http://live-transcarebc.button.build/updating-id/>. The government websites also denote the costs and fees associated with the change for processing purposes along with a variety of other information and resources.<sup>38</sup>

### Change of Gender Marker:

If you were born in BC, you can update your BC birth certificate to include a gender marking of M, F, or X. The Application for Change of Gender Designation for adults can be found [here](#)<sup>39</sup>, and for children and youth [here](#).<sup>40</sup>

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<sup>34</sup> "Service BC Location: Kamloops" online: *Government of British Columbia* <<https://www2.gov.bc.ca/gov/content/governments/organizational-structure/ministries-organizations/ministries/citizens-services/servicebc/service-bc-location-kamloops>>.

<sup>35</sup> Legal Change of Name, *supra* note 31.

<sup>36</sup> Legal Change of Name, *supra* note 31.

<sup>37</sup> Legal Change of Name, *supra* note 31.

<sup>38</sup> Trans Care BC, "ID & Name Change" online: *Provincial Health Services Authority* <<http://www.phsa.ca/transcarebc/care-support/transitioning/id-name-change>>.

<sup>39</sup> "Instructions for the Application for Change of Gender Designation (Adult)" online (pdf): *Government of British Columbia* <[https://www2.gov.bc.ca/assets/gov/health/forms/vital-statistics/vsa509a\\_fill.pdf](https://www2.gov.bc.ca/assets/gov/health/forms/vital-statistics/vsa509a_fill.pdf)>.

<sup>40</sup> "Instructions for the Application for Change of Gender Designation (Minor)" online (pdf): *Government of British Columbia* <[https://www2.gov.bc.ca/assets/gov/health/forms/vital-statistics/vsa509c\\_fill.pdf](https://www2.gov.bc.ca/assets/gov/health/forms/vital-statistics/vsa509c_fill.pdf)>.

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To change your gender, you must have a physician or psychologist confirm a change of gender designation form. A non-binary marker of X is available to individuals who do not identify as male or female.<sup>41</sup>

You are required to send your application to Vital Statistics in Kelowna. Please note that this is a different office and address from where the Change of Name Application must be sent. With your completed application, you must send the original copy of a physician's or psychologists' confirmation of the change of gender designation, the required fees, and any previously issued birth certificates.<sup>42</sup>

The fee included is \$27.00. If you make less than \$20,000 per year you may apply for a fee waiver. You may do so by including a copy of your most recent tax return as well as a letter requesting the fee be waived.<sup>43</sup>

Additional information and resources can be found here:

<https://www2.gov.bc.ca/gov/content/life-events/legal-changes-of-name>

<http://www.phsa.ca/transcarebc/care-support/transitioning/id-name-change>

## **Federal Documentation**

### **Federal Documents Include:**

Canadian Passport, Citizenship Card, Permanent Resident Card, Temporary Resident Documents, Certificate of Indian Status, Social Insurance Number, Income Tax Records, and Voting Records.

To change your federal documents, you must have an updated birth certificate.

For federal documents, you must have a confirmation of the SIN letter. You are required to provide a birth certificate or permanent residency or Canadian citizenship card, and certificate of change of name. You can do this at the same time as you change your gender on your SIN.

**To change your passport**, you must have your birth certificate or Canadian citizenship certificate with your updated name. You can apply by mail or in person at a Passport Canada Office.<sup>44</sup> The application can be found here:

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<sup>41</sup> "Change of Gender Designation on Birthday Certificates" online: *Government of British Columbia* <<https://www2.gov.bc.ca/gov/content/life-events/birth-adoption/births/birth-certificates/change-of-gender-designation-on-birth-certificates#:~:text=Once%20the%20gender%20on%20a,and%20the%20Enhanced%20Identification%20Card>>.

<sup>42</sup> Trans Care BC, "Change Gender Marker" online: *Provincial Health Services Authority* <<http://live-transcarebc.button.build/change-gender-marker/>> [Change Gender Marker].

<sup>43</sup> *Ibid.*

<sup>44</sup> Trans Care BC, "Canadian Passport" online: *Provincial Health Services Authority* <<http://live-transcarebc.button.build/tid-federal-documents/>>.

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<https://www.canada.ca/content/dam/ircc/migration/ircc/english/passport/forms/pdf/pptc153.pdf>

**To change your permanent residency card**, you must have a certificate of change of name, and follow up with Canadian immigration services. The Application for Permanent Residency card can be found here: <https://its-site.ams3.digitaloceanspaces.com/Application-for-a-Permanent-Resident-Card.pdf>. You may do this at the same time as changing your gender on the permanent residency card. The application for Change of Gender Designation can be found here: <https://irp-cdn.multiscreensite.com/be3b7c5d/files/uploaded/Statutory-Declaration-%E2%80%93-Request-for-a-Change-of-Sex-Designation-1.pdf>

**To change your citizenship certificate**, you need the certificate of change of name, and you can do so at the same time as changing the gender on your citizenship certificate. The application can be found here:

<https://www.canada.ca/content/dam/ircc/migration/ircc/english/pdf/kits/citizen/cit0001e-2.pdf> and the Request for Change of Gender Designation can be found here: <https://irp-cdn.multiscreensite.com/be3b7c5d/files/uploaded/Statutory-Declaration-%E2%80%93-Request-for-a-Change-of-Sex-Designation-1.pdf>

**To change your temporary Resident Documents**, the instructions guide can be found here:

<https://www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides/guide-5218-request-amend-record-landingconfirmation-permanent-residence-valid-temporary-resident-documents.html>. And the application to amend here: <https://www.canada.ca/content/dam/ircc/migration/ircc/english/pdf/kits/forms/imm1436e.pdf>

**To change your Certificate of Indian Status**, you must complete the Application for Already Registered Persons and choose “replacement—changes to personal information”. You must also submit in person or by mail: two identical and unaltered Canadian passport-style photos taken within the last 12 months, proof of ID in the form of signature, more than one document that when combined include name, date of birth, photo, and signature, and either a Secure Certificate of Indian Status and a Guarantor Declaration form, or a Certificate of Indian Status and one identity document, or one identity document and a Guarantor Declaration form.<sup>45</sup> Gender markers may be changed as well, but only M and F are currently available.

**To change your social insurance number record**, gender, and name, you must have a primary ID document and a change of name certificate.

You can update by mail:

Service Canada

Social insurance Registration Office

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<sup>45</sup> Trans Care BC, “Certificate of Indian Status” online: *Provincial Health Services Authority* <<http://live-transcarebc.button.build/tid-federal-documents/#c=2699>>.

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Post Office Box 7000  
Bathurst NB, E2A 4T1

Or in person at a Service Canada Office. Locations can be found on their website:

<http://www.servicecanada.gc.ca/tbsc-fsco/sc-hme.jsp>

Once your documentation has been updated, you may notify the Canada Revenue Agency through telephone: 1-800-959-8281<sup>46</sup>

You may also notify Elections Canada through telephone: 1-800-463-6868, or online here:

<https://csep-pesc.elections.ca/en-CA/intake/intake-mop/><sup>47</sup>

*\*Note: If you have the gender marking X on a passport or travel document, Passport Canada has stated they cannot guarantee other countries will accept that gender marking. They suggest checking with the Canadian Embassy in whichever country or countries you are travelling to.*<sup>48</sup>

## WHO CAN I APPROACH ABOUT CHANGING MY DOCUMENTATION?

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To change British Columbia provincial documents, you can reach out to BC Vital Statistics at 1-888-876-1633.

Within Vancouver, there are multiple agencies that will provide aid in the document change process.

QMUNITY hosts a Transgender ID Change Clinic that provides notary services for low-income transgender individuals applying for a change of name or gender on ID. Their contact info is [TransID@qmunity.ca](mailto:TransID@qmunity.ca).

The PACE society provides support to transgender individuals in filling out the paperwork required to change one's name/gender on their ID. They also provide aid in paying the associated fees. Their contact information is: 604-872-7651 or [info@pace-society.org](mailto:info@pace-society.org)

The Broadway Youth Resource Centre supports youth between the ages of 13-24 with paperwork for a legal change of name and gender markers. They also may help with the associated fees. Their contact information is: 604-709-5720 or [byrc@pcrs.ca](mailto:byrc@pcrs.ca)

The Catherine White Holman Wellness Center provides legal advice, counselling, and a variety of other services. Their contact information is: [contactus@cwhwc.com](mailto:contactus@cwhwc.com). You may also request services through their website: <https://cwhwc.com/contact/>

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<sup>46</sup> Trans Care BC, "Other Federal Documents" online: *Provincial Health Services Authority* <<http://live-transcarebc.button.build/tid-federal-documents/#c=3001>>.

<sup>47</sup> *Ibid.*

<sup>48</sup> Trans Care BC, "Canadian Passport" online: *Provincial Health Services Authority* <<http://live-transcarebc.button.build/tid-federal-documents/>>.

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## WHAT WILL HAPPEN IF I AM HOMELESS AND STOPPED/APPROACHED BY THE POLICE?

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Everyone has the right not to be arbitrarily detained or imprisoned.<sup>49</sup> A police officer may walk up to you and ask for information, but if you are not detained or under arrest then you may refuse to cooperate. If you are detained or under arrest, the officer will need to notify you and tell you why. There can be certain situations where cooperation is a legal requirement, such as if you are being pulled over while driving under the *BC Motor Vehicles Act*. If a police officer has a warrant, they have the authority to arrest you, but they must read you your rights and allow you to call a lawyer as soon as possible.

If an officer does not have a warrant, the authority to do so is s. 495 of the *Criminal Code*.

### **495 (1) A peace officer may arrest without a warrant**

- a) a person who has committed an indictable offence or who, on reasonable grounds, he believes has committed or is about to commit an indictable offence;
- b) a person whom he finds committing a criminal offence; or
- c) a person in respect of whom he has reasonable grounds to believe that a warrant of arrest or committal, in any form set out in Part XXVIII in relation thereto, is in force within the territorial jurisdiction in which the person is found.<sup>50</sup>

This means that an officer may arrest you without a warrant only if the officer has **reasonable** grounds to assume that either you have committed an indictable offence or will be committing one, or if the officer finds you committing an offence.

Because people experiencing homelessness will be deemed a vulnerable group, officers must take great care with treatment. If police behaviour is deemed excessive, or if the police forces you or intimidates you to incriminate yourself, the evidence used against you in court after the fact may be inadmissible.

## WHAT CAN I DO IF I FEEL UNSAFE IN A SITUATION WITH THE POLICE?

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<sup>49</sup> *Canadian Charter of Rights and Freedoms*, s 9, Part I of the *Constitution Act*, 1982, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11.

<sup>50</sup> *Criminal Code*, RSC 1985, c C-46, s 495.

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A police officer is considered a **person of authority**. An officer may ask you questions and be persistent, and this can be intimidating. Anything you say to an officer when you are not explicitly detained or under arrest may not be admissible in court. There may be other remedies for such behaviour, depending on the severity.<sup>51</sup>

## WHAT ARE MY RIGHTS DURING A TRAFFIC STOP?

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Section 94(3) of the *BC Motor Vehicles Act* illustrates the duties of a police officer during a traffic stop:

### 94.3 If a peace officer serves a notice of driving prohibition on a person under section 94.1,

- a) the peace officer must promptly forward to the superintendent
  - i. the person's licence or permit to operate a motor vehicle, if the peace officer took the licence or permit into possession,
  - ii. a copy of the notice of driving prohibition, and
  - iii. a certificate of service, in the form established by the superintendent, showing that the notice of driving prohibition was personally served on the person subject to the driving prohibition, and
- b) the peace officer, or another peace officer, must promptly forward to the superintendent
  - i. a report, in the form established by the superintendent, sworn or solemnly affirmed by the peace officer whose opinion resulted in the notice of driving prohibition being served on the person,
  - ii. a copy of any certificate of analysis under Part VIII.1 of the *Criminal Code* with respect to the person, and
  - iii. any prescribed documents or information.<sup>52</sup>

During a traffic stop the officer may ask for your valid driver's license, registration, insurance papers, and other documentation necessary for their duties. If your license does not correspond with your gender identity you may be required to explain this to the officer. The police may also ask for a breath sample for a roadside breathalyzer test. The police, however, must abide by the *Charter*. The police cannot arrest or detain arbitrarily, or act in any way contrary to the *Charter*.<sup>53</sup>

If you feel intimidated by the police, or feel as though you have been detained, ensure you discuss this with legal aid or your lawyer.<sup>54</sup>

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<sup>51</sup> *R v Oickle*, 2000 SCC 38 at para 15.

<sup>52</sup> *BC Motor Vehicle Act*, RSBC 1996, c 318, s 94.

<sup>53</sup> *Canadian Charter of Rights and Freedoms*, s 7, Part I of the *Constitution Act*, 1982, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11.

<sup>54</sup> *Canadian Charter of Rights and Freedoms*, s 12, Part I of the *Constitution Act*, 1982, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11.

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## WHAT INFORMATION DO I HAVE TO GIVE TO THE POLICE IF I AM NOT DETAINED?

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If you are simply questioned by police, and not detained, you do not have to answer questions or state your name, unless required by law.<sup>55</sup> An example of “required by law” includes traffic stops, in which you must comply with a police officer’s questions under the *BC Motor Vehicle Act*.<sup>56</sup>

## IF ARRESTED AND HELD IN CUSTODY, ARE YOU DETAINED IN THE APPROPRIATE GENDERED CELL? ARE YOU ALLOWED TO KEEP THE GENDER-AFFIRMING PROSTHESIS WORN SUCH AS BINDERS, PACKERS, BREASTPLATES, GAFFS, ETC?

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### Federal:

Correctional Services Canada (CSC) holds a policy that permits individualized protocols for frisk as well as strip searches of transgender inmates. It is important to the CSC to allow inmates to have input into the search process. The CSC notes they are aware that some transgender inmates may be using personal items such as breast or penile prosthetics to support their gender identity and they may voice their concerns on how these items are handled during a search.<sup>57</sup>

### Provincial:

If you are held in a provincial facility you can keep any gender-affirming prosthesis such as binders, packers, breastplates, or gaffs. BC Corrections has a policy outlining the proper search of these items in the safest and most appropriate way possible.<sup>58</sup> You may choose the gender of the officer searching you, and you may also elect to be “split searched” which means you may have different parts of your body searched by different genders.<sup>59</sup> If you feel unsafe or uncomfortable during a search of your gender-affirming prosthetics, let the staff member know.

If you begin to require gender-affirming prosthesis while held in a BC correctional facility, you may be able to receive them as long as there are no safety concerns to staff, yourself, or other inmates.<sup>60</sup>

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<sup>55</sup> *R v Mann*, *supra* note 20.

<sup>56</sup> *BC Motor Vehicle Act*, RSBC 1996, c 318, s 73, s 74.

<sup>57</sup> Office of the Correctional Investigator, “Annual Report 2018-2019” (25 June 2019), online: *The Correctional Investigator Canada* <<https://oci-bec.gc.ca/cnt/rpt/pdf/annrpt/annrpt20182019-eng.pdf>> [Office of the Correctional Investigator].

<sup>58</sup> “BC Corrections Policy Transgender/Gender Diverse Inmates: Guiding Principles for Working with Transgender/Gender Diverse inmates in B.C.” [BC Corrections Policy].

<sup>59</sup> BC Corrections Policy, *supra* note 45 at 20.

<sup>60</sup> BC Corrections Policy, *supra* note 45 at 20.

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*Note: This information has been obtained from the BC Corrections policies, “Transgender/Gender Diverse Inmates: Guiding Principles for Working with Transgender/ Gender Diverse inmates in B.C.,” along with the “B.C. Corrections Branch Adult Custody Policy”, both of which are attached to **Appendix E**.*

## **IF I AM HELD IN FEDERAL PRISON, WHAT ARE MY RIGHTS?**

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If you are held in federal prison you will be put in a sex-segregated facility based on your gender identity, and you are able to wear clothing that suits your gender identity. The corrections officers can search you, but you have the right to choose which gender officer searches what part of your body.

Additionally, you have the right to receive hormone therapy in prison as you are entitled to the same quality healthcare you would receive within the community. If you have lived as your gender identity for 12 months and have been diagnosed with gender dysphoria by a specialist physician, CSC will pay for your gender-affirming surgery. If you choose to gender-affirming surgery there should be no delays caused by the CSC, and the surgery timeline must be created with your release date in mind. You must retain the same specialist throughout the process unless you and the CSC decide together on a different choice.<sup>61</sup>

## **IF I AM HELD IN A PROVINCIAL PRISON, WHAT ARE MY RIGHTS?**

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If held in a provincial prison, you have the right to self-identify your gender to the staff, and to be placed in a correctional center according to your gender identity, unless there are health and safety concerns that cannot be resolved. When doing your intake when you first arrive at the prison, the staff should ask you for your correct name and pronouns and refer to you as such. You have the right to choose what gender officer searches what part of your body, as well as the right to the use of private washroom facilities. If you are placed in a facility according to your birth sex, you are not required to share a cell.<sup>62</sup>

It is noted that whenever it is possible, transgender inmates are integrated into the inmate population.<sup>63</sup> If there are health and safety concerns that cannot be resolved and there is no other appropriate placement, the inmate can be separately confined for as short of a time as possible. This is pursuant to sections 17, 18, and 19 of the *Correction Act Regulation*.<sup>64</sup> The

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<sup>61</sup> *Office of the Correctional Investigator*, *supra* note 44; *Trans Rights BC*, *supra* note 2.

<sup>62</sup> BC Corrections Policy, *supra* note 45 at 23.

<sup>63</sup> BC Corrections Policy, *supra* note 45 at 21.

<sup>64</sup> BC Reg 58/2005, s 17, 18, 19.

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inmate will be given as many social and programming opportunities as possible while in confinement.<sup>65</sup>

Transgender inmates are given preference for single cell living spaces. If you wish, you may request to share a cell with someone you trust, and this will be reviewed depending on the risk to both parties, and the overall living unit.<sup>66</sup> Transgender inmates are also offered individual and private access to showers and toilets for safety and privacy purposes.<sup>67</sup>

If you feel unsafe or that someone is disrespecting you or your pronouns, you may address your concerns to the Deputy Warden. The Deputy Warden addresses several issues within the living units. You may file an official complaint form through the Warden. You will be able to do so in a private setting, and the Warden should do what they can to offer an immediate solution such as moving you to a separate living unit, or the person(s) you are complaining about to a different living unit.<sup>68</sup>

Currently, there is no system in place for transgender inmates in provincial corrections facilities to receive gender-affirmation surgery. However, other health care services are offered on a case-by-case basis relating to medical necessity.

*Note: This information has been obtained from the BC Corrections policies, "Transgender/Gender Diverse Inmates: Guiding Principles for Working with Transgender/ Gender Diverse inmates in B.C.," along with the "B.C. Corrections Branch Adult Custody Policy", both of which are attached to **Appendix E**.*

## **IF I AM BEING DISRESPECTED BY THE PRISON STAFF, WHAT CAN I DO?**

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### **Federal Prison<sup>69</sup>**

If you are being harassed or disrespected by staff in a federal prison you can file a complaint or have a family member or friend file on your behalf. You can make the complaint via mail, telephone, or in person.

By Mail:

Office of the Correctional Investigator  
P.O. Box 3421, Station "D"  
Ottawa ON K1P 6L4

By Telephone:

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<sup>65</sup> BC Corrections Policy, *supra* note 45 at 21.

<sup>66</sup> BC Corrections Policy, *supra* note 45 at 23.

<sup>67</sup> BC Corrections Policy, *supra* note 45 at 23.

<sup>68</sup> BC Corrections Policy, *supra* note 45 at 23.

<sup>69</sup> "Commissioner's Directive 081 Offender Complaints and Grievances" (28 June 2019) online: *Correctional Service Canada* <<https://www.oci-bec.gc.ca/cnt/complaint-plainte-eng.aspx>>

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1-877-885-8848 (Toll-Free)  
Monday-Friday: 8:30 - 16:30 EST

In Person:

During scheduled institutional visits by OCI (Office of the Correctional Investigator) staff.

### **Provincial Prison**

If held in a provincial prison, it is encouraged that you speak with the correctional officer in your unit or the Deputy Warden.<sup>70</sup> If the issue cannot be resolved through that person, you may ask any staff member for a complaint form. When completed you may take this form to any staff member who will deliver it to the right person. If you do not receive a response within seven days or you are not satisfied with the response you receive, there are phone, fax, and mailing options to file a complaint. The contact information is as follows:

Phone: 250-387-5948

Fax: 250-356-9875

Mail: PO Box 9279, STN PROV GOVT, Victoria, B.C. V8W 9J7

### **IF I FEEL UNSAFE IN PRISON, WHAT CAN I DO?**

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You may speak with your corrections officer or other staff member and explain your concerns. The same procedures apply as above if you wish to file a complaint.

You may also call mental health support lines in Kamloops to receive the mental and emotional help you may need: Kamloops Mental Health Support Line: Call 310-6789 (do not add 604, 778, or 250 before the number).

### **HOW CAN I ACCESS THE HEALTHCARE NEEDS THAT I HAVE WHEN IN PRISON?**

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You are entitled to the same quality health care that you would receive in the community. In a Provincial facility, you can be provided with health care services relating to gender dysphoria if it is deemed necessary.<sup>71</sup>

### **WHAT ARE MY RIGHTS WHEN IT COMES TO BEING STRIP-SEARCHED?**

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<sup>70</sup> BC Corrections Policy, *supra* note 45 at 20.

<sup>71</sup> BC Corrections Policy, *supra* note 45 at 9.

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When it comes to being strip-searched or frisked, you may choose the gender of the officer you wish to search your private person.<sup>72</sup> You also have the right to be strip-searched in private.<sup>73</sup> If you are wearing any sort of gender-affirming prosthesis, the officer must take special care and precaution while searching you.<sup>74</sup>

## WHAT IF I CANNOT AFFORD A LAWYER?

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If you are being charged criminally you have the right under the *Canadian Charter of Rights and Freedoms* to counsel, and if you cannot afford one you will be given a court-appointed lawyer. If you are looking to file a civil action or a human rights complaint you are not entitled to legal aid, but there are resources within BC that provide help with the processes, and even provide you legal counsel.

The Elizabeth Fry Legal Clinic provides answers to questions regarding human rights issues, can help fill out complaint forms, gives summary advice and referrals, as well as free public legal education to groups and organizations.

### Elizabeth Fry Legal Clinic:

Legal Services Office Location: 702-235 1st Avenue Kamloops, BC V2C 3J4.

Phone: 250-374-2119 (main office)

Phone: 250-374-2119 (legal services)

Email: [admin@kamloopsfry.com](mailto:admin@kamloopsfry.com)

Website: [www.kamloopsefry.com/ #community-justice](http://www.kamloopsefry.com/#community-justice)

Thompson Rivers University also provides services through a Community Legal Clinic. They can answer questions about human rights issues, can help fill out complaint forms, and will represent clients through the entire process of filing a complaint with the Human Rights Tribunal.

### Community Legal Clinic:

Office Location: 204-246 2nd Avenue Kamloops, BC V2C 2C9

Phone: 778-471-8490

Website: [tru.ca/law/legalclinic](http://tru.ca/law/legalclinic)

**Note: There is a 1-year limitation period to file your human rights complaint with the Tribunal and it is free to file.**

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<sup>72</sup> See *R v Golden*, 2001 SCC 83 is the leading case on strip searches. It mentions that it should be done at a police station (unless there are exigent circumstances) with an officer of the same gender. The officer requires reasonable and probable grounds for the purposes of safety and/or preventing the destruction of evidence.

<sup>73</sup> *Office of the Correctional Investigator*, *supra* note 44.

<sup>74</sup> BC Corrections Policy, *supra* note 45 at 20-21.

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Access Pro Bono is another great resource to receive free legal help from lawyer volunteers that act to help decrease barriers to justice by increasing access to those who need it:

<https://accessprobono.ca>

## WHAT HAPPENS IF I AM ARRESTED?

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If you are arrested lawfully, the police have the authority to carry out a limited search incident to arrest. For this, the police have only a limited power to briefly pat you down and a search of immediate areas such as bags without additional grounds.<sup>75</sup> This is done to ensure you are not carrying anything unsafe that can be used to harm another person or yourself.

After an arrest, everyone must be read their section 10 rights under the *Charter* by the police. This informs you that:

### 10. Everyone has the right on arrest or detention

- a) to be informed promptly of the reasons therefore;
- b) to retain and instruct counsel without delay and to be informed of that right<sup>76</sup>

This means that you must be informed of why you are being arrested and you must be told of your right to a lawyer without reasonable delay.

## WHAT HAPPENS IF I AM CONVICTED OF A CRIME?

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If you are convicted of a crime, the next steps depend on your sentence. If you are sentenced to a prison term you may be placed in federal or provincial prison depending on the crime. If you have any questions about your sentence you should confer with your legal representative. If you are sentenced to parole, you will be assigned a parole officer and you will have to comply with the terms of your parole.

## HOW TO EXPUNGE A CRIMINAL RECORD?

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There are limited circumstances where you can expunge a criminal record. Expunging your record means that the person who has been convicted of an offence would be deemed never to have been convicted in the first place. Expungement is applicable for “unjust convictions, which includes eligible offences involving consensual sexual activity with a same-sex partner that would

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<sup>75</sup> *Cloutier v. Langlois*, [1990] 1 SCR 158, at paras 58-59, 1990 CanLII 122 (SCC).

<sup>76</sup> *Canadian Charter of Rights and Freedoms*, s 10, Part I of the *Constitution Act*, 1982, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11.

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be lawful today.”<sup>77</sup> This information could be found at the Government of Canada website [here](#).<sup>78</sup>

**The following convictions are eligible for an expungement:**

- Gross indecency or attempt to commit gross indecency;
- Buggery or attempt to commit buggery;
- Anal intercourse or attempt to commit anal intercourse; and
- Any offence under the *National Defence Act* or any previous version of the Act for an act or omission that constitutes an offence listed in the schedule to the *Expungement Act*.

There is no fee to apply for an expungement order. Applicants should, however, be aware that costs may be incurred in terms of providing the documentation needed for the application.

**Applicants need to provide evidence that the conviction meets the following three criteria:**

1. the activity for which the person was convicted was between persons of the same sex;
2. the person(s), other than the person convicted, had given their consent to participate in the activity; and
3. the person(s) who participated in the activity were 16 years of age or older at the time of the activity or subject to a ‘close in age’ defence under the *Criminal Code*.

\* Section 273.1 of the *Criminal Code* defines consent as the voluntary agreement of a person to engage in the sexual activity in question.<sup>79</sup>

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<sup>77</sup> “What is expungement?” (19 May 2020), online: *Government of Canada* <<https://www.canada.ca/en/parole-board/services/expungements/expungement.html>>.

<sup>78</sup> “What is expungement?” online: *Government of Canada* <<https://www.canada.ca/en/parole-board/services/expungements/expungement.html>>.

<sup>79</sup> *Criminal Code*, RSC, 1985 c C-46, s 237.1.

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# HEALTHCARE

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## HOW CAN I FIND A TRANS-COMPETENT DOCTOR?

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Finding a trans-competent doctor is an important aspect of receiving quality health care. To find a trans-competent doctor near you, contact the PHSA care coordination Team.

### Care Coordination Team Contact Information:

Phone: Toll-free (BC): 1-866-999-1514

Outside of BC or unable to call a toll-free number: 604-675-3647

Email: [transcareteam@phsa.ca](mailto:transcareteam@phsa.ca)

You can also go to their website and fill out the contact form:

<http://www.phsa.ca/transcarebc/about/contact>

## WHAT IS HORMONE THERAPY? WHAT ARE THE CRITERIA FOR HORMONE THERAPY ELIGIBILITY?

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Hormone therapy is a medically necessary form of treatment for a wide range of people for variety of reasons, and you do not have to identify as transgender to be eligible or receive hormone therapy. Access to hormone therapy is a personal medical choice, and many individuals access hormone therapy including cis-gender, transgender, and non-binary people as well as people who are genderqueer or gender diverse.

There are several different routes in BC to accessing hormone therapy including through the provincial health insurance program, or through private means.

The four criteria for hormone therapy for adults are:

- persistent, well-documented gender dysphoria
- capacity to make a fully informed decision and to consent to treatment
- being of the age of majority (in BC, the age of majority is 18).
- significant medical or mental health concerns, if present, must be reasonably well-controlled<sup>80</sup>

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<sup>80</sup> Trans Care BC, "Hormone Therapy" online: *Provincial Health Services Authority* <<http://www.phsa.ca/transcarebc/hormones/hormone-therapy>>.

Disclaimer: The information contained within this brochure does not constitute legal or medical advice. The information was current and last updated as of March 20, 2021.

## ARE THE COSTS OF HORMONE REPLACEMENT THERAPY (HRT) COVERED BY HEALTHCARE PLANS?

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Healthcare plans can be public or private. In British Columbia, residents are covered by a public program called Medical Services Plan (MSP). The costs of HRT are not covered by MSP. HRT is sometimes covered by private health insurance plans provided through employers, parents, institutions, or other means. You should contact your private healthcare plan provider to learn more about what is and is not covered under your plan.

If you are a British Columbia resident and you do not have coverage for HRT under a private health insurance plan, you should register for the government's Fair PharmaCare Program. The Fair PharmaCare Program available to families (defined as a single person, married or common-law couple, single person with dependent children, or couple with dependent children) that are covered by MSP. Your coverage amount under Fair PharmaCare will depend on your income; the less a family earns, the more help they get.<sup>81</sup> Under this program, many hormones therapies are covered as well as other prescription needs. To learn more about the Fair PharmaCare program, click [here](#).

If the medication your doctor prescribes is not covered by the Fair PharmaCare Program, you can apply to have it covered by Special Authority. For a breakdown on specific gender-affirming treatments covered by MSP and PharmaCare, and how to get additional treatments covered, click [here](#) or see appendix E.

If you are not covered under a private health insurance plan which covers HRT, or if Fair PharmaCare does not cover your prescription, then you will have to pay for your own hormone therapy.

## HOW DO I GET ACCESS TO BINDERS, PACKERS, AND PROSTHETICS?

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This link gives an overview of the different options: <http://www.phsa.ca/transcarebc/care-support/transitioning/bind-pack-tuck-pad>. It gives instructions and links to different resources about each option for non-surgical gender expression.

If you are a youth aged 12-26 in the Kamloops area, Safe Spaces is now providing free binders (one per person). To contact Safe Spaces, call or text 250-371-3086 to speak to the Program Coordinator for dates and location. You could also send an email to [sspaces@interiorcommunityservices.bc.ca](mailto:sspaces@interiorcommunityservices.bc.ca).

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<sup>81</sup> "Fair PharmaCare Plan" online: *Government of British Columbia*

<<https://www2.gov.bc.ca/gov/content/health/health-drug-coverage/pharmacare-for-bc-residents/who-we-cover/fair-pharmacare-plan>>.

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## **ARE GENDER-AFFIRMING PROCEDURES COVERED UNDER MSP? HOW DO I START THE PROCESS OF GETTING GENDER-AFFIRMING SURGERY?**

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Not all transgender folks undergo gender-affirming surgeries, but for some they are necessary, life-saving procedures. You need to make a personal decision with your health care provider about the best and safest route to achieving your healthcare needs and goals.

If you have decided that you would like to proceed with permanent, gender-affirming procedures, you need to decide which procedures you would like to have, which surgery you want, and learn about the steps you will need to go through to access these procedures. TransCare BC has a surgery readiness guide as well as resources and support that you can access throughout your healthcare journey.

**The first mandated step is learning if you are eligible for surgery.**

### **Determining Eligibility:**

It is important to remember that you do not have to be trans to be eligible for gender-affirming surgery. All genders, so long as they meet the criteria, are eligible for gender-affirming surgery. These eligibility requirements are outlined on Trans Care BC and are summarized below.

The criteria for all gender-affirming surgeries are:

- Persistent gender dysphoria
- Capacity to consent to the procedure (you understand the procedure and associated risks and have an aftercare plan)
- Medical and mental health conditions are reasonably well-controlled
- Being of the age of majority (in BC, the age of majority is 19). Note: Upper surgery is sometimes possible before the age of 19. In some cases, surgeons may recommend an additional readiness assessment for those under 19.

It is important to note that there are separate requirements for each type of surgery including Feminizing surgeries such as breast augmentation, orchiectomy, vaginoplasty and vulvoplasty, and masculinizing surgeries such as chest reconstruction, hysterectomy or BSO, clitoral release, metoidioplasty and phalloplasty. Please refer to Trans Care BC eligibility requirements [here](#).

**The second mandated step is getting a surgical readiness assessment by a qualified assessor.**

### **Step 2(a) – Get referred to an assessor:**

Once you have determined your eligibility for gender-affirming surgeries, you must get referred to an assessor. You can be referred to an assessor by your primary care provider.

TransCare BC states that your primary care provider:

1. Will send a referral for a surgical readiness assessment directly to a qualified assessor,  
OR;

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2. Will send a request to Trans Care BC who can refer you to a qualified assessor available in your community, OR;
3. May be a qualified assessor and carry out the assessment themselves.<sup>82</sup>

Surgical readiness assessments are funded if done with qualified assessors in the publicly funded healthcare system. There are also private qualified assessors such as psychologists and clinical counsellors. Should you need support in finding a qualified assessor in your community you can contact TransCare BC to assist you.

**TransCare BC contact information:**

Phone: Toll-free (BC) 1-866-999-1514

Phone: 604-675-3647

Email: [transcareteam@phsa.ca](mailto:transcareteam@phsa.ca)

It is important to note that depending on the type of gender-affirming surgeries you are interested in; one or two separate assessments may be required. If two assessments are required, they must be carried out by different assessors.

**Step 2(b) – Getting assessed:**

The second step is preparing a surgical assessment which ensures that you are prepared for surgery and understand the best possible post-surgical outcomes. TransCare BC sets out the surgery assessment information [here](#).<sup>83</sup>

An assessment typically lasts between one and two hours and consists of a variety of personal and complex questions. You may need to return for a second visit if you don't have an after-care plan post-surgery.<sup>84</sup>

During the assessment you will be asked about:<sup>85</sup>

- Your gender identity and feelings about your body
- Your expectations of the surgery and how it will impact you socially, emotionally and financially
- Your health history
- Your understanding of the surgical procedure, risks, and post-operative healing process

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<sup>82</sup> Trans Care BC, "Surgery Assessment" online: *Provincial Health Services Authority* <<http://www.phsa.ca/transcarebc/surgery/how-to-get-surgery/surgery-assessment#Surgery--Assessment>> [Surgery Assessment].

<sup>83</sup> *Ibid.*

<sup>84</sup> Surgery Assessment, *supra* note 81.

<sup>85</sup> Surgery Assessment, *supra* note 81.

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- Your support network and strategies for thriving in your changing gender expression with family and friends, at work and at school
- Your surgical aftercare plans.

### **Step 3 – Getting your recommendation:**

After your assessment, the qualified assessor will make one of three recommendations:

1. Surgery is recommended
2. Surgery is not recommended at this time
3. Return for further assessment

If surgery is not recommended, the assessor should provide you with next steps, suggestions and recommendations. Once your primary care provider receives a copy of your surgical recommendation from your assessor, they can refer you for surgery.

### **Different Procedures:**

See [Appendix A Definitions](#) for a comprehensive list of available procedures in Canada.

## **CAN I ACCESS TO GENDER-AFFIRMING PROCEDURES IN CANADA?**

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The [Gender Surgery Clinic](#) opened at Vancouver General Hospital (VGH) recently by the Gender Surgery Program BC. This program has greatly benefited transgender individuals living in western Canada as before this program, the only available clinic was located in Montreal. VGH is now the only hospital in western Canada that performs lower gender-affirming surgeries. This program offers both feminizing and masculinizing procedures consistent with the guidelines established by the World Professional Association of Transgender Health (WPATH).

There is a gender-affirming clinic in Montreal, [GrS Montreal](#). This clinic has pioneered transgender healthcare for the last two decades. Prior to the Gender Surgery Clinic in Vancouver, accessing certain gender-affirming procedures and surgeries was limited across Canada to this one clinic in Montreal. The [Women's College Hospital](#) in Toronto also offers gender-affirming procedures.

Now, patients have the option of staying in-province for their surgery or flying to Montreal or Toronto. Travel costs are not covered by MSP, but there are sometimes communities grants and resources to assist in the cost, such as [Hope Air](#) or British Columbia's [Travel Assistance Program](#).

## WHAT ARE MY RIGHTS IF I TRAVEL OUT OF COUNTRY FOR GENDER-AFFIRMING PROCEDURES?

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In order to have gender affirming surgery covered by your provincial health care program, the surgery needs to be performed in Canada. Receiving gender-affirming surgery in another country will mean that MSP will not cover the procedure(s). However, for some folks the increased cost is incurred to have a reduced wait time.

It is important to note that there are health risks and financial risks of receiving surgery outside of Canada and there are many considerations that you need to reflect upon before deciding if this option is best for you.<sup>86</sup> If you develop complications or unplanned aftercare while abroad, your provincial health plan may not cover these expenses, and most travel insurance policies will not cover planned medical procedures abroad.<sup>87</sup> Once you return to Canada, if you develop complications or need greater after care, while your provincial coverage as a resident of BC may cover certain unexpected and life-threatening costs, it can also lead to potential protracted litigation.

## IF MY DOCTOR CANNOT PROVIDE TRANS-COMPETENT CARE, DO THEY HAVE TO REFER ME TO ANOTHER DOCTOR?

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If your health care provider lacks training or knowledge about a treatment, they are legally allowed to refuse to provide that treatment. For example, a health care provider may tell you that they do not have enough training to prescribe or monitor HRT. If they are open to learning, you can refer them to PHSA's Trans Care BC [Health Professionals](#) section, which includes resources such as the WPATH Standards of Care, a Primary Care Toolkit, and the RACE (Rapid Access to Consultative Expertise) phone line.

If your doctor has identified that they cannot provide care that is respecting your needs, then they should refer you to another doctor in the area who is more knowledgeable (including referrals to other family doctors). Alternatively, you can contact the PHSA care coordination Team who can recommend a trans competent doctor near you.

### Care Coordination Team Contact Information:

Phone: Toll-free (BC): 1-866-999-1514

Outside of BC or unable to call a toll-free number: 604-675-3647

Email: [transcareteam@phsa.ca](mailto:transcareteam@phsa.ca)

You can also go to their website and fill out the contact form:

<http://www.phsa.ca/transcarebc/about/contact>

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<sup>86</sup> "Receiving Medical Care outside Canada guide" online: *Government of Canada* <<https://travel.gc.ca/travelling/health-safety/medical-care-outside-canada>>.

<sup>87</sup> *Ibid.*

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## WHAT IF MY DOCTOR REFUSES TO TREAT ME (BASED ON MY TRANSGENDER IDENTITY)?

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Discrimination in the provision of medical services is prohibited in British Columbia under the *BC Human Rights Code*, which ensures protection for individuals who are actual or perceived members of certain protected groups. Such groups are classified by characteristics or protected grounds and include race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, and age.<sup>88</sup>

The Canadian Medical Association (CMA) is a national organization that works to drive positive change in the medical system for both physicians and patients. The CMA's *Code of Ethics and Professionalism* provides a similar prohibition against discrimination of patients on the grounds of age, gender, marital status, medical condition, national or ethnic origin, physical or mental disability, political affiliation, race, religion, sexual orientation, or socioeconomic status.<sup>89</sup>

Neither the *BC Human Rights Code* nor the *CMA Code of Ethics and Professionalism* removes the registrant's right to refuse to accept a patient for legitimate reasons, as determined in law. For example, a walk-in clinic that has reached capacity for the day can refuse to see further non-emergent patients. However, if the doctor is simply refusing to provide treatment on the basis of your trans identity, it may be a case of discrimination.

The Practice Standards for doctors in British Columbia are provided by the College of Physicians and Surgeons of British Columbia (CPSBC), the regulatory body of all physicians in British Columbia. The *Practice Standards on Access to Medical Care* allow doctors to have a conscientious objection for providing certain treatments that go against their personal conscientious beliefs.<sup>90</sup> A common example of this is religious objections to providing abortions or physician-assisted suicide. While doctors may make a personal choice not to provide a treatment or procedure based on their values and beliefs, they are expected to provide patients with enough information and assistance to allow them to make informed choices for themselves. This includes advising patients that other doctors or surgeons may be available to see them or suggesting that the patient visit a different health care provider. Doctors must not abandon a patient with unaddressed medical needs.<sup>91</sup>

Despite conscientious objections, CPSBC does not tolerate discrimination and carefully investigates allegations of discrimination. If you believe you are being discriminated against, you

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<sup>88</sup> College of Physicians and Surgeons of British Columbia, "Practice Standard: Access to Medical Care" (22 February 2021), online: *College of Physicians and Surgeons of British Columbia* <<https://cpsbc.ca/files/pdf/PSG-Access-to-Medical-Care.pdf>> at 2 [Practice Standard: Access to Medical Care].

<sup>89</sup> *Ibid.*

<sup>90</sup> Practice Standard: Access to Medical Care, *supra* note 87.

<sup>91</sup> Practice Standard: Access to Medical Care, *supra* note 87.

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can file a complaint with CPSBC or file a human rights complaint. In some cases, you may need to file both.

For detailed information on filing a complaint with the College of Physicians and Surgeons of British Columbia, visit their website: <https://www.cpsbc.ca/for-public/file-complaint>.

For detailed information on filing a human rights complaint or to receive support in the process, visit Trans Rights BC: <http://www.transrightsbc.ca/take-action/human-rights-complaints/>.

## WHAT IF MY HEALTH CARE PROVIDER IS NOT PROVIDING QUALITY CARE OR FOLLOWING THE BEST STANDARDS OF PRACTICE?

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Trans Rights BC provides the following steps that can be taken if your health care provider is not providing quality care or following the best standards of practice:

If you feel your doctor is not providing quality care or following the best standards of practice, you can:

1. Talk to the healthcare provider about the problem and how you would like to see it resolved. You may wish to bring a support person or have a friend or advocate speak on your behalf. Keep notes about the problem and how you tried to resolve it.
2. If you cannot resolve the problem with the healthcare provider directly, check to see if they have a manager you can speak with. Explain the problem, what steps you took to resolve it, and what you feel would solve the problem. The manager may be able to help you find a solution.
3. If this does not solve the problem, you can file a complaint with the healthcare provider's professional body. See the tab below titled, **"How do you complain about a healthcare provider to their licensing body?"**
4. If the healthcare service was provided in a clinic operated by one of the provincial health authorities, you can file a [complaint with a Patient Quality Care Office](#).
5. If you are not satisfied with the Patient Quality Care Office's response, you can [request a review of the matter](#).

In any of these situations, you can try to find another healthcare provider willing to accept you as a patient. It can be difficult to find a healthcare provider who is trans-friendly and knowledgeable about trans health. Contact the [Transgender Health Information Program](#) for the names of doctors in your area who are known to provide health care to trans people.<sup>92</sup>

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<sup>92</sup> "Healthcare" Trans Rights BC, online: *Trans Rights BC* <<http://www.transrightsbc.ca/know-your-rights/healthcare/>>.

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## HOW DO I START A COMPLAINT AGAINST A HEALTHCARE PROVIDER?

Patient Care Quality Review Boards: Make a Complaint: PCQO	
PCQO Address:	<p>505 Doyle Avenue Kelowna BC V1Y 0C5</p> <p>Telephone: 1-877-IHA-2001 (1-877-442-2001) (toll-free) Fax: 250-870-4670 Email: <a href="mailto:patient.concerns@interiorhealth.ca">patient.concerns@interiorhealth.ca</a> Website: <a href="http://www.interiorhealth.ca">www.interiorhealth.ca</a></p>
Provincial Health Services Authority (includes provincial agencies and services such as: BC Ambulance Service, BC Cancer Agency, BC Centre for Disease Control, BC Children's Hospital and Sunny Hill Health Centre for Children, BC Mental Health and Addiction Services, BC Provincial Renal Agency, BC Transplant Society, BC Women's Hospital & Health Centre, and Cardiac Services BC)	<p>PCQO Address:</p> <p>Suite 200, 1333 West Broadway St Vancouver BC V6H 4C1</p> <p>Telephone: 1-888-875-3256 (toll-free) Fax: 604-708-2762 Email: <a href="mailto:pcqo@phsa.ca">pcqo@phsa.ca</a> Website: <a href="http://www.phsa.ca">www.phsa.ca</a></p>

Filing a Human Rights Complaint	
<p><i>Note: There is a 1-year limitation period to file your human rights complaint and it is free to file.</i></p>	
Human Rights Complaints Summary on Trans Rights BC	<a href="http://www.transrightsbc.ca/take-action/human-rights-complaints/">http://www.transrightsbc.ca/take-action/human-rights-complaints/</a>
For detailed information on filing a human rights complaint in BC, see The Human Rights Complaint Process for Transgender People in BC by barbara findlay, QC	Appendix C

### Summary of Transgender Rights BC Human Rights Complaints:<sup>93</sup>

1. It is free to **file the forms for a Human Rights Complaint**. You can handle the process yourself, or you can find an advocate to assist you and to represent you at the Tribunal. Some advocates charge a fee to represent you. Make your complaint as soon as possible. If you do not make your human rights complaint within 6 months of an incident, you will probably lose your opportunity to bring a complaint. It will not be enough to say that the incident happened because you are transgender. You will need to include information in your complaint that shows the link between what happened to you and the fact that you are transgender (for example, someone called you a ‘tranny’).
2. If your complaint is accepted, the Tribunal will send a copy to the person or organization you complained about. They will be given a chance to **respond**.
3. You will be given an opportunity to attend a **settlement conference** with the other side. The purpose of the conference is to see if you can work things out with a mediator from the Tribunal. Many human rights complaints are settled at this stage.
4. If you and the other side cannot agree on a settlement, a **hearing** is scheduled. The hearing takes several days or more. You will need to attend in person. The person hearing the complaint will usually issue a decision weeks or months later. The entire process can take years.
5. The Tribunal has a wide range of powers to **remedy** any discrimination. For example, the Tribunal can order that the discrimination stop, tell the other side to take steps to resolve the effects of the discrimination, tell the other side to make policies to prevent discrimination from happening again, and award you money for injury to your dignity, feelings and self-respect.
6. If you are not satisfied with the result, you may be able to apply to the BC Supreme Court for a **review** of the decision. *\*Note there is a 60 day time limit to do this after a final decision.*

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<sup>93</sup> “Human Rights Complaints” online: *Trans Rights BC* <<http://www.transrightsbc.ca/take-action/human-rights-complaints/>>.

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# YOUTH HEALTHCARE

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## AS A YOUTH, AM I ALLOWED ACCESS TO HRT AND WHAT DOES THIS PROCESS LOOK LIKE?

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If you are a youth and would like to learn about if you can access HRT, you should discuss this with your medical provider. There are two stages of hormone therapy for youth.<sup>94</sup>

1. When your body begins puberty, you can start taking a medication called a puberty blocker. This delays the changes that happen during puberty. Using puberty blockers does not mean that you have to start hormone therapy later on.
2. When you're around age 16, you can decide if you want to start hormone therapy. Hormone therapy is used to make your secondary sex characteristics more masculine, feminine, or androgynous. Medications used by youth are generally the same ones used by adults.<sup>95</sup>

### PUBERTY BLOCKERS:<sup>96</sup>

Puberty blockers are medications that suppress the sex hormones that are produced by the body. These medications may be started soon after puberty begins. They put puberty on pause and can prevent changes such as voice lowering, breast growth and periods. Effects will vary, depending on how far puberty has progressed before starting the blockers. There are no known irreversible effects of puberty blockers, so if your child were to stop taking them their body would continue through puberty, picking up where it left off. These medications have been safely used for decades to treat children with precocious puberty, and were first used with transgender youth in the 1990's.

There are three main reasons that youth use puberty blockers.

1. The onset of puberty and the idea or reality of developing secondary sex characteristics that do not fit with their gender identity can be very distressing. Puberty blockers can help alleviate this distress.

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<sup>94</sup> Trans Care BC, "Hormone Therapy" online: *Provincial Health Services Authority* <<http://www.phsa.ca/transcarebc/hormones/hormone-therapy>>.

<sup>95</sup> *Ibid.*

<sup>96</sup> Trans Care BC, "Medical Affirmation & Transition" online: *Provincial Health Services Authority* <<http://www.phsa.ca/transcarebc/child-youth/affirmation-transition/medical-affirmation-transition#Puberty--Blockers--&--Hormones>>.

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2. If a child is still exploring their gender, puberty blockers allow additional time to explore without worrying about unwanted physical changes.
3. Preventing unwanted physical changes can eliminate the need for some surgeries and procedures later on, such as male chest contouring and electrolysis.

Puberty blockers are often prescribed by a pediatric endocrinologist. However, pediatricians and family physicians who are knowledgeable about transgender care may provide this care as well. For more detailed information, see our [Puberty Blockers](#) page.

### **IN REGARD TO HORMONE BLOCKERS, CAN A TRANSGENDER YOUTH'S PARENTS PREVENT THEM FROM RECEIVING THIS TREATMENT?**

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In British Columbia, there is no stipulated age of consent for treatment. A parent or guardian can instruct the health care provider and give or refuse consent on the child's or teenager's behalf. But the child can give his or her own instructions if they are determined to be capable of making their own health decisions.<sup>97</sup>

There is no set age that a youth is considered capable of making their own medical decisions, it is instead determined on a case-by-case basis. The British Columbia *Infants Act* applies to all individuals under the age of 19, also referred to as the age of majority. This *Act* states that infants can consent to a treatment if:

- The health care provider has explained to the infant and they understand the nature, consequences, and the reasonably foreseeable benefits and risks of the treatment, and
- The health care provider has made reasonable efforts to determine and has concluded that the health care is in the infant's best interests.<sup>98</sup>

In a decision from the British Columbia Court of Appeal, the court relied on the *Infants Act* to determine that a 14-year-old transgender boy had the exclusive right to consent to receiving gender-affirming treatment. His parents did not have the right to stop his treatment as he was found to be capable of making his own medical decisions.<sup>99</sup>

For hormone blockers and hormone and hormone replacement therapy, the doctor will ensure the youth has a hormone readiness assessment. The hormone readiness assessment of a youth is typically conducted by a qualified mental health professional, such as a therapist or psychologist. Then you will be referred to a pediatric endocrinologist who prescribes and

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<sup>97</sup> Health Information Privacy in British Columbia "Children and Teenagers" online: <<http://healthinfoprivacybc.ca/confidentiality/children-and-teenagers>> [Children and Teenagers]; *AC v. Manitoba (Director of Child and Family Services)*, 2009 SCC 30.

<sup>98</sup> *Infants Act*, RSBC 1996 c 223, s 17.

<sup>99</sup> *AB v CD*, 2020 BCCA 11.

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monitors the treatment. In some cases, a primary care provider such as a pediatrician may be involved in your assessment and treatment.

For youth, when you visit your mental health professional to talk about starting puberty blockers or hormones, they will likely want to discuss:

- how you understand your gender identity
- the way you express your gender identity
- how you feel about your body
- how you are doing emotionally
- your relationships with peers and family
- your experiences at school and in the community
- what to expect from puberty blockers and hormone treatments
- what puberty blockers and hormone treatments will not do<sup>100</sup>

For recommendations of mental health professionals who work with transgender youth, contact Trans Care BC.

Phone: Toll-free (BC): 1-866-999-1514

Outside of BC or unable to call a toll-free number: 604-675-3647

Email: [transcareteam@phsa.ca](mailto:transcareteam@phsa.ca)

## WHAT INFORMATION CAN A DOCTOR DIVULGE TO A YOUTH'S PARENTS, DESPITE DOCTOR-PATIENT CONFIDENTIALITY?

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If you are considered to be capable of making your own medical decisions, you have a right to doctor-patient confidentiality. This means that a doctor cannot not divulge information to a youth's parent or guardian without permission.<sup>101</sup>

There is no set age that a youth is considered capable of making their own medical decisions, it is instead determined on a case-by-case basis. A youth is considered capable of making their own medical decisions if they understand:

1. The need for a medical treatment
2. What the treatment involves

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<sup>100</sup> Trans Care BC, "Hormone Readiness" online: *Provincial Health Services Authority* <<http://www.phsa.ca/transcarebc/hormones/readiness>>.

<sup>101</sup> "Medical Rights: Consent and Confidentiality" online: *Legal Rights for Youth in British Columbia* <<https://www.legalrightsfor youth.ca/medical-rights/consent-and-confidentiality#:~:text=If%20you%20are%20considered%20capable,to%20anyone%2C%20including%20your%20parents>>.

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### 3. The benefits and risks if you get or do not get the treatment<sup>102</sup>

In most situations, a child or teenager can talk to their doctor about things they may not want to talk to their parents or guardian about. There are a few important exceptions to doctor-patient confidentiality. If a doctor believes you are being abused or that you might harm yourself or others, they have a legal duty to take steps to protect you by reporting this to the child protection authorities or following mental health laws.<sup>103</sup>

Some doctors may also insist on informing a youth's parent or guardian if they treat them. You should discuss your desire for confidentiality up front with your doctor at the beginning of your appointment to ensure it will not be an issue.

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<sup>102</sup> "Do you need your parents' permission to get medical care?" online: *Legal Aid BC* <<https://familylaw.lss.bc.ca/children/information-children-teens/do-you-need-your-parents-permission-get-medical-care>>.

<sup>103</sup> Children and Teenagers, *supra* note 96.

# YOUTH

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## IF I AM STRUGGLING OR FEEL UNSAFE, WHO CAN I CALL OR REACH OUT TO?

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If you need to talk to someone immediately, the BC Kids Help Phone is there for you. There is 24-hour service to talk to a professional counsellor right away at **1-800-668-6868**.

The Kids Help Phone is a counselling, referral and support service for children and youth under the age of 20 years old. Professional counsellors provide immediate and caring support to young people who are dealing with a problem, making a hard decision, or concerned with feelings or mood. The service is free, confidential, anonymous and available 24 hours a day<sup>104</sup>

**BC Kids Help Phone: 1-800-668-6868**

<https://www.healthlinkbc.ca/mental-health-substance-use/resources/kids-help-phone>

Other potential resources:

Trans Care BC is a province-wide program to enhance and co-ordinate transgender health services and support across the province. This organization provides free services on information to transgender health, wellness, and help with accessing health care for youth and adults. Trans Care BC does not provide direct clinical care or counselling services, but they will happily provide referrals to someone who does.<sup>105</sup>

<http://www.phsa.ca/transcarebc/child-youth>

QMUNITY is a non-profit organization based in Vancouver, B.C., dedicated to improving queer, trans, and Two-Spirit lives. Various services are provided, including youth drop-ins, the “Bra, Binder, and Breast” exchange program to provide free new and used gender-affirming chest-wear for youth who cannot attain these garments otherwise, information and referrals for 2SLGBTQAI+ and allied youth, and support for parents.<sup>106</sup>

<https://qmunity.ca/get-support/youth/>

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<sup>104</sup> HealthLink BC, “Kids Help Phone” online: *Government of British Columbia* <<https://www.healthlinkbc.ca/mental-health-substance-use/resources/kids-help-phone>> [Kids Help Phone].

<sup>105</sup> Trans Care BC, “Who We Are” online: *Provincial Health Services Authority* <<http://www.phsa.ca/transcarebc/about/who-we-are>>.

<sup>106</sup> “Youth Services” online: *QMUNITY* <<https://qmunity.ca/get-support/youth/>>.

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## WHAT ARE SOME LOCAL YOUTH CENTRES AND SAFE SPACES?

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Interior Community Services (ICS) is a non-profit multi-service agency which provides support to youth, and all other ages. Whether for emergency services, providing an educational or support role, or for a safe space, please do not hesitate to contact ICS for their many different services<sup>107</sup>: <https://www.interiorcommunityservices.bc.ca/contact-us>

## WHAT ARE YOUR OPTIONS IF A PARENT/GUARDIAN REFUSES TO USE GENDER-AFFIRMING PRONOUNS AND ACKNOWLEDGE TRANSITION NEEDS?

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It is only the guardian that may hold parental responsibilities, such as daily decisions for the child, important decisions like medical treatment or education, receiving information about the child from others, and protecting the child's financial and legal interests. A parent is usually a guardian of their child, except when they have never lived with their child. A parent can be removed as guardian, and a non-parent can become a guardian.<sup>108</sup>

In *AB v CD* 2020, an important case in British Columbia, the judge affirmed a number of rights and protections for transgender youth, including:<sup>109</sup>

- For transitioning youth, this case affirmed that children can consent to medical transition under section 17 of the *Infant Act*.<sup>110</sup>
- A parent/guardian misgendering their child constitutes 'family violence' under section 1 of the *Family Law Act*.<sup>111</sup>

AB is a transgender teenager, assigned female at birth but identifies as male. At school he went by his correct name and pronouns. In 2018 he sought medical assistance to address his gender dysphoria and pursue a physical transition. AB's mother, EF, has been supportive of his efforts to pursue a physical transition; his father, CD, has not. AB's medical team determined he was sufficiently mature to make treatment decisions and developed a medical plan they felt was in his best interest. EF consented, but CD did not. The medical team sought to arrange a meeting with CD, but after several months of unsuccessfully trying to do so, informed CD that, as AB had

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<sup>107</sup> "About Us" online: *Interior Community Services* <<https://www.interiorcommunityservices.bc.ca/about-us>> [About Us].

<sup>108</sup> British Columbia, "What does it mean to be a guardian?" online: *Government of British Columbia* <<https://www2.gov.bc.ca/gov/content/life-events/divorce/family-justice/family-law/parenting-apart/what-does-it-mean-to-be-a-guardian>>.

<sup>109</sup> *AB v CD*, 2020 BCCA 11.

<sup>110</sup> *Infant Act*, RSBC 1996, c 223, s 17.

<sup>111</sup> *Family Law Act*, SBC 2011, c 25, s 1 [Family Law Act].

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the right to consent himself, the treatment would proceed, which the court upheld. This was confirmed as settled law in a similar case, *AM v Dr. F*, 2021.<sup>112</sup>

Section 37 of the *Family Law Act* states that parents must consider the best interests of their child. Best interests include the child's health and emotional well-being, and the child's views. In *AB v CD* it was ruled that under section 37 of the *Family Law Act* that AB, who transitioned to male, be "acknowledged and referred to as male... now or in the future" and to use only male pronouns when making any references to him.<sup>113</sup>

If a parent refuses, this is a violation of section 37 under the *Family Law Act*.<sup>114</sup> There are professionals and community spaces to assist you in the next steps you may want to take. Please contact someone at Safe Spaces Kamloops.

Safe Spaces Kamloops is a publicly funded program for youths aged 12-26 who may identify as Two-Spirit, Lesbian, Gay, Bisexual, transgender, Queer, or Questioning and their allies. Youth-driven, group-in groups meet weekly with one-to-one support services offered as needed. Workshops and presentations on Gender and Sexual orientation are also provided in Kamloops and surrounding communities.<sup>115</sup>

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### ARE THERE PROTECTIONS FOR THE CHILD IF THE TIME SPENT IS COURT ORDERED?

Section 37 of the *Family Law Act* states that parents, respecting guardianship, parenting arrangements, or contact with a child, the parties must consider the best interest of the child only. This includes the child's health and emotional well-being, and the child's views. Section 37(3) states that "an agreement or order is not in the best interests of a child unless it protects, to the greatest extent possible, the child's physical, psychological and emotional safety, security and well-being."<sup>116</sup>

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### WHAT PROTECTIONS DO TRANSGENDER STUDENTS HAVE AGAINST DISCRIMINATION BASED ON THEIR GENDER IDENTITY OR EXPRESSION IN SCHOOLS?

If you would like to file a complaint against a teacher, you may do so by filing a complaint with the Commissioner for Teacher Regulation. The Commissioner for Teacher Regulation is an

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<sup>112</sup> See *AM v Dr. F*, 2021 BCSC 32.

<sup>113</sup> *AB v CD*, *supra* note 95 at para 122.

<sup>114</sup> *Family Law Act*, *supra* note 110 at s 37.

<sup>115</sup> Interior Community Services, "Safe Spaces Annual Report 2019" (2019), online (pdf): *Interior Community Services* <[https://www.interiorcommunityservices.bc.ca/application/files/8615/9777/5013/Safe\\_Spaces\\_2019.pdf](https://www.interiorcommunityservices.bc.ca/application/files/8615/9777/5013/Safe_Spaces_2019.pdf)>.

<sup>116</sup> *Family Law Act*, *supra* note 110 at s 37.

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independent decision maker who oversees the discipline process for certified educators in British Columbia.<sup>117</sup>

The Commissioner for Teacher Regulation states that most concerns can be best dealt with at the school, and that before submitting a complaint, your concerns should be discussed with the educator or their supervisor. Boards of education, and other independent school authorities, each have their own policy and process with complaints. Complainants are told to go through their local school board complaint process before submitting one to the Commissioner.

Complaints can be filed with The Commissioner for Teacher Regulation here:<sup>118</sup>

<https://www2.gov.bc.ca/gov/content/governments/organizational-structure/ministries-organizations/boards-commissions-tribunals/commissioner-for-teacher-regulation/complaint>

Alternatively, one can also file a complaint through the *BC Human Rights Code*. The *BC Human Rights Code* is a law in B.C. with the purposes to:

- Foster a society in B.C. where there are no barriers to full and free participation in the economic, social, political and cultural life of B.C.
- Promote a climate of understanding and mutual respect where all are equal in dignity and share equal rights
- Prevent discrimination
- Identify and eliminate common patterns of inequality associated with discrimination
- Provide a means of correction and reform for those persons who are discriminated against contrary to the Code

The *BC Human Rights Code* prohibits any type of discrimination in certain areas of activity (for example, the workplace or school). The *Code* also creates the tribunal and a process for making and resolving complaints of discrimination.<sup>119</sup>

Section 8 of the *BC Human Rights Code* protects students from bullying, harassment, and discrimination.<sup>120</sup> These protections specifically protect mistreatment based on gender identity and expression. As transgender youth, you have the right to accommodations, which include, but are not limited to:

- You have the right to be called your correct name and pronouns, even if they are not your legal name or sex;

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<sup>117</sup> “Commissioner for Teacher Regulation” online: *Government of British Columbia*

<<https://www2.gov.bc.ca/gov/content/governments/organizational-structure/ministries-organizations/boards-commissions-tribunals/commissioner-for-teacher-regulation>>.

<sup>118</sup> “Commissioner for Teacher Regulation” online: *Government of British Columbia*

<<https://www2.gov.bc.ca/gov/content/governments/organizational-structure/ministries-organizations/boards-commissions-tribunals/commissioner-for-teacher-regulation>>.

<sup>119</sup> *Human Rights Code*, RSBC 1996, c 210, s 3.

<sup>120</sup> *Human Rights Code*, RSBC 1996, c 210, s 8.

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- You have the right to use the bathroom and locker room that corresponds to your gender identity or to have accommodations made for you that make you feel the safest;
- You have the right to play on the sports team that corresponds with your gender identity;
- You have the right to wear the clothing that corresponds with your gender expression; and
- These rights apply to students in both public and independent schools in Kamloops.<sup>121</sup>

*\*Note: official complaints must be made within one year of the violation.<sup>122</sup>*

## OTHER RESOURCES

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Interior Community Services (ICS) is a non-profit multi-service agency which provides support to youth, and all other ages. Whether for emergency services, providing an educational or support role, or for a safe space, please do not hesitate to contact ICS for their many different services<sup>123</sup>: <https://www.interiorcommunityservices.bc.ca/contact-us>

If you need to talk to someone immediately, the BC Kids Help Phone is there for you. There is 24-hour service to talk to a professional counsellor right away.

The Kids Help Phone is a counselling, referral and support service for children and youth under the age of 20 years old. Professional counsellors provide immediate and caring support to young people who are dealing with a problem, making a hard decision, or concerned with feelings or mood. The service is free, confidential, anonymous and available 24 hours a day.<sup>124</sup>

**BC Kids Help Phone: 1-800-668-6868**

<https://www.healthlinkbc.ca/mental-health-substance-use/resources/kids-help-phone>

Trans Care BC is a province-wide program to enhance and co-ordinate transgender health services and support across the province. This organization provides free services on information to transgender health, wellness, and help with accessing health care for youth and adults. Trans Care BC does not provide direct clinical care or counselling services, but they will happily provide referrals to someone who does.<sup>125</sup>

Phone toll-free: 1-866-999-1514

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<sup>121</sup> Trans Rights BC “Knowing Your Rights: Education” online: Trans Rights BC <<http://www.transrightsbcc.ca/known-your-rights/education/>>.

<sup>122</sup> *Human Rights Code*, RSBC 1996, c 210, s 22

<sup>123</sup> About Us, *supra* note 106.

<sup>124</sup> Kids Help Phone, *supra* note 103.

<sup>125</sup> Trans Care BC, “Who We Are” online: *Provincial Health Services Authority* <<http://www.phsa.ca/transcarebc/about/who-we-are>>.

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<http://www.phsa.ca/transcarebc/child-youth>

QMUNITY is a non-profit organization based in Vancouver, BC, dedicated to improving queer, trans\*, and Two-Spirit lives. Various services are provided, including youth drop-ins, the “Bra, Binder, and Breast” exchange program to provide free new and used gender-affirming chest-wear for youth who cannot attain these garments otherwise, information and referrals for 2SLGBTQAI+ and allied youth, and support for parents.<sup>126</sup>

<https://qmunity.ca/get-support/youth/>

Rainbow Refugee is a community group based in Vancouver that offers support to people seeking refugee protection in Canada because of persecution based on their sexual orientation, gender identity or expression, or HIV status.<sup>127</sup>

<https://www.rainbowrefugee.com/>

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<sup>126</sup> “Youth Services” online: *QMUNITY* <<https://qmunity.ca/get-support/youth/>>.

<sup>127</sup> “About Us” online: *Rainbow Refugee* <<https://www.rainbowrefugee.com/vision-mission-and-core-values>>.

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# APPENDIX A: DEFINITIONS

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**Additional Grounds:** The basis or foundation; reasons sufficient in law to justify relief. Grounds are more than simply reasons for wanting a court to order relief. They are the reasons specified by the law that will serve as a basis for demanding relief.<sup>1</sup>

**Arbitrary:** based on individual discretion, rather than a set of standards or rules.<sup>2</sup>

**Arrest:** the restraining of a person whether or not by physical force by someone acting under authority (as a police officer) in connection with a crime.<sup>3</sup>

**BC Human Rights Code:** A law in B.C. with the purposes to: foster a society in B.C. where there are no barriers to full and free participation in the economic, social, political and cultural life of B.C.; Promote a climate of understanding and mutual respect where all are equal in dignity and share equal rights; prevent discrimination; identify and eliminate common patterns of inequality associated with discrimination; provide a means of correction and reform for those persons who are discriminated against contrary to the Code.<sup>4</sup>

**Buggery:** another word for sodomy, which is anal sex with a member of the same or opposite sex.<sup>5</sup>

**Bylaw:** is a law that is set by local government.<sup>6</sup>

**Canadian Charter of Rights and Freedoms (the Charter):** is part of Canada's constitution. It protects every Canadian's right to be treated equally under the law. The Charter guarantees broad equality rights and fundamental freedoms. It only applies to governments and does not apply to individuals, businesses, or other private organizations.<sup>7</sup>

**Cisgender:** Refers to a person whose gender identity corresponds to the sex they were assigned at birth (sometimes referred to as "cis").<sup>8</sup>

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<sup>1</sup> <https://legal-dictionary.thefreedictionary.com/Grounds>

<sup>2</sup> Merriam-Webster.

<sup>3</sup> Merriam-Webster.

<sup>4</sup> Human Rights Code, RSBC 1996, c 210, s 3.

<sup>5</sup> Merriam-Webster.

<sup>6</sup> Merriam-Webster.

<sup>7</sup> Canadian Human Rights Commission, <https://www.chrc-ccdp.gc.ca/eng/content/human-rights-in-canada>

<sup>8</sup> "Gender-Inclusive Pronouns: FAQs" (17 February 2021), online: Canadian Bar Association, British Columbia: <[https://www.cbabc.org/CBAMediaLibrary/cba\\_bc/pdf/Resources/Gender\\_Inclusive\\_Pronouns\\_FAQ.pdf](https://www.cbabc.org/CBAMediaLibrary/cba_bc/pdf/Resources/Gender_Inclusive_Pronouns_FAQ.pdf)>.

**College of Physicians and Surgeons of British Columbia:** The regulatory body of all physicians in British Columbia.<sup>9</sup>

**Consent:** to give assent or approval.<sup>10</sup>

**Conviction:** the process of finding a person guilty of a crime.<sup>11</sup>

**Correctional Services Canada (CSC):** the organization that is responsible for managing prisons and other correctional institutions in Canada as well as supervising individuals who have conditionally been released.<sup>12</sup>

**Criminal Code:** legislation that outlines most criminal offences in Canada.

**Deadname:** the name a transgender person was given at birth and no longer uses upon transitioning.<sup>13</sup>

**Detained:** some form of physical or psychological restraint by the state and a suspension of the individual's liberty interest by a significant physical or psychological restraint.<sup>14</sup>

**Discrimination:** Treating someone differently on the basis of a prohibited ground of discrimination in a way that causes them disadvantage. The prohibited grounds are: race, colour, ancestry, place of origin, religion, marital status, family status, physical disability, mental disability, sex, sexual orientation, gender identity or expression, age, political belief, lawful source of income, or criminal conviction.<sup>15</sup>

**Expungement:** An order under the *Expungement of Historically Unjust Convictions Act*, relating to various previously existing offences that dealt with consensual same-sex sexual activity. A person who receives an expungement order in relation to an offence covered by that statute "is deemed never to have been convicted of that offence."<sup>16</sup>

**Family Law Act:** An act which explains concepts such as the resolution of family law disputes, parentage, care of and time with children, property division, pension division, child and spousal support, children's property, protection from family violence, and court processes.<sup>17</sup>

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<sup>9</sup> "Mission, Mandate and Values" (accessed on March 23, 2021), online: College of Physicians and Surgeons of British Columbia <<https://www.cpsbc.ca/about-us/mission>>.

<sup>10</sup> Merriam-Webster, <https://www.merriam-webster.com/dictionary/consent>

<sup>11</sup> Merriam-Webster.

<sup>12</sup> Correctional Services Canada, <https://www.csc-scc.gc.ca/index-en.shtml>

<sup>13</sup> Merriam-Webster.

<sup>14</sup> <https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccd/check/art9.html>

<sup>15</sup> <https://bchrc.net/legal-information/do-i-have-a-complaint/>

<sup>16</sup> <https://irwinlaw.com/cold/expungement-order/>

<sup>17</sup> [https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/11025\\_00](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/11025_00)

**Federal Prison:** *Prison* “Prison” includes a penitentiary, common jail, public or reformatory prison, lock-up, guard-room or other place in which persons who are charged with or convicted of offences are usually kept in custody.<sup>18</sup>

**Gender:** The social construction of concepts such as masculinity and femininity in a specific culture in time. One may identify as being a man, woman, or another gender. It involves gender assignment (the gender designation of someone at birth), gender roles (the expectations imposed on someone based on their gender), gender attribution (how others perceive someone’s gender), and gender identity (how someone defines their own gender). Gender exists on a spectrum and is fundamentally different from the sex one is assigned at birth.<sup>19</sup>

**Gender Expression:** A person’s gender expression refers to the characteristics in one’s personality, appearance, mannerisms and behaviour that express their gender identity. Gender expression can vary from social norms of feminine, masculine, or androgynous. Gender expression is independent from gender identity, for example a woman can express their gender in a masculine way yet still have a gender identity as female.<sup>20</sup>

**Gender Identity:** A person’s internal perception of themselves as being male, female, neither (“agender”), a combination of genders, and/or non-binary.<sup>21</sup>

**Gender-Inclusive Pronouns:** The inclusive pronouns they/them can be used instead of the gender binary pronouns (she/her, he/him) in order to avoid making assumptions about an individual's gender or sexuality. For example, "I have not met the new nurse. Have they started work? Would it be okay to contact them?" Note, some people use they/them as their own pronouns, finding that they/them more accurately reflects who they are, than binary pronouns do (she/her, he/him).<sup>22</sup>

**Gross Indecency:** ... the meaning of “an act of gross indecency” [in s. 157 of the Criminal Code, R.S.C. 1970, c. C-34] has been elaborated by Brooke J.A. for this court in R. v. Quesnel (1979), 51 C.C.C. (2d) 270 at 280, as follows: ... although the Code does not define the offence of gross indecency it may be defined as a marked

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<sup>18</sup> R. v. Ivan (2000), 233 W.A.C. 141, 142 B.C.A.C. 141, 2000 BCCA 452, [2000] B.C.J. No. 1808, 148 C.C.C. (3d) 295, 2000 CarswellBC 1797 (B.C. C.A.) at para. 8 Hollinrake J.A.

<sup>19</sup> “Queer Terminology from A to Q” (January 2018), online: Qmunity <[https://qmunity.ca/wp-content/uploads/2019/06/Queer-Glossary\\_2019\\_02.pdf](https://qmunity.ca/wp-content/uploads/2019/06/Queer-Glossary_2019_02.pdf)>.

<sup>20</sup> “Gender-Inclusive Pronouns: FAQs” (17 February 2021), online: Canadian Bar Association, British Columbia: <[https://www.cbabc.org/CBAMediaLibrary/cba\\_bc/pdf/Resources/Gender\\_Inclusive\\_Pronouns\\_FAQ.pdf](https://www.cbabc.org/CBAMediaLibrary/cba_bc/pdf/Resources/Gender_Inclusive_Pronouns_FAQ.pdf)>.

<sup>21</sup> “Gender-Inclusive Pronouns: FAQs” (17 February 2021), online: Canadian Bar Association, British Columbia: <[https://www.cbabc.org/CBAMediaLibrary/cba\\_bc/pdf/Resources/Gender\\_Inclusive\\_Pronouns\\_FAQ.pdf](https://www.cbabc.org/CBAMediaLibrary/cba_bc/pdf/Resources/Gender_Inclusive_Pronouns_FAQ.pdf)>.

<sup>22</sup> “Glossary” (accessed March 23, 2021), online: Provincial Health Services Authority, Trans Care BC <<http://www.phsa.ca/transcarebc/trans-basics/glossary#entryT>>.

departure from decent conduct expected of the average Canadian in the circumstances that existed. What is needed is a fair objective standard in relation to which the conduct can be tested.<sup>23</sup>

**Harassment:** Includes threatening or harassing. Another word used for this type of crime is stalking. Criminal harassment is when someone makes you fear for your or a family member's safety by: Repeatedly following you or someone you know, repeatedly communicating with you or someone you know, continuously waiting for you outside your home, work or other place, engaging in threatening behaviour against you or someone in your family, etc.<sup>24</sup>

**Hate Crime:** Means and includes anyone who incites hatred, promotes, or acts against any identifiable group where such incitement is likely to lead to a breach of the peace.<sup>25</sup>

**Health Care Provider:** A regular health care provider is defined as a health professional that a person sees or talks to when they need care or advice about their health. This can include a family doctor or general practitioner, medical specialist, or nurse practitioner.<sup>26</sup>

**HRT:** Hormone therapy is the use of sex hormones to alter secondary sex characteristics. The hormone estrogen (often combined with other medications) can be used to feminize the body. The hormone testosterone can be used to masculinize the body. Either can be used in lower doses to achieve a more androgynous effect.<sup>27</sup>

**ID:** Any government document that includes your name, date of birth, photo and

Signature that has been issued by a federal, provincial, territorial or state government authority, or the equivalent abroad. This includes: your Canadian passport, driver's licence (issued by a province or territory, or the equivalent), health card (issued by a province or territory, or the equivalent), Certificate of Indian Status, military ID, foreign passport, etc.<sup>28</sup>

**Indictable Offence:** The more serious category of offences, which generally have no minimum penalty but can carry sentences as severe as life imprisonment without possibility of parole for twenty-five years. Indictable offences are tried on an indictment and might have a preliminary inquiry. In most cases, an accused has an

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<sup>23</sup> R. v. LeBeau (1988), 41 C.C.C. (3d) 163, 62 C.R. (3d) 157, [1988] O.J. No. 51, 1988 CarswellOnt 46, 25 O.A.C. 1 (Ont. C.A.) at para. 26 Brooke, Blair and Morden JJ.A.

<sup>24</sup> <https://www2.gov.bc.ca/gov/content/justice/criminal-justice/bcs-criminal-justice-system/reporting-a-crime/what-is-a-crime/crime-examples/criminal-harassment>

<sup>25</sup> <https://laws-lois.justice.gc.ca/eng/acts/c-46/section-319.html>

<sup>26</sup> Health Fact Sheets: Primary health care providers, 2017" (21 February 2019), online: Statistics Canada <<https://www150.statcan.gc.ca/n1/pub/82-625-x/2019001/article/00001-eng.htm>>.

<sup>27</sup> "Hormone Therapy" (accessed on March 23, 2021), online: Provincial Health Services Authority, Trans Care BC <<http://www.phsa.ca/transcarebc/hormones/hormone-therapy>>.

<sup>28</sup> <https://www.canada.ca/en/immigration-refugees-citizenship/services/canadian-passports/new-adult-passport/identity-documents.html#id-requirements>

election as to mode of trial, though this is not the case for absolute jurisdiction offences or exclusive jurisdiction offences.<sup>29</sup>

**Infants Act:** Explains the legal position of children under the age of 19. Topics include duties and obligations of the public guardian and trustee of the child, medical treatment, infants' contracts, and other general areas including the refusal of consent by the public guardian, the leasing of land belonging to infants, and if a child has no guardian.<sup>30</sup>

**Legal Counsel:** means a member of the society, and includes a member of the governing body of the legal profession in another province or territory of Canada who is authorized to practise law in that province or territory.<sup>31</sup>

**Medical Practitioner:** a person who is skilled in the science of medicine, also known as a doctor.<sup>32</sup>

**Misgender:** When someone is addressed using the wrong gendered language. For example, saying "Mr. Jamie Williams introduced himself" when Jamie Williams is a woman and uses Ms. and she/her pronouns or is non-binary and uses Mx. and they/them pronouns. Mx. A gender-neutral or genderless title that some people use instead of Mr. or Ms. Pronounced like "mix."<sup>33</sup>

**MSP:** The public health insurance in BC available to eligible residents, which includes Canadian citizens and permanent residents.

**Non-Binary:** An umbrella term used to describe gender identities that are not exclusively male or exclusively female. This includes those who identify as neither ("agender") or a combination of genders. They/Them Gender-neutral pronouns that can be used in singular or plural form. In the singular, it is used when someone's pronouns are unknown, by people whose gender identity may be transgender, non-binary or agender, or people who do not use gendered pronouns. Using they as a pronoun avoids assuming a person's gender and misgendering. Transgender (or trans): An umbrella term used to describe people whose gender identity is different than, or doesn't conform to, the norms prescribed for people of the sex they were assigned at birth,

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<sup>29</sup> Criminal Procedure 4th edition, Steve Coughlan, <https://irwinlaw.com/cold/indictable-offence/>

<sup>30</sup> <https://www.healthlinkbc.ca/healthlinkbc-files/infants-act-mature-minor-consent-and-immunization>

<sup>31</sup> Legal Profession Act [SBC 1998] CHAPTER 9.

<sup>32</sup> "Medical Practitioner" (accessed on March 23, 2021), online: Merriam-Webster <<https://www.merriam-webster.com/dictionary/medical%20practitioner>>.

<sup>33</sup> "Gender-Inclusive Pronouns: FAQs" (17 February 2021), online: Canadian Bar Association, British Columbia: <[https://www.cbabc.org/CBAMediaLibrary/cba\\_bc/pdf/Resources/Gender\\_Inclusive\\_Pronouns\\_FAQ.pdf](https://www.cbabc.org/CBAMediaLibrary/cba_bc/pdf/Resources/Gender_Inclusive_Pronouns_FAQ.pdf)>.

whether or not they have changed or plan to change their legal sex marker, and/or have gender affirming surgery or treatments.<sup>34</sup>

**OCI:** Office of the Correctional Investigator. The Office of the Correctional Investigator (OCI) is the ombudsman for federally sentenced offenders. The OCI provides independent oversight of the Correctional Service of Canada (CSC) by providing accessible, impartial and timely investigation of individual and systemic concerns. The OCI also helps CSC fulfill its mandate to support offender rehabilitation and maintain public safety by identifying issues of mutual concern in the federal correctional system.<sup>35</sup>

**Parole:** a conditional release of a prisoner serving an indeterminate or unexpired sentence.<sup>36</sup>

**Person of Authority:** a person who has authority over another person : a person who has the power to give orders or make decisions.<sup>37</sup>

The definition of “person in authority” typically refers to those formally engaged in the arrest, detention, examination or prosecution of the accused and so applies to police officers and prison officials or guards (R v Hodgson 1998 headnote)

**Physician or Doctor:** a qualified practitioner of medicine.

**Pronouns:** Commonly used pronouns in the English language include she/her, he/him, and they/them. They/them is used in the singular for both unknown and known individuals. For example, "Someone just left, but I didn't see who they were." and "Sam has just arrived, and they are ready for their appointment."<sup>38</sup>

**Provincial Prison:** *prison* includes a penitentiary, common jail, public or reformatory prison, lock-up, guard-room or other place in which persons who are charged with or convicted of offences are usually kept in custody; (*prison*).<sup>39</sup> B.C. Corrections helps keep British Columbians safe by managing adults who are in custody or under community supervision. Community Corrections - manages probation offices across B.C. that provide programs to support offenders and supervise court ordered community supervision orders. Adult Custody - manages correctional centres, with varying levels of security and control. These centres hold offenders serving

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<sup>34</sup> Queer Terminology from A to Q” (January 2018), online: Qmunity <[https://qmunity.ca/wp-content/uploads/2019/06/Queer-Glossary\\_2019\\_02.pdf](https://qmunity.ca/wp-content/uploads/2019/06/Queer-Glossary_2019_02.pdf)>.

<sup>35</sup> <https://www.csc-scc.gc.ca/publications/005007-2800-en.shtml>

<sup>36</sup> <https://www.merriam-webster.com/dictionary/parole>

<sup>37</sup> <https://www.merriam-webster.com/dictionary/figure%20of%20authority>

<sup>38</sup> “Glossary” (accessed March 23, 2021), online: Provincial Health Services Authority, Trans Care BC <<http://www.phsa.ca/transcarebc/trans-basics/glossary#entryT>>.

<sup>39</sup> <https://laws-lois.justice.gc.ca/eng/acts/c-46/page-1.html#h-115011>

sentences of less than two years. They are also used to keep offenders while they await trial, transfer to a federal correctional centre or who are detained for immigration purposes.<sup>40</sup>

**RCMP:** Royal Canadian Mounted Police. For nearly 150 years, the Royal Canadian Mounted Police (RCMP) has been Canada's national police service.<sup>41</sup>

**Search Incident to Arrest:** The power of a police officer to search a person who has been arrested. The arrest must have been lawful; the search must be for some purpose related to that arrest and must be conducted reasonably. No separate reasonable grounds are necessary to conduct the search, which is justified if the arrest itself was lawful.<sup>42</sup>

**Sex segregated facility:** divided in facilities or administered separately for members of different groups, such as biological sex.<sup>43</sup>

**State-actor:** a state actor is a person acting on behalf of a governmental body, such as a police officer.<sup>44</sup>

**Transgender:** Transgender, frequently abbreviated to 'trans' or 'trans\*' (the asterisk was intended to actively include non-binary and/or non-static gender identities such as genderqueer and genderfluid, but has fallen out of frequent use throughout the 2010s) is an umbrella term for a wide range of experiences and identities for people whose gender does not match with the gender they were assigned at birth. Identifying as trans is something that can only be decided by an individual for themselves and does not depend on criteria such as surgery or hormone treatment status.<sup>45</sup>

**Transition/Medical Transition:** Refers to the process during which trans people may change their gender expression and/or bodies to reflect their gender, including changes in physical appearance (hairstyle, clothing), behaviour (mannerisms, voice, gender roles), identification (name, pronoun, legal details), and/or medical interventions (hormone therapy, gender-affirming surgery).<sup>46</sup>

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<sup>40</sup> <https://www2.gov.bc.ca/gov/content/justice/criminal-justice/bcs-criminal-justice-system/understanding-criminal-justice/key-parts/corrections/provincial-and-federal-corrections-agencies#:~:text=Provincial%20Corrections&text=These%20centres%20hold%20offenders%20serving,are%20detained%20for%20immigration%20purposes>

<sup>41</sup> <https://www.rcmp-grc.gc.ca/en/about-rcmp>

<sup>42</sup> Criminal Procedure 4th Edition authored by Steve Coughlan, published by Irwin Law Inc, May 11, 2020.

<sup>43</sup> <https://www.merriam-webster.com/dictionary/segregated>

<sup>44</sup> <https://www.definitions.net/definition/state+actor>

<sup>45</sup> Queer Terminology from A to Q" (January 2018), online: Qmunity <[https://qmunity.ca/wp-content/uploads/2019/06/Queer-Glossary\\_2019\\_02.pdf](https://qmunity.ca/wp-content/uploads/2019/06/Queer-Glossary_2019_02.pdf)>.

<sup>46</sup> "Glossary" (accessed March 23, 2021), online: Provincial Health Services Authority, Trans Care BC <<http://www.phsa.ca/transcarebc/trans-basics/glossary#entryT>>.



**Warrant:** a document issued by a legal or government official authorizing the police or some other body to make an arrest, search premises, or carry out some other action relating to the administration of justice.<sup>47</sup>

**Ze/zir:** A pronoun used instead of they/them. Ze sounds like “zee.” Zir sounds like “zere,” rhymes with “here.”<sup>48</sup>

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<sup>47</sup><https://www.google.com/search?q=warrant+definition&oq=warrant+definition&aqs=chrome..69i57j0l6j69i60.3304j1j7&sourceid=chrome&ie=UTF-8>

<sup>48</sup> “Gender-Inclusive Pronouns: FAQs” (17 February 2021), online: Canadian Bar Association, British Columbia: <[https://www.cbabc.org/CBAMediaLibrary/cba\\_bc/pdf/Resources/Gender\\_Inclusive\\_Pronouns\\_FAQ.pdf](https://www.cbabc.org/CBAMediaLibrary/cba_bc/pdf/Resources/Gender_Inclusive_Pronouns_FAQ.pdf)>.

# DEFINITIONS FOR GENDER-AFFIRMING SURGICAL PROCEDURES

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## *Feminizing Procedures*

- **Breast construction:** is a gender-affirming, feminizing, upper body surgery that creates or enlarges one's breasts.<sup>49</sup>
- **Orchiectomy:** is a gender affirming lower body surgery that removes the gonads (testes) and spermatic cord. It can be done with or without scrotoectomy (removal of scrotal sac).<sup>50</sup>
- **Vaginoplasty:** is a gender-affirming, feminizing, lower body surgery that creates a vagina and vulva (including a mons, labia, clitoris and urethral opening) and removes and inverts the erectile tissue (penis), gonads (testes) and external genital (scrotal sac).<sup>51</sup>
- **Vulvoplasty:** is a gender-affirming, lower body surgery that creates the vulva (including mons, labia, clitoris, and urethral opening) and removal of penis, scrotum, and testes.<sup>52</sup>

## *Masculinizing Procedures*

- **Chest masculinization (mastectomy, also called top surgery):** is a gender-affirming, upper body surgery that removes unwanted chest (breast) tissue and sculpts the remaining tissue into a flatter shape. Chest construction is a term that refers to both chest reduction surgery (procedure to reduce the amount of chest tissue) and full bilateral mastectomy.<sup>53</sup>

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<sup>49</sup> "Feminizing Surgeries" (accessed on March 23, 2021), online: Provincial Health Services Authority, Trans Care BC <<http://www.phsa.ca/transcarebc/surgery/gen-affirming/feminizing#:~:text=Feminizing%20surgeries%20are%20gender%2Daffirming,gender%20identity%20or%20gender%20expression>>.

<sup>50</sup> "Feminizing Surgeries" (accessed on March 23, 2021), online: Provincial Health Services Authority, Trans Care BC <<http://www.phsa.ca/transcarebc/surgery/gen-affirming/feminizing#:~:text=Feminizing%20surgeries%20are%20gender%2Daffirming,gender%20identity%20or%20gender%20expression>>.

<sup>51</sup> "Feminizing Surgeries" (accessed on March 23, 2021), online: Provincial Health Services Authority, Trans Care BC <<http://www.phsa.ca/transcarebc/surgery/gen-affirming/feminizing#:~:text=Feminizing%20surgeries%20are%20gender%2Daffirming,gender%20identity%20or%20gender%20expression>>.

<sup>52</sup> "Feminizing Surgeries" (accessed on March 23, 2021), online: Provincial Health Services Authority, Trans Care BC <<http://www.phsa.ca/transcarebc/surgery/gen-affirming/feminizing#:~:text=Feminizing%20surgeries%20are%20gender%2Daffirming,gender%20identity%20or%20gender%20expression>>.

<sup>53</sup> "Masculinizing Surgeries" (accessed on March 23, 2021), online: Provincial Health Services Authority, Trans Care BC <<http://www.phsa.ca/transcarebc/surgery/gen-affirming/masculinizing>>.

- **Metoidioplasty**: is a gender-affirming lower body surgery that creates a penis by cutting ligaments around the erectile tissue (clitoris) to release it from the pubis and give the shaft more length (4 to 6 cm).<sup>54</sup>
- **Clitoral release**: is a gender-affirming, lower body surgery that creates a penis by cutting ligaments around the erectile tissue (clitoris) that has been enlarged by testosterone to release it from the pubis and give the shaft more length (4 to 6 cm). A scrotum can be created from the labia. Testicular implants can be inserted in the scrotum in a separate surgery, months later.<sup>55</sup>
- **Phalloplasty**: is a gender-affirming lower body surgery that takes place over multiples surgeries. These procedures create a penis and scrotal sac, testicular and penile implants.<sup>56</sup>
- **Hysterectomy with bilateral salpingo-oophorectomy**: are two gender-affirming lower body surgeries. Hysterectomy removes all or part of the uterus and sometimes the reproductive organs (ovaries or fallopian tubes). Oophorectomy removes one or both of the ovaries.<sup>57</sup>
- **Penile and testicular implant surgery**: The insertion of the penile implant is a surgical procedure during which the implant is inserted into the phallus that was formed during your phalloplasty. The insertion of a testicular implant or implants is a procedure that involves inserting 1 or 2 gel-filled testicular implants into the scrotum. The insertion provide the genitals with a more masculine appearance.<sup>58</sup>

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<sup>54</sup> "Masculinizing Surgeries" (accessed on March 23, 2021), online: Provincial Health Services Authority, Trans Care BC <<http://www.phsa.ca/transcarebc/surgery/gen-affirming/masculinizing>>.

<sup>55</sup> "Masculinizing Surgeries" (accessed on March 23, 2021), online: Provincial Health Services Authority, Trans Care BC <<http://www.phsa.ca/transcarebc/surgery/gen-affirming/masculinizing>>.

<sup>56</sup> "Masculinizing Surgeries" (accessed on March 23, 2021), online: Provincial Health Services Authority, Trans Care BC <<http://www.phsa.ca/transcarebc/surgery/gen-affirming/masculinizing>>.

<sup>57</sup> "Masculinizing Surgeries" (accessed on March 23, 2021), online: Provincial Health Services Authority, Trans Care BC <<http://www.phsa.ca/transcarebc/surgery/gen-affirming/masculinizing>>.

<sup>58</sup> "FEMALE TO MALE / FTM / FTX / NON-BINARY" (accessed on March 23, 2021), online: GrS Montreal <<https://www.grsmontreal.com/en/surgeries/female-to-male-ftm-ftx.html>>.

# APPENDIX B: RESOURCES

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A Way Home Kamloops	653 Victoria Street, Kamloops, BC V2C 2B3 250-828-0446
Access Pro Bono	300-845 Cambie Street, Vancouver, BC V6B 4Z9 1-877-762-6664 Phone: 604-482-3195 Fax: 250-314-1605 Email: <a href="mailto:help@accessprobono.ca">help@accessprobono.ca</a>
APB Lawyer Referral Services	Phone: 1-800-663-1919 Metro-Vancouver Phone: 604-687-3221
ASK Wellness	433 Tranquille Road, Kamloops, BC V2B 3G9 Phone: 250-376-7558 Email: <a href="mailto:a.tenisci@askwellness.ca">a.tenisci@askwellness.ca</a>
BC Kids Help Phone	Phone: 1-800-668-6868 Website: <a href="https://www.healthlinkbc.ca/mental-health-substance-use/resources/kids-help-phone">https://www.healthlinkbc.ca/mental-health-substance-use/resources/kids-help-phone</a>
BC Vital Statistics	For legal changes of gender marker: 478 Bernard Ave, #305, Kelowna, BC V1Y 6N7  For legal changes of name: PO Box 9657 Stn Provincial Government, Victoria, BC V8W 9P3
BYRC Resource Room	2780 East Broadway, Vancouver, BC V5M 1Y8 Phone: 604-412-7950 Fax: 604-412-7951 Email: <a href="mailto:info@pcrs.ca">info@pcrs.ca</a>
Canadian Mental Health Association-Kamloops	651 Victoria Street, Kamloops, BC V2C 2B3 Main Phone: 250-374-0440 Toll-Free Phone (BC only): 1-888-674-0440 Email: <a href="mailto:kamloops@cmha.bc.ca">kamloops@cmha.bc.ca</a>
Cathrine White Holman Wellness Center	1145 Commercial Drive, Vancouver, BC V5L 3X3 Email: <a href="mailto:contactus@cwhwc.com">contactus@cwhwc.com</a> To request an appointment with a lawyer, email: <a href="mailto:lawyer@cwhwc.com">lawyer@cwhwc.com</a>

Elizabeth Fry Legal Clinic	<p>Main Office: 827 Seymour Street, Kamloops, BC V2C 2H6</p> <p>Phone: 250-374-2119</p> <p>Fax: 250-374-5768</p> <p>Legal Services Office: 702-235 1ST Avenue, Kamloops, BC V2C 3J4</p> <p>Phone: 250-314-1900</p> <p>Fax: 250-314-1605</p>
Emerald Center Emergency Shelter	<p>259-271 Victoria Street West, Kamloops, BC V2C 1A5</p> <p>Women's Shelter Phone: 250-828-1121</p> <p>Men's Shelter Phone: 250-372-3031</p> <p>Shelter and Housing Office: 250-374-1090</p>
Gender Surgery Program BC	<p>2775 Laurel Street, Station 4A, 7th Floor, DHCC</p> <p>Vancouver, British Columbia V5Z 1M9</p> <p>Phone: 604-875-5060</p> <p>Fax: 604-875-5075</p> <p>Email: <a href="mailto:GenderSurgeryProgramBC@vch.ca">GenderSurgeryProgramBC@vch.ca</a></p>
GrS Montreal	<p>999, rue De Salaberry, Montreal , Quebec H3L 1L2</p> <p>Phone: 514 288-2097</p> <p>Fax: 514 288-3547</p> <p>Online contact form:</p> <p><a href="https://www.grsmontreal.com/en/contact-us.html">https://www.grsmontreal.com/en/contact-us.html</a></p>
Henry Leland House	<p>1-506 St. Paul Street, Kamloops, BC V2C 2J9</p> <p>Phone: 250-374-5060</p> <p>Fax: 250-374-5062</p>
Hope Air	<p>207 - 124 Merton St, Toronto ON M4S 2Z2</p> <p>Phone: 416-222-6335 or 1-877-346-4573</p> <p>Fax: 416-222-6930</p> <p>Email: <a href="mailto:mail@hopeair.ca">mail@hopeair.ca</a></p>
Indigenous Community Legal Clinic	<p>148 Alexander St. Vancouver, BC</p> <p>Phone: 604-822-1311</p> <p>Fax: 604-984-7874</p> <p>Email: <a href="mailto:iclc@allard.ubc.ca">iclc@allard.ubc.ca</a></p>
Interior Community Services - Youth Street Services	<p>408 Seymour Street, Kamloops, BC V2C 2G6</p> <p>Phone: 250-374-7435</p>
Interior Health	<p>505 Doyle Avenue, Kelowna, BC V1Y 0C5</p> <p>Phone: 250-469-7070</p> <p>Fax: 250-469-7068</p>

Interior Health Patient Care Quality Office	<p>505 Doyle Ave; Kelowna, BC; V1Y 0C5</p> <p>By Phone (toll-free): 1-877-442-2001</p> <p>Online form:</p> <p><a href="https://www.interiorhealth.ca/YourCare/PatientCareQualityOffice/Pages/PCQOForm.aspx">https://www.interiorhealth.ca/YourCare/PatientCareQualityOffice/Pages/PCQOForm.aspx</a></p>
John Howard Society	<p>100-529 Seymour Street, Kamloops, BC V2C 0A1</p> <p>Phone: 250-434-1700</p> <p>Fax: 250-434-1701</p> <p>Email: <a href="mailto:info@jhstr.ca">info@jhstr.ca</a></p>
Kamloops Native Housing Society	<p>742 Mount Paul Way, Kamloops, BC V2H 1A9</p> <p>Phone: 250-374-1728</p>
Lii Michif Optemisiwak Family and Community Services	<p>Phone: 250-554-9486</p>
LSLAP (Law Students Legal Advice Program)	<p>The University of British Columbia, Allard Hall, Room 129</p> <p>1822 East Mall, Vancouver, BC V6T 1Z1</p> <p>Phone: 604-822-5791</p> <p>Fax: 604-822-1661</p>
New Life Mission Corporate	<p>181 West Victoria Street, Kamloops, BC V2C 1A5</p> <p>Phone: 250-434-9898</p>
PACE Society	<p>148 West Hastings Street, Vancouver, BC V6B 1G8</p> <p>Phone: 604-872-7651</p> <p>Email: <a href="mailto:infor@pace-society.org">infor@pace-society.org</a></p>
PharmaCare BC	<p>PO Box 9655 Stn Prov Govt, Victoria BC V8W 9P2</p> <p>Phone (Lower Mainland): 604-683-7151</p> <p>Phone (BC and toll-free): 1-800-663-7100</p>
PHSA Patient Care Quality Office	<p>Suite 200, 1333 West Broadway, Vancouver BC V6H 4C1</p> <p>Phone (toll-free): 1-888-875-3256</p> <p>Fax: 1-604-708-2762</p> <p>Email: <a href="mailto:pcqo@phsa.ca">pcqo@phsa.ca</a></p>
PHSA Trans Care BC	<p>Phone toll-free (BC): 1-866-999-1514</p> <p>Phone outside of BC or non-toll-free: 604-675-3647</p> <p>Email: <a href="mailto:transcareteam@phsa.ca">transcareteam@phsa.ca</a></p> <p>Online contact form:</p> <p><a href="http://www.phsa.ca/transcarebc/about/contact">http://www.phsa.ca/transcarebc/about/contact</a></p>

QMUNITY	<p>1170 Bute Street, Vancouver, BC V6E 1Z6</p> <p>Phone: 604-684-5307 Ext. 100</p> <p>Email: <a href="mailto:reception@qmunity.ca">reception@qmunity.ca</a></p> <p>*Please note there are 23 flights of stairs leading to this office, if you require a meeting in QMUNITY's accessible space, please contact them beforehand</p>
Rainbow Refugee	<p>1170 Bute Street, Vancouver, BC V6E 1Z6</p> <p>Email: <a href="mailto:info@rainbowrefugee.ca">info@rainbowrefugee.ca</a></p>
Rise Women's Legal Center	<p>516 Richards Street, Vancouver, BC V6B 3A2</p> <p>Phone: 604-451-7447</p> <p>Potential Clients: 236-317-9000</p> <p>Fax: 604-304-4072</p> <p>Email: <a href="mailto:intake@womenslegalcenter.ca">intake@womenslegalcenter.ca</a></p>
Safe Spaces Kamloops	<p>765 Tranquille Road, Kamloops, BC V2B 3J3</p> <p>Phone: 250-371-3086</p> <p>Email: <a href="mailto:sspaces@interiorcommunityservices.bc.ca">sspaces@interiorcommunityservices.bc.ca</a></p>
The Mustard Seed Kamloops Outreach Center	<p>181 Victoria Street West, Kamloops, BC V2C 1A5</p> <p>Phone: 250-434-9898</p> <p>Email: <a href="mailto:InfoKamloops@theseed.ca">InfoKamloops@theseed.ca</a></p>
Thompson Rivers University Legal Clinic	<p>204-246 2nd Avenue, Kamloops, BC V2C 2C9</p> <p>Phone: 778-471-8490</p>
Transcare BC	<p>Phone (BC): 1-866-999-1514</p> <p>Phone (outside of BC): 604-675-3647</p> <p>Email: <a href="mailto:transcareteam@phsa.ca">transcareteam@phsa.ca</a></p>
Travel Assistance Program BC	<p>Phone (Vancouver): (604) 683-7151</p> <p>Phone (BC): 1 800 663-7100</p>
UVic Trans ID Clinic	<p>University of Victoria Student Union Building Room B107</p> <p>Phone: 250-721-8353</p> <p>Email: <a href="mailto:gemcentre@uvss.ca">gemcentre@uvss.ca</a></p>
Victoria Youth Clinic	<p>818 Douglas Street, Victoria, BC V8W 2B6</p> <p>Phone: 250-383-3552</p> <p>Fax: 250-383-3502</p>

Women's College Hospital

76 Grenville Street, Toronto, ON, M5S 1B2

Phone: 416-323-6400

Email: [info@wchospital.ca](mailto:info@wchospital.ca)

Y Women's Emergency Shelter

Phone: 250-374-6162

Email: [shelter@kamloopsy.org](mailto:shelter@kamloopsy.org)



# APPENDIX C

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## The Human Rights Complaint Process for Transgender People in B.C.

**An Out/Law Legal Guide**  
**barbara findlay QC**

*The first thing to know is that there is a six month time limit to file a BC human rights complaint so DO NOT WAIT.*

This booklet will help you

- Understand if the mistreatment you have received is a human rights violation
- Know what the process of filing a human rights complaint will be;
- Get free legal advice about your situation
- Tell you what you can expect to get if you win your human rights complaint

### **Do you have a human rights complaint?**

Transgender people face stigma, prejudice and mistreatment in all parts of their lives.

Is the mistreatment a human rights violation?

All trans people are covered by human rights legislation both provincially and federally. **It does not matter whether ‘gender identity’ has been added to the law.** Trans people are protected from discrimination by the ground ‘sex’.

Human rights protection applies if you are discriminated against in

- Employment, employment ads, and wages

*For example:*

- *an employer says to you in a job interview, we'd like to hire you but we don't have a unisex washroom OR*
- *Our customers would not feel comfortable dealing with a transperson*
- *A co-worker bullies the transperson, and calls them names such as 'tranny' and management takes no steps to correct the situation*
- *Company extended health benefits exclude sex reassignment surgery*

- Membership in a union

*For example:*

- *a union says, 'our membership code applies only to men and women'.*

- Tenancy

*For example:*

- *a landlord says 'we don't rent to sexual minorities'; OR*
- *a landlord sees someone they believe to be male dressing in 'women's clothing' and evicts them.*

- Goods or services customarily available to the public

*For example:*

- *A bus driver makes a remark about someone being a he-she;*
- *A store clerk refuses to give the washroom key that is requested insisting on the other-gendered washroom;*
- *A school board says it cannot accommodate trans students because they do not believe*

*that children should be permitted to transition;*

- *A hospital puts an FtM individual in a ward for women*

- Purchase of property

*For example:*

- *A strata council says they won't admit trans people*

Some kinds of mistreatment are not covered by human rights legislation. For example if someone on the street calls you 'tranny' and throws a rock at you – that is not a human rights complaint because the person is not employing you, denying you a service, etc on the ground that you are transgender.

On the other hand their behaviour may be an assault: call the police!

In general, it is not enough to say, "I applied for a job and I wasn't hired – I am sure it was because I am trans". You **must** be able to show some causal connection. Maybe the interviewer said something that made you aware that they were transphobic.

Sometimes an employer/landlord/union/property seller/service provider will say, "There is one rule for everyone! No exceptions! And that is not discrimination." They might say that in response to a complaint to use the washroom of your affirmed gender, for example: 'everyone has to use the washroom of the gender they were born into, no exceptions'.

Having one rule for everyone might seem fair at first. But if it has a disproportionate impact on a group of people – as that rule has on trans people – then the blanket rule cannot stand. The Respondent has a 'duty to accommodate' the rights of people for whom the rule doesn't work.

In this case, the Respondent would either have to permit trans people to use the washroom of their affirmed gender, or change all the washrooms to gender-neutral.

If you are being harassed at work because you are trans, the employer is responsible to stop it – even if the harasser is a coworker. So in a complaint you would name both the coworker and the employer.

There is now legislation about bullying in the workplace. If you are being bullied at work you file a complaint with Worksafe B.C. This would apply for example if the manager was bullying everyone, not because they were queer or a person of colour or a woman or whatever – but just because the manager was a bully.

### **If you have a human rights complaint is it ‘federal’ or ‘provincial’?**

Most human rights complaints are covered by the B.C. Human Rights Code. But some are not.

You must proceed under the *Canadian Human Rights Act* if

- You work for a federal employer such as a bank, airline, etc
- You have been discriminated against by a federally-regulated body such as a bank, an interprovincial trucking firm, etc; or
- You are complaining about mistreatment by a band council under the Indian Act

An easy way to find out if your complaint is covered by the B.C. Code is to phone the B.C. Human Rights Tribunal and ask. Their number is 604 775-2000.

This booklet deals only with provincial human rights cases.

## How to file a complaint

In B.C., you first go to the website of the B.C. Human Rights tribunal: [www.bchrt.com](http://www.bchrt.com) .

Click on 'file a complaint'. Up comes a complaint form. There is help in filling out the form from the same website. The booklet "BRITISH COLUMBIA HUMAN RIGHTS TRIBUNAL GUIDE 2 – Making a Complaint and guide to completing a Complaint Form " is your guide to completing the form correctly.

Make every effort to fill out all the spots, and provide LOTS OF DETAIL about the things that have happened to you. This is because the Tribunal will decide whether you have a chance at winning a human rights case by reading what you have sent them.

## File your complaint on time

Make sure that you file your complaint within six months since the events occurred. If you are already outside that time limit, explain in detail why you are late filing the complaint in the section of the complaint form that asks for your explanation of delay. The Tribunal has a very limited power to accept complaints that are filed late. Typically they do not accept as an explanation that you did not realize you had a human rights complaint, or that you were so traumatized by the discrimination that you could not deal with filing a complaint within the six month period.

You can get help filling out the complaint form

- At the BC Human Rights Tribunal on Mondays, from 9:30 to 4:30, at the drop in clinic run by the B.C. Human Rights Coalition
- At the Catherine White Holman Wellness Clinic on the **fourth** (not the last) Monday of the month from 6:30 to 9:30, at REACH Community Health Clinic, 1145 Commercial Drive, Vancouver.

But: if you are running out of time for the six month time limit, file your complaint and then ask questions. It is easier to request to change the complaint than it is to get permission to file it late.

**After filing the complaint: getting free legal help to act for you**

Once you have filed your complaint, the B.C. Human Rights Tribunal will review it and tell you if it is within their mandate. They will send you a letter.

*As soon as you receive that letter*, make an application through the website of the B.C. Human Rights Coalition for help to represent you with respect to your complaint:

<http://bchrcoalition.org/files/HowtoApplyforRepresentation.html>

NOTE: The Coalition will not consider a request for representation until you have a letter accepting your complaint by the B.C. Human Rights Tribunal.

*And you only have 30 days* from the date of the acceptance letter from the Tribunal.

Since this is the door for the only free legal representation in B.C., make sure you follow their steps. Make sure you understand the conditions the Coalition requires. You must agree that if they think you should settle your complaint, you will. If you don't, they can stop representing you.

The B.C. Human Rights Coalition partners with CLAS, the Community Legal Assistance Society. CLAS appoints free lawyers, within their resource limitations, to act for human rights complainants referred to them by the Coalition. In those cases, the B.C. Human Rights Coalition acts for the Complainant until the time for a hearing. A CLAS lawyer acts for the complainant at the hearing.

## **Sometimes...the Bad News**

Sometimes the Respondent files an 'application to dismiss' your complaint. They may argue that it is past the six month filing date, or that even if you proved all the facts in the complaint you would not succeed in proving discrimination under the Code, or that the issue has already been dealt with in another forum like a grievance procedure, for example.

If that happens to you, you will need to get some legal help to know how to respond. If you already have representation by the B.C. Human Rights Coalition, they will answer this on your behalf. They will also represent you at an Early Settlement Meeting.

## **Early Settlement Meeting**

Do you want an Early Settlement Meeting? This is one of the questions on the complaint form. Your answer is probably 'yes'.

An Early Settlement Meeting (ESM) is a confidential meeting held between you, the Complainant, and the body you are complaining against, the Respondent. There is a mediator appointed by the Tribunal to help parties arrive at a settlement of the complaint.

The service is free. If you do not settle, the complaint continues on to a hearing before the Tribunal.

So you have nothing to lose. More than 90% of all complaints are settled or otherwise dealt with before a tribunal hearing.

At the Early Settlement Meeting you can take a lawyer or representative. The mediator will be able to help you understand what the range of award might be if you went to a hearing at a tribunal. That is helpful because it lets you know whether to settle for a certain amount or not.

At an ESM you can ask for conditions that are not monetary. For example you can ask that an employer who did not respond to bullying have an anti-bullying program at the workplace. All the parts of a settlement must be by agreement. And unless the parties agree otherwise the terms of the settlement are confidential.

Think about what you want to get from the complaint: what your 'optimum' and what your 'minimum' settlement would be.

The proceedings at an ESM are informal. Everyone – you and your representative, the respondent and their representative – meet together with the mediator in a boardroom, at the beginning. The mediator has everyone sign a confidentiality agreement; and then talks about what the process will be like. After that, the Complainant describes what happened, without interruption. Then the Respondent describes what their version of events is. There is usually a chance for each side to ask questions of the other.

Often the mediator will then separate the parties into breakout rooms, and go back and forth to see if they can find a way to settle the complaint that both parties can agree to.

### **Don't be surprised**

Standard features of a settlement include terms

- That the agreement be kept confidential; and
- That the Respondent is not admitting liability

However if you have an agreement that the Respondent will, for example, develop some trans-affirming policies or do some training with its staff, that training obviously will not be confidential.



## **If you Don't Settle**

If you don't settle, you are on your way to a hearing at the human rights tribunal.

As a first step the Respondent has to file a response to your complaint, saying what its position is.

The tribunal will schedule a hearing, typically many months down the road, for a number of days that it thinks will be needed to hear all the evidence. If you are complaining about one incident, the hearing could be as short as a couple of days. If you are complaining about a long series of events over a great period of time, much more time will be required.

## **At the Hearing**

A hearing is held in front of a member of the Tribunal. But it won't be the same tribunal member that you had when you went to the ESM because that member could be biased to one side or the other.

The hearing is held in a board room. It is not recorded. The rules are similar to the rules in a court case.

The complainant goes first. She or he calls the witnesses who will prove their case. For example, suppose the cashier at the drug store you were shopping in for makeup made a transphobic remark. You would testify yourself. If you have a witness who heard the exchange, they would also testify.

After each of your witnesses gives evidence the Respondent has a right to 'cross examine' them: ask questions. It is similar to court room shows you see on tv.

You have to prove every element of your case. Let's suppose your complaint said that the B.C. government should be providing

depilation (facial hair removal or electrolysis) therapy as part of the medical services that are covered in B.C. You would need to prove

- That some people could get depilation therapy covered by MSP – for example, people who have a condition called hirsutism which makes one's whole body hairy;
- That your doctor says that the treatment is medically necessary for you. NOTE: your doctor has to give evidence at the hearing
- That you asked for MSP coverage and they refused

If you neglected to prove that your doctor said you needed electrolysis then you would lose your case!!

When you have called all your witnesses, the Respondent calls their witnesses. You have a right to cross examine each of their witnesses.

You have a right to call witnesses again if the Respondent has brought up a point that you didn't cover the first time. You can only have a 'reply' witness if you could not have anticipated the Respondent's evidence – if you could have, you have to put it in evidence in the first place.

Your witnesses will give evidence both about what happened, and about what the consequences were. You need to prove the consequences of the discrimination because that is what determines how much money you will get.

After all the evidence is heard, you make an argument about why you should win; the Respondent argues why they should win; and you have a right of reply to the Respondent's argument.

You have to argue about how the evidence shows there was discrimination, and about what 'remedy' you should have.

## Remedy

There are three kinds of remedy for discrimination under the B.C. Human Rights Code.

First, the tribunal **must** order the Respondent to cease and desist from repeating its discriminatory conduct. And the Tribunal **may** order the Respondent to take particular steps to remedy the discrimination. If the complaint was about a policy forbidding trans people from using the washroom of their affirmed gender, the Tribunal could order that the Respondent change the policy **and** (for example) make the washrooms gender neutral.

Second, you can be compensated for any money you lost.

- Suppose you were fired because you insisted on using the washroom of your affirmed gender. You have to prove that you looked hard for a replacement job; but if you can show that, you looked hard and there was no work (or no work for a period of time), you will get ‘wage loss’ from the time you were fired till the date of the Tribunal decision. (But if you had EI or welfare benefits during that time you have to pay them back from the award).
- Suppose that someone refused to rent you an apartment because you were transgender, and you could only find a more expensive apartment. You can claim the difference in rent from the time of the event to the time the Tribunal makes its decision.

Third, you can claim for ‘injury to dignity’. This is like “general damages” in a lawsuit. It is a sum of money intended to compensate you for the insult of being discriminated against. You don’t have to prove that you lost a particular amount of money. But you might want to prove for example that you ended up with

PTSD as a result of the employer failing to deal with a transphobic coworker; or that you were so humiliated by the conduct of the bus driver that you haven't been able to get on a bus since.

How much will you get for injury to dignity?

The answer is: not much.

The highest award in B.C. for injury to dignity is \$35,000. An amount in that range might be awarded if for example your boss raped you at work.

For less serious breaches of the Human Rights Code you might get between \$5000 and \$15000. The only way to find out what you might be looking at is to read other cases decided by the Tribunal, all of which are available at [www.bchrt.bc.ca](http://www.bchrt.bc.ca), to see what amounts are awarded in different kinds of cases.

The small size of human rights awards makes it very hard to pursue a human rights complaint. To hire a lawyer to help with your claim will often cost more than the award you get at the end of a hearing, if the matter is not settled at an ESM. In that way, your human rights are really just paper rights, because most people cannot afford to pursue a case. While the B.C. Human Rights Coalition and CLAS offer free help to some people, but they are unable to help everyone who needs it.

## Resources

There are lots of resources for people who want to file a human rights complaint. Some of them are listed below. It is **very** worthwhile to read through the resources before you file your complaint.

B.C. Human Rights	<a href="http://www.Bchrt.bc.ca">www.Bchrt.bc.ca</a>
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Tribunal	
B.C. Human Rights Coalition	<a href="http://www.bchrcoalition.org/">http://www.bchrcoalition.org/</a>
Attorney General of B.C.	<a href="http://www.ag.gov.bc.ca/human-rights-protection/pdfs/EmployerInfo.pdf">http://www.ag.gov.bc.ca/human-rights-protection/pdfs/EmployerInfo.pdf</a>
Canadian Bar Association B.C. Branch	<a href="https://www.cba.org/bc/public_media/rights/236.aspx">https://www.cba.org/bc/public_media/rights/236.aspx</a>
Vancouver Island Human Rights Coalition	<a href="http://vihrc.org/">http://vihrc.org/</a>
Go2	<a href="http://www.go2hr.ca/articles/human-rights-code-made-simple">http://www.go2hr.ca/articles/human-rights-code-made-simple</a>
Justice Education Society	<a href="http://www.justiceeducation.ca/resources/human-rights-in-bc">http://www.justiceeducation.ca/resources/human-rights-in-bc</a>
Smeets law office	<a href="http://smeetslaw.com/human-rights">http://smeetslaw.com/human-rights</a>
University of the Fraser Valley	<a href="http://ufv.ca/hrcro/human-rights-code-of-british-columbia/">http://ufv.ca/hrcro/human-rights-code-of-british-columbia/</a>

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This booklet is published by The Law Office of barbara findlay QC. It is current to 8/13.

The booklet provides legal information only. It is **not** legal advice. For an assessment of your individual situation, you can get a ½ hour appointment for \$25 by calling the Lawyer Referral Service and asking for a lawyer who does human rights.

Feel free to republish this booklet as long as

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- \* You don't charge money to distribute the booklet

# Transgender/Gender Diverse Inmates

## Guiding principles for working with Transgender/Gender diverse inmates in BC.

The purpose of this document is to provide information for staff to reference to ensure services provided to transgender/gender diverse inmates are consistent with BC Corrections Policy and the international standards of care as outline by the World Professional Association for Transgender Health (WPATH)

# Transgender/Gender Diverse Inmates

Guiding principles for working with Transgender/Gender Diverse inmates in BC.

## Definitions/Terminology

The terminology used to communicate is very important to create a respectful culture for all involved. The exact terms used at any point by an individual are much less important than upholding the principles of safety, dignity and respect.

It is important to remember that people in custody who fall within the scope of this policy may describe their gender identities and experiences in very diverse ways. This may be because they may be uncomfortable or unfamiliar with certain terms, or because they may be influenced by their beliefs about what explanation may get them the most acceptance within prison.

In this document, unless otherwise specified, the term **Trans** is used as an umbrella term meant to include all gender identities other than cisgender (see below for a definition of cisgender).

**Sex** refers to a person's status as male, female, or intersex based on biological and physiological characteristics. Sexes

## *Adult Custody Policy – 4.10*

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BC Corrections recently updated policy related to transgender inmates.

The adult custody policy now more clearly incorporates the principles of administrative fairness as they relate to placement considerations for transgender inmates.

Sec 4.10.3 of the policy outlines the search protocol to be employed for transgender inmates.

In addition, sec 4.10.8 of the policy outlines specific parameters around shared accommodation as it relates to housing transgender inmates.



are usually assigned at birth based on simple visual inspection of the genitals of a new-born baby.

**Gender** refers to a person's status as a man or boy, woman or girl, transgender person, non-binary person, and may also include Two-Spirit persons (definition in this section). Genders are usually assigned at birth on the assumption that males will be boys and that females will be girls.

**Gender identity** refers to a person's deeply felt intrinsic sense of their own gender.

**Gender expression** refers to how a person enacts gender in their everyday life. There are many reasons why a person may not feel that it is safe to express their gender identity in certain circumstances. Thus, a person's gender expression may, or may not, be a good representation of their gender identity.

**Social gender** is the gender in which a person lives their everyday life. A person's social gender may, or may not, express their gender identity. Similarly, it may, or may not, match what would typically be expected on the basis of their sex or gender assigned at birth.

**Cisgender** refers to people whose current sex and gender identities match the ones they were assigned at birth.

**The gender binary** refers to the idea that there are only two genders, men and women, and the expectation that everyone has to be one or the other.

**Non-binary gender identities** are adopted by people who reject the idea of the gender binary. They may identify as partially a man and partially a woman, or identify as sometimes a man and sometimes a woman, or identify as some gender other than a man or a woman, or as not having a gender at all. They most commonly use the pronouns they/them/their instead of he/him/his or she/her/hers. Some non-binary people consider themselves to be trans or transgender; some do not because they consider transgender to be part of the gender binary. The shorthand NB is sometimes used as a descriptor for non-binary.

**Two-Spirit** is an English-language term adopted by North American Indigenous peoples to communicate a broad range of identities used in Indigenous communities. Each Indigenous language has its own specific terms and nuanced cultural meanings. Two-Spirit can encompass any kind of gender identity or sexual orientation other than cisgender and heterosexual. Some





people identify only as Two-Spirit. Some people identify as Two-Spirit and also lesbian, or gay, or bisexual, or transgender, or non-binary. Only Indigenous people should call themselves Two-Spirit.

**Gender nonconformity** refers to the extent to which a person's gender identity or gender expression differs from what is typically expected for people assigned a particular sex or gender at birth.

**Transgender** or **Trans** are umbrella terms used to describe people whose gender identities and/or gender expressions are not what is typically expected for the sex and gender to which they were assigned at birth. It should always be used as an adjective (as in "trans people") and never as a noun (do not call people "transgenders") and never as a verb (do not say that someone transgendered).

**Gender dysphoria** is a medical diagnosis. It describes distress, unhappiness and discomfort experienced by someone when their physical body and the gender they were assigned at birth does not match their gender identity.

**Transition** refers to procedures that people use to change from living as the gender they were assigned at birth to living as a gender that better matches their gender identity. People may transition only socially by using methods such as changing their name, clothing and accessories, hair styles, and/or the ways that they move and speak. Prosthetics, hair-pieces/wigs, and/or chest-binders may also be used. Transitioning may also involve using hormones and/or surgeries to alter a person's physical body.

**Transfeminine** refers to anyone who was assigned male at birth and does not identify as a man. Transfeminine people may identify as trans women, as non-binary, or as Two-Spirit.

**Transgender Women or Trans Women** are individuals who were assigned male at birth but who have gender identities as women. They may, or may not, have undergone any transition.

**MTF or Male-to-Female** are older terms that are falling out of use.

**Crossdressers** are people who usually identify as heterosexual men and who dress as women on a part-time basis. When crossdressing is accompanied by sexual arousal, a medical diagnosis that is sometimes applied is **Autogynephilia**. Many crossdressers identify as transfeminine and/or non-binary. An older and mostly abandoned term for the phenomenon is **Transvestite**. A small proportion of crossdressers undertake transition later in life.



**Transmasculine** refers to anyone who was assigned female at birth and does not identify as a woman. Transmasculine people may identify as trans men, as non-binary, or as Two-Spirit.

**Transgender Men or Trans Men** are individuals who were assigned female at birth but who have gender identities as men. They may, or may not, have undergone any transition.

**FTM or Female-to-Male** are older terms that are falling out of use.

**Transsexual** is an older term that refers to people who move, or wish to move, from one side of the gender binary to the other. Transsexual people most often seek to change their bodies through medical interventions including hormones and surgeries. The term is often preferred by many people who have undergone comprehensive medical transitions.

**Tranny** is an older term for trans people and is considered derogatory today when used by cisgender people.

### Overview:

BC Corrections consistently endeavors to ensure that every staff member, volunteer and inmate is treated with dignity and respect. In 2015, Ontario became the first Canadian province to create and implement policies related to the needs of transgender inmates. Shortly afterwards, in British Columbia, BC Corrections created and implement similar policies. Most recently, BC Corrections published a revised version of sec 4.10 *Transgender Inmates, Adult Custody Policy*, in September 2018. The purpose of this policy is to ensure that trans-inmates receive respect, support and fairness while in custody at provincial correctional centres. This policy will be subject to periodic reviews to assess effectiveness and inform revisions that are consistent with a progression in trans-care services.

This guide has been created to augment the policy with recommended best practices as informed by academic articles, international transgender advocacy organizations, and human rights commissions. The principles outlined in this guide are suggested best practices that support the specific health and safety needs of the transgender population incarcerated in a provincial correctional centre.

Overall policy and practices concerning transgender and gender diverse inmates will be overseen by the deputy provincial director of BC Corrections' Adult Custody Division, and the Medical Director of Correctional health Services. An analyst from the headquarters division will assist in facilitation of training, consultation, and support to front line staff. As noted in the placement portion of this guide and as outlined in sec 4.10.4 *Transgender Inmates, Adult Custody Policy*, all decisions related



to the placement of transgender inmates who have requested a placement review are made by the multi-disciplinary committee. This committee is made up of correctional and health professionals. Decisions are communicated to inmates according to sec 4.10.4 *Transgender Inmates, Adult Custody Policy*. Transgender inmates will have the same classification and placement options and the same access to services and programs as all other inmates in the custody of BC Corrections.

### Establishing Gender Identity

BC Corrections acknowledges the individual's right to self-identify as transgender. Transgender inmates are to be managed according to their self-identified gender in all stages of incarceration to provide non-discriminatory, safe and secure management. This includes the use of pronouns and naming conventions as informed by the inmate.

Inmates should be managed according to the gender with which they identify at the time of their incarceration regardless of how they identified their gender in previous periods of incarceration, or prior to incarceration.

It is recognized that a transgender inmate may change their identity during a period of incarceration. This may be attributed to the inmate not self-identifying as transgender upon intake because of fear that they may be subjected to physical harm or ridicule from other inmates or staff, or from previous negative experiences.

Staff will not physically examine a transgender inmate for the sole purpose of determining the inmate's genital status. Gender identification may be determined during conversations with the inmate or by speaking with health care services.

### Confidentiality

Information about a transgender inmate's gender identity is highly sensitive information with potentially serious safety and security consequences. Steps are taken to maximize the privacy and confidentiality of any information related to an inmate's gender identity.

Information about an inmate's gender identity should only be shared with those directly involved with the inmate's care, and only when relevant. Staff should never reveal information about an inmate's gender reassignment to other inmates without the permission of the transgender inmate concerned.

Inmates have the right to know what information about their gender identity is shared with sub-contractors and other agencies. Information should only be shared according to the allowable provisions with the *Freedom of Information and Protection of Privacy Act (FOIPPA)*.

Any questions or concerns regarding the interpretation of FOIPPA can be directed to the Privacy and High Risk Notification Analyst at BC Corrections headquarters.



## Assessments

Standardized risk assessments are completed for all inmates as per Adult Custody policy. It is acknowledged that transgender inmates may be at an increased vulnerability to be victimized by other inmates and as such appropriate considerations should be made during the initial placement process.

As per sec. 4.10.4 *Transgender Inmates: Adult Custody Policy*, case managers meet within 5 days of any specific placement request made by a transgender inmate to discuss preliminary placement plans. An admission questionnaire has been created to assist case management officers when making interim placement decisions related to a transgender inmate (See Appendix).

An assessment of all available housing options should be completed for transgender inmates. Housing in voluntary segregation is considered when it has been determined there are no other options available. Segregation should not be exclusively relied on to ensure safety of vulnerable transgender inmates.

## Searches

Transgender inmates are provided the opportunity to state their preferred gender of the correctional staff responsible for conducting searches. This applies to pat frisk and strip searches. If a split search as defined in section 4.10.3 ACP is elected, the inmate is to be provided the opportunity to choose which body parts are to be searched by whom.

Except in emergencies or when operationally impossible, searches of transgender inmates are to be conducted by officers of the gender chosen by the inmate.

Individualized search protocols for transgender inmates should be discussed during private consultation with the inmate and correctional supervisor. During this private consultation the inmate should be sensitively asked about any gender expression personal items such as prosthetics (pant stuffer, gaff), wigs or chest-binders so the officer may inform the inmate of the expectation that the item will be have to be removed during the search process. The officer may also choose at this point to advise the inmate that the identified item will also be searched to ensure it has not been tampered with. Items are to be returned to the inmate unless there are safety and security concerns noted.

Any physical variation due to gender transitioning that is encountered during a search should be responded to in a similar professional and respectful manner as would be done with a physical variation encountered due to a disability.

## Case Management

When inmates identify themselves as transgender or gender diverse, case management officers ensure the inmate is made aware of sec. 4.10 of *Adult Custody Policy* and the provisions within as they apply to the inmate. The inmate is invited to participate in identifying their needs that fall outside of the scope of the current policy. Correctional staff attempt to assist the inmate in meeting any identified needs without jeopardizing the safety and security of other inmates, staff and the centre overall.

Center based case managers should be identified to the inmate upon intake. Periodic dialogue should occur between the inmate and the case managers to assist with identifying programming and release planning needs. Correctional Health Services should be invited to provide input relating to the case management needs of the inmate.

Monthly case conferences occur with the multi-disciplinary committee for each identified transgender inmate. Correctional case managers and Correctional Health Services staff are invited to participate in the monthly case conference calls and should contact the deputy warden responsible for offender management to participate. The case manager may choose to invite the inmate to participate in the monthly case conference calls specific to that individual.

Monthly case conference calls are used to discuss case management issues relevant to the identified inmate and occur with the intention of increasing responsiveness to the needs of this population. Information discussed during case conference calls is confidential and is only disclosed according to the *Freedom of Information and Protection of Privacy Act*.

## Services

Transgender inmates are provided with the same access to services and programs as other inmates.

Sec. 4.10.6 of *Adult Custody Policy* outlines permitted effects for transgender inmates. Transgender inmates are permitted access to institutional underclothing consistent with the gender they wish to express and are permitted to order canteen items that support their gender expression unless there are safety and security reasons as determined by the warden.

Personal items may be requested to express gender. Individuals are permitted to retain these items, both in the correctional centre and upon release or transport between centres, unless there are safety and security reasons as determined by the warden.

When health reasons are identified as the basis for the request for personal items, correctional staff consult Correctional Health Services.

Transgender inmates will be given access to shower and toilet facilities separate from cis-gender inmates for safety and privacy purposes.

## Health Management

Custody centres have a responsibility to ensure the physical and mental health and well-being of all inmates in their custody. The following principles are influenced by the National Commission on Correctional Health Care and guide correctional health professionals in addressing the needs of transgender patients:

- Since transgender/gender diverse individuals are common targets for violence, health care staff should work with custody staff to ensure that appropriate safety measures are taken.
- Medical screening should include inquiries about an individual's gender identity, and sexual activity;
- Confidential HIV and STI testing and care should be provided to all patients;
- Gynecological and obstetrical care should be provided when indicated;
- The management of medical transgender care should follow accepted World Professional Association for Transgender Health standards of care developed by professionals with expertise in transgender health. Determination of treatment necessary for transgender patients should be on a case-by-case basis.
- Transgender patients should have access to professionals with expertise in transgender care to help determine appropriate management and provide training on gender-related care;
- Medical treatment should be made available to all transgender patients as needed regardless if the inmate was receiving treatment prior to admission;
- Transition and/or maintenance treatment should not be restricted or limited;
- Mental health evaluations that assess an array of mental health issues, including those related to gender identity should be provided;
- Counselling should be provided to patients who are experiencing or have experienced sexual trauma;
- Medical staff should ensure that canteen items consistent with an individual's gender identity are available;
- Transgender patients who received hormone therapy, with or without a prescription, prior to incarceration should have that therapy continued without interruption pending evaluation by a specialist. Hormone therapy should not be discontinued suddenly as this will likely cause depression and anxiety.
- Transgender patients who have not received hormone therapy prior to incarceration should be evaluated by a health care provider qualified in the area of gender-related health care to determine their treatment needs;
- When determined to be medically necessary for a particular patient, hormone therapy should be initiated and regular laboratory monitoring should be conducted according to community medical standards;
- Treatment for genital self-harm or for complications arising from self-treatment should be provided when medically necessary;
- Transgender patients should have access to services that assist in addressing self-acceptance.





- Transgender patients should be provided with patient education materials on treatments and transitioning.
- Transgender patients receiving hormone therapy should receive a sufficient supply upon release to last until a community provider assumes care. Referrals should be made to community-based organizations with sensitive and inclusive services for transgender people.

All questions or concerns regarding the medical needs of transgender inmates should be directed to the Correctional Health Services manager.

## Placement/Housing

Transgender inmates are to be placed in a correctional centre on a case-by-case basis with consideration of individual factors such as their self-identified gender, housing preference, nature of current offence, criminal history, risk of victimization, and custodial history.

As per sec. 4.10.4 of *Adult Custody Policy*, a transgender inmate may be accommodated by a transfer to a different institution or they may be accommodated within the institution where they are admitted if appropriate services and accommodation can be provided. Each transgender inmate should be involved in the decision-making process about their placement and housing. Transgender inmates' own views on their safety should be given consideration.

When a transgender inmate submits a request for transfer, an individualized assessment is required to determine appropriate placement. The request is to be forwarded to the deputy warden of offender management and the multi-disciplinary committee for review. The provincial director of adult custody, the director of mental health services and Correctional Health Services are informed of the request.

The multi-disciplinary committee will review the request and communicate a decision in writing to the inmate within 30 days or sooner.

Sec. 4.10.8 of *Adult Custody Policy* notes that a transgender inmate who is housed according to their sex assigned at birth is not required to share a cell with a cisgender inmate.

A trans woman who has not undergone gender affirmation surgery and is housed in a female institution, will not share a cell with a cisgender female, unless the warden, or designate, has assessed that a shared cell is sufficiently safe and provides sufficient privacy for both the transgender and cisgender inmate.

A trans man who has not undergone gender affirmation surgery and is housed in a male institution, will not share a cell with another cisgender inmate, unless the warden, or designate, has assessed that a shared cell is sufficiently safe and provides sufficient privacy for both the transgender and cisgender inmate.

If a transmasculine inmate in a male institution is living as a man without gender affirmation surgery and requests to be placed in a female institution due concerns about sexual assault risk, then he should



be kept out of association of other inmates until such time a case conference occurs with the case manager, deputy warden and director of mental health.

Whenever possible trans inmates should be integrated into the general population and not isolated based on gender unless there are overriding health and safety concern that cannot be resolved.

Concerns related to the placement of trans inmates should be immediately communicated to the warden or designate.

### Training

Transgender policy is supported by training and education of staff and, where appropriate, inmates. Content related to gender identity and gender expression will be incorporated into foundational training programs, and will be periodically reviewed and updated.

As new or updated policy documents, communications, and inmate programs are implemented, they will reflect gender-inclusive language rather than binary language.



<b>B.C. Corrections Branch Adult Custody Policy</b>	Revised: Nov-15
<i>Chapter 9: Inmate Health Care Services</i>	Page 9.17–1

## ***9.17. Transgender Inmates (revised: Nov-15)***

### **9.17.1. Introduction**

1. A transgender inmate – an individual whose gender identity or gender expression is different from the gender associated with their birth-assigned gender – may be identified through behaviour, outward appearance or information from an external source. A transgender individual may also self-identify. Self-identification is the primary consideration in identifying a transgender individual.
2. A transgender individual may not self-identify out of fear of physical harm or ridicule or previous negative experiences. An individual may identify differently than they did during previous admissions.
3. Decisions regarding classification, case management and programming are made on a case-by-case basis with input from multiple sources of information. The individual is consulted and invited to participate in the process. If the decision does not correspond with the individual's preference they are advised of the rationale.

### **9.17.2. New admissions**

1. All admissions of transgender individuals are reported to the provincial director, medical director and director, mental health services.
2. Correctional centre staff review and confirm the holding documents. Refer to section 3.2.1.
3. Correctional centre staff verify the individual's preferred name and gender pronoun (by asking them) and ensure that this information is reflected in CORNET and the warrant file.
4. Correctional staff explain the strip and frisk search processes, including any search of prosthetics, and the options available. This is done privately.
5. Steps are taken to maximize privacy and confidentiality of any information related to the individual's gender identity or history. Any conversations and consultations amongst staff occur privately.

### **9.17.3. Searches**

Transgender individuals are given the opportunity to choose who performs any frisk or strip search, according to the following criteria:

1. They may choose to be searched by a male or female correctional officer or both (a "split search").
2. If a split search is elected, the inmate is provided the choice of which body parts are searched by whom.

Revised: Nov-15	<b>B.C. Corrections Branch Adult Custody Policy</b>
Page 9.17–2	<i>Chapter 9: Inmate Health Care Services</i>

3. The choice of strip and frisk search option(s) made by the transgender inmate are to be documented in detail.

#### **9.17.4. Placement**

1. Transgender inmates are placed in a correctional centre according to their self-identified gender or housing preference, unless there are overriding health and/or safety concerns which cannot be resolved. Those concerns are clearly articulated to the inmate. Consultation occurs with the medical director and/or the director, mental health services.
2. The inmate is involved in the decision-making process. It is recognized that not all transgender inmates want to be housed according to their self-identified gender.

#### **9.17.5. Case management**

1. Case managers share information regarding gender with staff at other correctional centres, community corrections offices, and Correctional Service of Canada only as relevant and necessary.
2. The sharing of information is done in as private and confidential a manner as possible, balancing respect for the individual's privacy and the need for staff to have access to information, as required.

#### **9.17.6. Effects**

1. Transgender inmates may require personal items to express their gender. Individuals are permitted to retain these items, both in the correctional centre and upon release or transport between centres, unless there are safety reasons as determined by the warden. Where health reasons are identified, consultation is with the medical director and/or the director, mental health services.
2. Transgender inmates are provided with their preferred institutional clothing and underclothing while in custody and for court appearances and release.
3. Transgender inmates are permitted to order canteen items according to their gender.

#### **9.17.7. Integration**

Whenever possible and subject to the inmate's preference, transgender inmates are integrated into the general population and not isolated because of their gender unless there are overriding health and safety concerns present which cannot be resolved. If the inmate is separately confined, it is for as short a time period as possible. The inmate is given as many social and programming opportunities as possible when separately confined.

<b>B.C. Corrections Branch Adult Custody Policy</b>	Revised: Nov-15
<i>Chapter 9: Inmate Health Care Services</i>	Page 9.17–3

#### **9.17.8. Shared accommodation**

Transgender inmates who are housed according to their birth-assigned gender are not required to share a cell with another inmate.

#### **9.17.9. Shower and toilet access**

Transgender inmates are offered individual and private access to the shower and toilet for safety and privacy purposes.

#### **9.17.10. Identification**

Inmates are referred to by their preferred name(s) and gender pronoun verbally and in all written documents, except in the rare cases that an inmate's legal name is required for identification purposes.

#### **9.17.11. Training**

The policy is supported by training and education for staff, and if appropriate, inmates. Content related to gender identity and gender expression is incorporated into foundational training programs. Persons who self-identify as transgender are consulted as part of the training development strategy.

#### **9.17.12. Transfers**

1. Correctional staff ensure that an individual is transferred, as soon as possible, if the current centre cannot accommodate his/her self-identified gender or housing preference.
2. If a transfer cannot be completed, the reason is documented in CORNET and the provincial director is advised.

	Revised: Sept - 18
Chapter 9: Inmate Health Care Services	Page 9.17–1

*The Adult Custody Division recognizes that the transgender population is diverse, and knowledge of correctional best practice is evolving. The transgender policy will be updated as this knowledge expands in order to keep the policy relevant, current and responsive. This policy is in effect as of **September 5<sup>th</sup>, 2018**.*

## **9.17. Transgender Inmates (revised: Sept - 18)**

### **9.17.1. Introduction**

1. A transgender inmate – an individual whose gender identity is different from the sex assigned at birth - may self-identify or be identified through behavior, outward appearance or information from an external source.
2. A transgender individual may choose to not self-identify. An individual may identify differently than they did during previous admissions.

### **9.17.2. Overview**

1. When an inmate identifies as transgender during the classification process, correctional centre staff verify the individual's preferred first name(s) (which may be different than their legal name) and gender pronoun (by asking them) and ensure that this information is reflected in CORNET client log and the warrant file.

### **9.17.3. Searches**

1. Transgender individuals are searched in accordance with section 1.15 *Searches* of Adult Custody Policy.
2. Correctional staff explain, in private, the strip and frisk search processes, including any search of prosthetics, and the options available.
3. Transgender individuals are given the opportunity to indicate a preference of the gender of the staff who performs any frisk or strip search, according to the following criteria:
  - They may indicate a preference to be searched by a male or female correctional officer or both (a “split search”);
  - If a split search is elected, the inmate is provided their preference of which



body parts are searched by whom;

- The preference of strip and frisk search option(s) made by the transgender inmate are to be documented in detail in the CORNET client log and the inmate is advised they may change the gender preference of the staff member conducting the search at any time;
- The gender preference of the staff member conducting the search is confirmed with the inmate prior to any strip search.

#### **9.17.4. Placement**

1. Transgender inmates' self-identification is a factor to be considered in placement. Placement decisions require consultation with a multi-disciplinary team and input from the inmate. A transgender inmate may be accommodated by a transfer to a different institution, or they may be accommodated within the institution where they are currently housed if appropriate services and accommodation can be provided.
2. When a transfer is requested, an individualized assessment is required to determine appropriate placement. The individualized assessment involves consultation with a multi-disciplinary team which includes medical personnel from Correctional Health Services, the deputy wardens responsible for placement and classification at both the holding institution and the possible receiving institution, and may include representatives from BC Corrections' headquarters and other correctional staff.
3. The provincial director of adult custody, director of mental health services and Correctional Health Services will be informed of requests from transgender individuals for a transfer to another centre or internal reclassification to accommodate their gender identity.
4. When a transgender inmate requests a specific placement to accommodate their self-identified gender, centre-based case managers will meet within 5 business days of the placement request to discuss a preliminary placement plan based on available information.
5. Following the preliminary placement plan, centre-based case managers refer the placement request to the multi-disciplinary team. When considering placing an inmate whose birth gender is male in a female institution or female unit, assessment of safety and security implications of such a transfer on the individual as well as on the entire inmate population and staff is required. The multi-disciplinary team will consider all relevant behaviour and gender expression in their review of the request.
6. Decisions regarding placement are based on the following process:
  - When an inmate submits a written request for transfer to another institution on the basis of being transgender, the correctional centre advises the B.C. Corrections Analyst, policy and programs.

- The deputy warden of the institution holding the inmate, acknowledges receipt of the request in writing and requests a meeting with the inmate. The purpose of this meeting is for the deputy warden to explain to the inmate the process for considering transfer requests and to invite the inmate to provide any information they wish to be considered before reaching a decision.
- The multi-disciplinary team meets to discuss and consider the inmate's application and will consider all information provided from the inmate and others, including case management information, past relevant information relating to the inmate's previous stay(s) in custody and any other factors that may be relevant to the transfer request such as behavior in and out of custody.
- The decision and the reasons for that decision are detailed in writing and provided to the inmate within 30 days of the request under signature of the deputy warden. If additional time is required to fully consider the request, a decision is made within 60 business days, the inmate is notified of the delay and the reason for delay is clearly detailed in the Client Log. In addition, the B.C. Corrections Analyst, policy and programs at headquarters is informed.
- The decision letter is provided to the inmate, attached to the CORNET client log, and sent to the B.C. Corrections Analyst.
- If a transfer is approved, correctional staff ensure the individual is transferred as soon as is operationally possible. If, for any reason the transfer is delayed, the provincial director is advised.
- If an inmate is not satisfied with the decision, the inmate may submit a complaint to the warden in accordance with section 37 of the *Correction Act Regulation*.
- The inmate has the opportunity to provide further information and specifically respond to any articulated concerns outlined in the decision letter. The deputy warden may request a meeting with the inmate to discuss the complaint and will document all information provided by the inmate in the CORNET client log.

#### **9.17.5. Case management**

1. Case managers share information regarding an inmate's gender identity or gender expression with staff at other correctional centres, community corrections offices, and Correctional Service of Canada only as relevant and necessary.
2. The sharing of information regarding an inmate's gender identity or gender expression must be done in as private and confidential a manner as possible, balancing respect for the individual's privacy and the need for staff to have access to information, as required.
3. Decisions regarding case management and programming are set out in section 4 *Adult*

#### **9.17.6. Effects**

1. Transgender inmates may request personal items to express their gender. Individuals are permitted to retain these items, both in the correctional centre and upon release or transport between centres, unless there are safety and security reasons as determined by the warden. When health reasons are identified as the basis of the request for personal items, correctional staff consult the director, mental health services and/or Correctional Health Services.
2. If requested, transgender inmates are provided with institutional underclothing consistent with the gender they wish to express.
3. Subject to overriding safety and security concerns, transgender inmates are permitted to order canteen items that support their gender expression (e.g. make up, hair elastics).

#### **9.17.7. Integration**

1. Whenever possible, transgender inmates are integrated into the inmate population unless there are overriding health and/or safety concerns present which cannot be resolved.
2. When there are overriding health and/or safety concerns which cannot be resolved, and no other alternative placement is appropriate, the inmate may be separately confined for as short a time period as possible, pursuant to section 17, 18 or 19 of the *Correction Act Regulation*. The inmate is given as many social and programming opportunities as possible when separately confined.

#### **9.17.8. Shared accommodation**

1. Transgender inmates who are housed according to their birth-assigned gender are not required to share a cell with another inmate.
2. An inmate whose birth gender is male and is housed as a transgender in a female institution will not share a cell with another female inmate.
3. An inmate whose birth gender is female but has not undergone sex-reassignment surgery and is housed in a male institution, is not required to share a cell with another inmate.
4. Transgender inmates who have undergone sex-reassignment surgery are not required to share a cell with another inmate.

#### **9.17.9. Shower and toilet access**

Transgender inmates are offered individual and private access to the shower and toilet for safety and privacy purposes.

#### **9.17.10. Identification**

Inmates are referred to in person and in all written documents by their preferred first name(s) and gender pronoun except in the rare case when an inmate's legal name is required for identification purposes.

#### **9.17.11. Training**

This policy is supported by ongoing training and education for staff and, if deemed appropriate, inmates. Content related to gender identity and gender expression is incorporated into foundational training programs.



## **4.10. Transgender Inmates (revised: June-19)**

The Adult Custody Division recognizes that the transgender population is diverse, and knowledge of correctional best practice is evolving. The transgender policy will be updated as this knowledge expands in order to keep the policy relevant, current and responsive.

### **4.10.1. Introduction**

1. A transgender inmate is an individual whose gender identity or expression is different from the sex assigned at birth. A transgender individual may choose to not self-identify. An individual may identify differently than they did during previous admissions or may change how they identify during incarceration.
2. A terminology of gender related terms can be found in the *Transgender/Gender Diverse Inmates Guide*.

### **4.10.2. Intake**

1. When an inmate identifies as transgender during the classification process, correctional centre staff identify the individual's preferred name (which may be different than their legal given name) and preferred gender pronoun (by asking them) and ensure this information is reflected in the CORNET client log and the physical file.
2. If an inmate self identifies or is identified through behaviour, outward appearance or an external source, staff may reference the *Transgender Admission Questionnaire* form to gather information specific to the needs of the inmate.

### **4.10.3. Searches**

1. Inmates who identify as transgender are searched in accordance with *section 1.15*.
2. Correctional staff explain, in private, the strip and frisk search processes, including any search of prosthetics (see *section 1.15.11*), and the options available.
3. Transgender individuals are given the opportunity to indicate a preference of the gender of the staff who performs any frisk or strip search, according to the following criteria:
  - They may indicate a preference to be searched by a male or female correctional officer or both (a "split search");
  - If a split search is elected, the inmate is provided their preference of which body parts are searched by whom;
  - The preference of strip and frisk search option(s) made by the transgender inmate are documented in detail in the CORNET Client Log, and the inmate is advised they may change the gender preference of the staff member conducting the search at any time;

- The gender preference of the staff member conducting the search is confirmed with the inmate prior to any strip search.

4. When correctional staff of the preferred gender are not available to conduct the search, a search may be conducted by staff of the non-preferred gender, with the approval of the warden or designate, to ensure the safety and security of the correctional centre.

5. When a search is conducted by staff of the non-preferred gender, details of the search are logged in CORNET.

#### **4.10.4. Placement**

1. A transgender inmate may be accommodated by a transfer to a different correctional centre, or they may be accommodated within the institution where they are currently housed if appropriate services and accommodation can be provided. Placement decisions require consultation with a multi-disciplinary team and input from the inmate.

2. When a transfer is requested, an individualized assessment is required to determine appropriate placement. The individualized assessment involves consultation with a multi-disciplinary team which includes medical personnel from Correctional Health Services, the deputy wardens responsible for placement and classification at the holding centre and the possible receiving centre, and may include representatives from BC Corrections headquarters and other correctional staff.

3. The provincial director, director of mental health services, and Correctional Health Services are informed of requests from transgender individuals for a transfer to another centre or internal reclassification to accommodate their gender identity.

4. When a transgender inmate requests a specific placement to accommodate their self-identified gender, centre-based case managers meet within five business days of the placement request to discuss a preliminary placement plan based on available information.

5. Following the preliminary placement plan, centre-based case managers refer the placement request to the multi-disciplinary team. When considering placing an inmate whose sex assigned at birth is male in a female institution or female unit, assessment of safety and security implications of such a transfer on the individual as well as on the entire inmate population and staff is required.

6. The multi-disciplinary team will consider gender expression and all relevant behaviour during review of the placement request.

7. Decisions regarding placement are based on the following process:

- When an inmate submits a written request for transfer to another institution on the basis of their gender identity, the correctional centre advises the analyst, policy and programs;

- The deputy warden of the centre holding the inmate acknowledges receipt of the request in writing and requests a meeting with the inmate. The purpose of this meeting is for the deputy warden to

explain to the inmate the process for considering transfer requests and to invite the inmate to provide any information they wish to be considered during the decision-making process;

- The multi-disciplinary team meets to discuss and consider the inmate's application and will consider all information provided from the inmate and others, including case management information, past relevant information relating to the inmate's previous stay(s) in custody, and any other factors that may be relevant to the transfer request such as behavior in and out of custody;
- The decision and the reasons for the decision are detailed in writing and provided to the inmate within 30 days of the request under signature of the deputy warden. If additional time is required to fully consider the request, a decision is made within 60 business days, the inmate is notified of the delay, and the reason for delay is clearly detailed in the CORNET Client Log.
- The decision letter is provided to the inmate, attached to the CORNET Client Log.
- If a transfer is approved, correctional staff ensure the individual is transferred as soon as is operationally possible. If the transfer is delayed for any reason, the provincial director is advised;
- The inmate has the opportunity to provide further information and specifically respond to any articulated concerns outlined in the decision letter. The deputy warden may request a meeting with the inmate to discuss the complaint and will document all information provided by the inmate in the CORNET Client Log; and
- If an inmate is not satisfied with the decision, the inmate may submit a complaint to the warden in accordance with section 37 of the *Correction Act Regulation*.

#### **4.10.5. Case management**

1. Case managers share information regarding an inmate's gender identity or gender expression with staff at other correctional centres, community corrections offices, and Correctional Service of Canada only as relevant and necessary.
2. Sharing of information regarding an inmate's gender identity or gender expression must be done in as private and confidential a manner as possible, balancing respect for the individual's privacy and the need for staff to have access to information, as required.
3. Decisions regarding case management and programming are set out in *section 4*.

#### **4.10.6. Effects**

1. Transgender inmates may request personal items to express their gender. Individuals are permitted to retain these items, both in the correctional centre and upon release or transport between centres, unless there are safety and security reasons as determined by the warden. When health reasons are identified as the basis of the request for personal items, correctional staff consult the director, mental health services and/or Correctional Health Services.
2. If requested, transgender inmates are provided with institutional underclothing consistent with their gender identity.
3. Subject to overriding safety and security concerns, transgender inmates are permitted to order canteen items that support their gender identity (e.g. make up, hair elastics).



#### **4.10.7. Integration**

1. Whenever possible, transgender inmates are integrated into the inmate population unless there are overriding health and/or safety concerns present which cannot be resolved.
2. When there are overriding health and/or safety concerns which cannot be resolved, and no other alternative placement is appropriate, the inmate may be separately confined for as short a time period as possible, pursuant to section 17, 18 or 19 of the *Correction Act Regulation*. The inmate is given as many social and programming opportunities as possible when separately confined.

#### **4.10.8. Shared accommodation**

1. Transgender inmates who are housed according to their sex assigned at birth are not required to share a cell with another inmate.
2. For safety and privacy reasons, a transgender inmate whose sex assigned at birth is male, but has not undergone gender affirmation surgery and is housed in a female institution, will not share a cell with another inmate whose sex assigned at birth is female, unless the warden, or designate, has assessed that a shared cell is sufficiently safe and provides sufficient privacy for both the transgender and cisgender inmate.
3. For safety and privacy reasons, a transgender inmate whose sex assigned at birth is female, but has not undergone gender affirmation surgery and is housed in a male institution, will not share a cell with another inmate whose sex assigned at birth is male, unless the warden, or designate, has assessed that a shared cell is sufficiently safe and provides sufficient privacy for both the transgender and cisgender inmate.
4. Transgender inmates who have undergone gender affirmation surgery are not required to share a cell with another inmate.

#### **4.10.9. Shower and toilet access**

Transgender inmates are offered individual and private access to the shower and toilet for safety and privacy purposes.

#### **4.10.10. Identification**

Inmates are referred to in person and in all written documents by their preferred name(s) and gender pronoun except in the rare case when an inmate's legal name is required for identification purposes.

#### **4.10.11. Training**

This policy is supported by ongoing training and education for staff and, if deemed appropriate, inmates. Content related to gender identity and gender expression is incorporated into foundational training programs

# APPENDIX E: FORMS & OTHER DOCUMENTS

The following table provides a list of all the documents that can be found in appendix E and what page each document was originally referred to in the main document of “Knowing Your Rights”. It then states which page of Appendix E the document it located at. Additionally, the electronic link is provided.

Document Name	Referenced on page #	Found at page #	Link to Electronic Version
City of Kamloops Resources List	4	3	<a href="https://www.kamloops.ca/sites/default/files/docs/our-community/scd_resourceflatsheet_8-5x11_may2018_final.pdf">https://www.kamloops.ca/sites/default/files/docs/our-community/scd_resourceflatsheet_8-5x11_may2018_final.pdf</a>
Temporary Overnight Shelter Locations	5	4	<a href="https://www.kamloops.ca/sites/default/files/docs/our-community/bl_temporaryovernightshelters_11x8-5_may2018_map.pdf">https://www.kamloops.ca/sites/default/files/docs/our-community/bl_temporaryovernightshelters_11x8-5_may2018_map.pdf</a>
Temporary Overnight Shelters During the COVID-19 Pandemic	5	5	<a href="https://www.kamloops.ca/sites/default/files/docs/our-community/bl_temporaryovernightshelters_brochure_11x8-5_feb2021_final-web.pdf">https://www.kamloops.ca/sites/default/files/docs/our-community/bl_temporaryovernightshelters_brochure_11x8-5_feb2021_final-web.pdf</a>
City of Kamloops Shelter Resources	5	7	<a href="https://www.kamloops.ca/sites/default/files/docs/our-community/scd_shelterresourceflatsheet_8-5x11_nov2019_final.pdf">https://www.kamloops.ca/sites/default/files/docs/our-community/scd_shelterresourceflatsheet_8-5x11_nov2019_final.pdf</a>
RCMP Public Complaint Form	6	8	To print and mail: <a href="https://www.crcc-ccetp.gc.ca/pdf/complaintplainte-en.pdf">https://www.crcc-ccetp.gc.ca/pdf/complaintplainte-en.pdf</a> To submit online: <a href="https://www.crcc-ccetp.gc.ca/en/make-complaint-form">https://www.crcc-ccetp.gc.ca/en/make-complaint-form</a>
Application for Change of Name	10	13	To print and mail: <a href="https://www2.gov.bc.ca/assets/gov/health/forms/vital-statistics/vsa529_fill.pdf">https://www2.gov.bc.ca/assets/gov/health/forms/vital-statistics/vsa529_fill.pdf</a> To submit online: <a href="https://ecos.vs.gov.bc.ca/">https://ecos.vs.gov.bc.ca/</a>
Application for Change of Gender Designation (Adult)	12	23	<a href="https://www2.gov.bc.ca/assets/gov/health/forms/vital-statistics/vsa509a_fill.pdf">https://www2.gov.bc.ca/assets/gov/health/forms/vital-statistics/vsa509a_fill.pdf</a>
Application for Change of Gender (Minor)	12	27	<a href="https://www2.gov.bc.ca/assets/gov/health/forms/vital-statistics/vsa509c_fill.pdf">https://www2.gov.bc.ca/assets/gov/health/forms/vital-statistics/vsa509c_fill.pdf</a>
Adult General Passport Application	13	31	<a href="https://www.canada.ca/content/dam/ircc/migration/ircc/english/passport/forms/pdf/pptc153.pdf">https://www.canada.ca/content/dam/ircc/migration/ircc/english/passport/forms/pdf/pptc153.pdf</a>
Statutory Declaration - Request for a Change of Sex Designation	13	39	<a href="https://irp-cdn.multiscreensite.com/be3b7c5d/files/uploaded/Statutory-Declaration-%E2%80%93-Request-for-a-Change-of-Sex-Designation-1.pdf">https://irp-cdn.multiscreensite.com/be3b7c5d/files/uploaded/Statutory-Declaration-%E2%80%93-Request-for-a-Change-of-Sex-Designation-1.pdf</a>
Application for Citizenship Certificate for Adults and Minors	13	41	<a href="https://www.canada.ca/content/dam/ircc/migration/ircc/english/pdf/kits/citizen/cit0001e-2.pdf">https://www.canada.ca/content/dam/ircc/migration/ircc/english/pdf/kits/citizen/cit0001e-2.pdf</a>

Document Name	Referenced on page #	Copy can be found at page #	Link to Electronic Version
Request to Amend Valid Temporary Resident Documents	13	54	<a href="https://www.canada.ca/content/dam/ircc/migration/ircc/english/pdf/kits/forms/imm1436e.pdf">https://www.canada.ca/content/dam/ircc/migration/ircc/english/pdf/kits/forms/imm1436e.pdf</a>
Funding Coverage for Gender-Affirming Care	25	58	<a href="http://www.phsa.ca/transcarebc/Documents/HealthProf/Trans%20Care%20BC%20-%20Funding%20Coverage.pdf">http://www.phsa.ca/transcarebc/Documents/HealthProf/Trans%20Care%20BC%20-%20Funding%20Coverage.pdf</a>
BC Human Rights Tribunal – Individual Human Rights Complaint Form	33	63	<p>To print and mail:  <a href="http://www.bchrt.bc.ca/shareddocs/forms/form_1_1_print.pdf">http://www.bchrt.bc.ca/shareddocs/forms/form_1_1_print.pdf</a></p> <p>To submit online: <a href="https://angular-on-nginx-qjtfov-prod.pathfinder.gov.bc.ca/hrt/hrt">https://angular-on-nginx-qjtfov-prod.pathfinder.gov.bc.ca/hrt/hrt</a></p>



# Resources List

## City of Kamloops



### INTERIOR HEALTH

Alcohol and Drug Info: 1-800-663-1441

#### Public Health Street Nurses

Monday–Thursday 8:30am–4:00pm

Monday–Friday 8:30am–4:30pm

Lisa: 250-318-4611 Cheriese: 250-319-6783

#### Drop-in Street Clinics

Tuesdays 10:00am–12:00pm

New Life Community, 181 Victoria Street West

Wednesdays 1:00pm–3:00pm

King Street Centre, 126 King Street

- Naloxone
- TB Skin Testing
- HIV/STI Testing
- immunizations
- links to resources
- harm reduction supplies/teaching
- pregnancy outreach
- basic wound care
- health promotion education

#### Supervised Consumption Site

Tuesday–Saturday 12:00pm–3:00 pm

Behind ASK Wellness, 433 Tranquille Road

Tuesday–Saturday 4:00pm–7:30pm

Beside Crossroads Inn, 569 Seymour Street

- harm reduction supply distribution and education
- needle disposal
- assessment and referral to services (methadone, suboxone, treatment options, housing)
- basic nursing care
- supervised consumption
- drug checking

#### Overdose Prevention Outreach Nurse

Hayley: 778-220-2184

- Naloxone training
- access to detox, suboxone, or methadone
- small wound care

### ASK WELLNESS

#### SHOP Outreach Program

To connect vulnerable street-involved women to resources, health services, housing options, and increased safety.

Jill: 250-571-4370 Cassie: 250-320-1667

#### Street Outreach

To connect street-involved men and congregating groups to resources, housing options, health services, and/or treatment options.

Reanna: 250-851-5949 Chris: 250-299-5038

#### Overdose Prevention

- harm reduction
- needle pick up
- Naloxone kits and training
- treatment options

Karly: 778-257-1292 or ODP433@askwellness.ca

### INTERIOR COMMUNITY SERVICES

#### Youth Outreach

To connect street-entrenched youth to age-appropriate services and resources.

Kayla: 250-819-2630 Krista: 778-765-0639 Sara: 250-318-4385

### CANADIAN MENTAL HEALTH ASSOCIATION

250-374-0440 or kamloops@cmha.bc.ca

#### Emerald Centre Homeless Shelter

Open 7 days per week, 365 days per year. Low barrier shelter for homeless men and women.

- harm reduction supply distribution and education
- case management and referral to services, including housing placement and stability

### KAMLOOPS ABORIGINAL FRIENDSHIP SOCIETY

Mini-storage, laundry, and mail. 48 Victoria Street West

Monday–Sunday 10:00am–2:00pm



250-828-3869

Mini-storage Program: No cost storage of belongings. One bin per person. Clients must check in weekly.







### Temporary Overnight Shelter Locations

-  Regular Location
-  High River Location (move up the bank)

### Public Washrooms

-  Open Monday–Sunday  
Minimum 8:00 am–9:00 pm
-  Open During Regular Facility Hours

All washrooms are equipped with sharps disposal containers.

Inset - Mission Flats





## Rules for Temporary Overnight Shelters During the COVID-19 Pandemic

### 1 Shelter and property must be small and tidy

Shelters may only cover an area of less than 10 m<sup>2</sup> and must be free of garbage and excessive clutter.

### 2 No fires or smoking

Open flame (e.g. lighter, camp fire, and candle) and smoking are not permitted.

### 3 Shelter must be detached from other structures

Shelters may not adjoin, abut, or be connected to any other temporary overnight shelter. It is important to maintain physical distancing during COVID-19 pandemic (minimum 6 ft. between shelters).

### 4 A shelter is permitted within the areas shown on the inside map

A temporary shelter is NOT permitted on or near any playgrounds, pools, gardens, public lawns, sports facilities and fields, stages, bleachers, washrooms, picnic shelters, gazebos, cemeteries, pathways, driveways, roadways, lanes, bridges, docks, or boulevards or any offices, community and recreational facilities, parking lots, or parkades that are owned or controlled by the City of Kamloops.

### 5 Overnight shelter must be temporary

Temporary shelters include a tent or other shelter constructed from a tarp, plastic, or cardboard. As long as the rules listed above are followed, shelters can remain in place throughout the day during the COVID-19 pandemic. Failure to follow the rules may result in shelters being dismantled: Valuable items may be impounded, and garbage may be disposed of.

## KEEPING OUR COMMUNITY SAFE FOR EVERYONE

The City of Kamloops is committed to minimizing the spread of COVID-19 in the community. To support people living outdoors, the City is opening all washroom facilities with access to hot water and relaxing its enforcement of the Temporary Overnight Shelter Bylaw during the COVID-19 pandemic. Community Services officers will monitor camps to promote site safety and cleanliness and ensure physical distancing protocols are followed.

### Day Locker Storage

This service is no-cost storage of belongings and is limited to one bin per person. Clients must check in weekly.

**48 Victoria Street West (across from City Hall)**  
**Monday–Sunday, 11:00 am–5:00 pm**

## COMMUNITY SERVICES



To inquire about impounded items, please call the City of Kamloops Community Services office.

**250-828-3409 | Monday–Friday**

May–September: 8:00 am–4:00 pm  
September–May: 8:30 am–4:30 pm

## Temporary Overnight Shelters

During the COVID-19 Pandemic



Canada's Tournament Capital

## Temporary Overnight Shelter Locations



Regular Location



High River Location  
(move up the bank)

## Public Washrooms



Open Monday–Sunday  
Minimum 8:00 am–9:00 pm



Open Monday–Sunday  
10:00 am–6 :00 pm

All washrooms are equipped with sharps disposal containers.





# Shelter Resources

City of Kamloops



## CANADIAN MENTAL HEALTH ASSOCIATION

### **Emerald Centre Emergency Shelter**

250-372-3031 or [emerald.hostel@cmha.bc.ca](mailto:emerald.hostel@cmha.bc.ca)

271 Victoria Street West

Open 7 days per week, 365 days per year, 24 hours per day

A 55-bed, co-ed, low-barrier shelter for men and women experiencing homelessness, which offers:

- harm reduction supply distribution and education
- case management and referral to services, including housing placement and stability
- access to workshops that enhance the knowledge, resources, and support for individuals

## THE MUSTARD SEED KAMLOOPS

### **Outreach Centre**

250-434-9898 x120 or [InfoKamloops@TheSeed.ca](mailto:InfoKamloops@TheSeed.ca)

181 Victoria Street West

Open 7 days per week, 365 days per year, 8:00 am–8:00 pm

A Christian organization whose mission is to alleviate poverty and homelessness through acceptance, empowerment, and practical solutions and that offers:

- referrals to resources, housing options, health services, and/or treatment options
- case management, advocacy, and referral to community services
- personal hygiene products and clothing
- public washroom and shower
- dental services      Tuesday–Thursday, 9:00 am–4:00 pm
- health services      Every 2nd Thursday, 9:00 am–12:00 pm  
   Tuesdays, 1:00 pm–4:00 pm (by appt)
- registered nurse      Tuesdays, 10:00 am–1:00 pm
- chapel service      Daily, 11:30 am

### **Emergency Weather Shelter**

Open 7 days per week, 9:00 pm–8:00 am, until April 1

A 30-mat, low-barrier shelter for men and women experiencing homelessness that includes all the services listed above.

## VULNERABILITY ASSESSMENT TOOL (VAT)

The VAT helps provide a consistent and fair way of identifying adults who could most benefit from supportive housing, and different approaches to handling their cases. This tool can also help prevent people from falling through the cracks in the system by coordinating services among agencies.

People experiencing homelessness must have a completed VAT to be considered for placement in supportive housing. There are several agencies in Kamloops trained to administer the VAT:

- ASK Wellness
- Interior Health
- Elizabeth Fry Society
- John Howard Society
- The Mustard Seed Kamloops
- Canadian Mental Health Association - Kamloops
- Lii Michif Otipemisiwak Family and Community Services





Civilian Review and  
Complaints Commission  
for the RCMP

Commission civile d'examen  
et de traitement des plaintes  
relatives à la GRC

## PUBLIC COMPLAINT FORM GUIDE

The Civilian Review and Complaints Commission for the RCMP (CRCC) is an independent agency that reviews complaints made by the public about the on-duty conduct of RCMP members.

The CRCC is not part of the RCMP.

Anyone with concerns about the conduct of an RCMP member can visit the CRCC website at [www.complaintscommission.ca](http://www.complaintscommission.ca) or call the CRCC at 1-800-665-6878 to learn more about the public complaint process. CRCC staff will be able to describe our role and answer any questions that you may have.

## CHECKLIST

### Complaints must concern:

- ☐ The conduct of an RCMP officer in the performance of their policing duties
- ☐ An incident that occurred within the last 12 months\*

\*If the incident occurred more than 12 months ago, please provide additional information / justification for the delay. This information will be reviewed and an extension may be granted on a case-by-case basis.

### Individuals making a complaint need to be:

- ☐ Directly involved in the incident
- or
- ☐ A witness to the incident
- or
- ☐ A person authorized to act on behalf of the person directly involved in the incident

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## COMPLAINTS CAN BE MADE

### BY MAIL

Civilian Review and Complaints Commission  
for the RCMP

P.O. Box 1722, Station B  
Ottawa, ON K1P 0B3

### ONLINE

[www.complaintscommission.ca](http://www.complaintscommission.ca)

### BY FAX

1-613-960-6147



## PUBLIC COMPLAINT FORM

PLEASE NOTE: You may file your complaint online at [www.complaintscommission.ca](http://www.complaintscommission.ca)



### CONTACT INFORMATION (Required)

Family Name	Given Name	Date of birth (YEAR, MONTH, DAY)	
Street / Mailing Address	City	Province	Postal Code
Email address	Primary Telephone number	Cellphone number	



### QUESTIONS (Required)

What is your preferred language for correspondence?

☐ English ☐ French

How do you want to be contacted?

☐ Email ☐ Phone ☐ Mail

Were you directly involved in the incident(s)?

☐ Yes ☐ No

Have you previously filed a public complaint about this incident with the CRCC or the RCMP?

☐ Yes ☐ No

If yes, did you sign an agreement with the RCMP to resolve this complaint informally?

☐ Yes ☐ No

Did the incident occur within the last 12 months? If not, please provide an explanation for the delay in filing in **Details of Complaint** section of this form.

☐ Yes ☐ No

PLEASE NOTE: Exceptions to the one-year time limit are reviewed & granted on a case-by-case basis.



### REPRESENTATIVE AUTHORIZATION

Complete the following section **ONLY** if you want the Civilian Review and Complaints Commission for the RCMP (the CRCC) and the RCMP to communicate directly with a legal representative or an advocate *instead* of yourself.

Family Name: \_\_\_\_\_

Given Name: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

By providing this information, you are authorizing the CRCC and the RCMP to:

- Communicate directly with a legal representative or an advocate instead of yourself; and,
- Disclose information related to your complaint to your representative.



## DETAILS OF COMPLAINT (complete as much as possible)

Date of incident: \_\_\_\_\_  
(Required) YEAR, MONTH, DAY

Location (city, town): \_\_\_\_\_

Time of incident: \_\_\_\_\_

Province: \_\_\_\_\_  
(Required)

Please describe the circumstances that led to your complaint as completely as possible. Please include:

- Who was involved
- What was said and done
- Was there any damage or injury
- Details that you feel contributed or led to the incident
- Reason for filing past 12-month time limit (if applicable)

*This box will accept a maximum of 3100 characters. If you need more space, you may attach additional sheets of paper to this form.*





## RCMP MEMBER(S)

List the RCMP member(s) whose conduct you are complaining about. If you are unsure, please write UNKNOWN and provide a brief, physical description of the member(s).

*If you need more space, you may attach additional sheets of paper to this form.*

Name	Rank	Detachment



## WITNESS(ES) if applicable.

Note: Witnesses may include RCMP members you are NOT complaining about. If you are unsure, please write UNKNOWN and provide a brief, physical description of the witness(es) and/or member(s).

*If you need more space, you may attach additional sheets of paper to this form.*

First Name, Last Name	Contact Information (address, phone, email)

**If you have provided the information requested above, your complaint should be complete.**

After your submission is reviewed by an Intake Agent, you will receive correspondence on the status of your complaint, along with information explaining future steps in the complaint process. Although not necessary, should you still feel that you need to speak with an Intake Agent by phone please indicate below :

- the best number to reach you at
- a brief explanation why a call back is being requested

**Please note that two attempts to contact you by phone will be made, which may take up to 15 business days. Calls will be placed during regular business hours Monday to Friday (Eastern Daylight Time) and may result in a delay in your complaint being reviewed.**

Phone Number:

BRIEF EXPLANATION

*If you need more space, you may attach additional sheets of paper to this form.*



## PRIVACY & DISCLOSURE OF PERSONAL INFORMATION

By submitting a completed complaint form, you are authorizing the Commission to collect your personal information for the purposes related to Parts VI, VII, VII.1 and VII.2 of the RCMP Act. This information is held in personal information bank CRCC PPU 005, and you have a right to access this information in accordance with the *Privacy Act*.

NOTE: Completed public complaint forms, along with all other relevant documentation you provide to the CRCC will be forwarded to the RCMP for investigation pursuant to subsection 45.53(10) of the RCMP Act and an RCMP investigator may contact you to obtain a statement.



## ACKNOWLEDGEMENT

**PUBLIC USE ONLY** (please note that complaint forms must be signed and dated)

I have reviewed this completed public complaint form and the information I have provided is true and accurate to the best of my knowledge.

Name (print): \_\_\_\_\_

Signature: \_\_\_\_\_

Date (Required): \_\_\_\_\_  
(YEAR, MONTH, DAY)

**RCMP USE ONLY** (to be signed by RCMP members if form is completed on behalf of an individual)

I have reviewed this completed form with the individual and the information provided is true and accurate to the best of their knowledge.

Name & rank (print): \_\_\_\_\_

Signature: \_\_\_\_\_

Date (Required): \_\_\_\_\_  
(YEAR, MONTH, DAY)



## CONTACT INFORMATION

Completed complaint forms can be submitted

### BY MAIL

Civilian Review and Complaints  
Commission for the RCMP  
P.O. Box 1722, Station B  
Ottawa, ON K1P 0B3

Complaint forms may also be completed

### ONLINE

[www.complaintscommission.ca](http://www.complaintscommission.ca)

### BY FAX

1-613-960-6147





Read these instructions carefully before filling out this application. Applications cannot be processed until **ALL** required documentation is submitted. A legal change of name takes **at least 4 to 6 weeks to process**. Applications submitted with incomplete forms or missing documentation take significantly longer.



**Newly married?** You do not need to complete a legal change of name to use your spouse's surname (last name). Section 3 of the *Name Act* allows you to assume your spouse's surname upon marriage. Your marriage certificate is the legal document that provides proof of your right to assume your spouse's surname.

**Are there situations when I should legally change my surname after marriage?**

- Yes, if you want to update your immigration or citizenship documents to reflect a new name or a married surname.

Take into consideration that if you were born in B.C., changing your surname legally will change your surname on your birth certificate and your current marriage certificate. If you were born or married outside of B.C. but within Canada, contact your birth/marriage province to find out how it will affect your records.

## How to Fill Out the Application for Change of Name

### 1 ELIGIBILITY - Eligible applicants are:

1. Age 19 or older. **Note** - If you are under 19 but are a parent with custody of your child, you may apply to change your name or that of your child, without consent from your parent(s).
2. Changing their own name, or are a parent changing the name of their minor child(ren) (18 years of age or younger).
3. Currently living in B.C. and have done so for at least three months immediately prior to the date of application.

### 2 COMPLETING THIS FORM

Select the pages you need to complete using the table below as a guide. If you fill out the form by hand, print clearly and use black or blue ink only. Applications completed with pencil will not be accepted. If you are including more than one child in your application, photocopy or print additional copies of applicable pages in Part 2.

If you are...	
An adult (19 years of age or older) changing your name only	<ul style="list-style-type: none"> <li>• Part 1A (pg 5) and Part 1B (pg 6).</li> <li>• Fees section (pg 3).</li> <li>• Search Application (pg 4) <b>only</b> if missing a B.C. birth or marriage document.</li> </ul>
A parent changing BOTH your name AND the name of your child(ren) who is/are 18 years of age or younger	<ul style="list-style-type: none"> <li>• Part 1A (pg 5) and Part 1B (pg 6) with <b>your</b> information - not your child's.</li> <li>• Part 2A and 2B (pg 7-8). Complete a separate Part 2A and 2B for each child included in the change of name application.</li> <li>• Pages 9 and 10 (if you are requesting a waiver of parental consent).</li> <li>• Fees section (pg 3).</li> <li>• Search Application (pg 4) <b>only</b> if missing a B.C. birth or marriage document.</li> </ul>
A parent and are NOT changing your own name, but ARE changing the name of your child(ren) who is/are 18 years of age or younger	<ul style="list-style-type: none"> <li>• Part 1A (pg 5) and Part 1B (pg 6) with <b>your</b> information - not your child's.</li> <li>• Part 2A and 2B (pg 7-8). Complete a separate Part 2A and 2B for each child included in the change of name application.</li> <li>• Pages 9 and 10 (if you are requesting a waiver of parental consent).</li> <li>• Fees section (pg 3).</li> <li>• Search Application (pg 4) <b>only</b> if missing a B.C. birth document.</li> </ul>

### How do I get a certified copy of a document?



Take the original document to an authorized person listed in step 4 on page 3. The authorized person will photocopy the original, then certify that it is a copy of the original document by stamping and signing it. **(For a fee of \$17, the Vital Statistics Vancouver office located at 250-605 Robson Street will witness your signature on the statutory declaration and certify any original documents that are required to be submitted with your application.)**

**TIP:** The same person who witnesses your signature on the statutory declaration(s) required for your application can provide you with certified copies. Signatures and certified copies are valid for six months only.

### 3 SUPPORTING DOCUMENTS

Submit **ALL** the supporting documentation that applies to your situation.

**TIP:** Highlight or put a check mark next to documents that you need to include with your application.

If you are an adult changing your own name and you...	Submit...
Were born in Canada	All <b>original</b> birth certificates with a registration number.
Were born <b>outside</b> of Canada	<b>Certified copies</b> of <b>BOTH</b> sides of your <b>MOST RECENTLY ISSUED</b> Permanent Resident Card or Canadian Citizenship Card/Certificate.
Have changed your name before	All <b>original</b> Canadian change of name certificates.
Got married in British Columbia (not applicable if divorced or widowed)	All <b>original</b> British Columbia marriage certificates with a registration number or a photocopy if the marriage certificate already lists the <b>exact</b> proposed name. <b>NOTE - We CANNOT accept commemorative certificates, marriage licences, or certificates issued by a church.</b>
Got married in another Canadian province (not including B.C.)	A <b>photocopy</b> of a marriage certificate is only required if it explains the use of a surname on a document submitted or written on your application.
Got married outside of Canada	A <b>photocopy</b> of a marriage certificate is only required if it explains the use of a surname on a document submitted or written on your application.
For <b>all</b> adult applicants	A <b>photocopy</b> of the receipt provided by the official who took your fingerprints electronically. <b>The date on the receipt must be within 30 days of the date your application is received in our office.</b> A <b>photocopy</b> of your picture ID.

If you are a parent changing the name of your child(ren)...	Submit...
And the child(ren) was/were born <b>in Canada</b>	All <b>original</b> birth certificates <b>with a registration number and showing parentage.</b>
And the child(ren) was/were born <b>outside of Canada</b>	<b>Certified copies</b> of the following: <ul style="list-style-type: none"> <li><b>BOTH</b> sides of each child's <b>MOST RECENTLY ISSUED</b> Permanent Resident Card or Canadian Citizenship Card/Certificate.</li> <li>Birth certificate or adoption papers from the country of birth <b>showing parentage</b>. <b>Provide certified English translations if these are not in English.</b></li> </ul>
Have documents that are not in English	<b>Certified</b> English translation of the documents.
And the name either parent uses now is different from the one listed on your child(ren)'s birth certificate	<b>Documentation</b> showing how you came to have your current name. (i.e. marriage certificates, change of name certificates, letter of explanation.)
And you are married	A <b>photocopy</b> of your marriage certificate.
Have changed the name of your child(ren) before	All <b>original</b> Canadian change of name certificates.
For each child <b>12 to 18 years of age</b>	A letter <b>handwritten in ink</b> by your child(ren) providing his/her reasons for wanting a change of name. Have each child sign and date his/her letter. Each child 12-18 must also sign in Part 2A - Child's Consent.
<b>All parents</b>	A <b>photocopy</b> of picture ID (e.g. driver's licence) for <b>all parents</b> listed on each child's birth registration showing their current addresses. The applicant's address must match the residential address on Part 1A (page 5).



#### Important Information for Parents Changing the Name of Children (18 or Younger)

##### Who Can Apply as a Parent?

A person who is legally documented on a birth certificate as a parent of the child. Legal guardianship is not sufficient.

##### Consent of the Other Parent/Guardian(s) When Changing the Name of Children 18 Years of Age and Younger

If the other parent/guardian(s) will not or cannot provide consent, you must request that Vital Statistics waive their consent. Review *Obtaining a Waiver of Parental Consent* on pages 9 and 10 for information about requesting a waiver.

## 4 STATUTORY DECLARATION

Sign the statutory declaration(s) in front of one of the authorized persons listed below:

- Individual appointed by the Attorney General as a commissioner for taking affidavits
- Practicing lawyer or articulated law student
- Notary public

**Note** - These individuals charge for their services and their fees can vary. (For a fee of \$17, the Vital Statistics Vancouver office located at 250-605 Robson Street will witness your signature on the statutory declaration and certify any original documents that are required to be submitted with your application.) All applicants must sign the statutory declaration on page 6 **at the same time as it is certified**. Dates signed must match. **Any parent applicant using the statutory declaration on page 9 must also sign at the same time that it is certified.** Statutory declarations are valid for six months only.

## 5 FINGERPRINTING

Anyone who is **BOTH** 18 years of age or older **AND** changing his or her name must have fingerprints taken as part of a criminal record check - *Name Act* (RSBC 1996 c. 328). **PARENTS** - If you are changing the name of your child(ren) only and not your own name, you do **NOT** need to get your fingerprints taken.

### Where can I have my electronic fingerprints taken?

- Most RCMP detachments
- Vancouver Police
- Victoria Police
- Any RCMP-accredited fingerprinting company or its affiliate who submit fingerprints electronically for the purposes of criminal record checks. For a list of accredited companies, visit: <http://www.rcmp.gc.ca/en/where-do-get-a-criminal-record-check>.

### What do I submit with my Change of Name Application?

Fingerprinting officials collect a fee for taking fingerprints in addition to the criminal record check fee of \$25, and will provide you with a receipt for your payment. Include a **photocopy of the original receipt** given with your application.

### Important Notes

- Fingerprints are only used for the purpose required by the *Name Act* and confirmation of the criminal record check should be *returned to the applicant directly* from the RCMP.
- **Do NOT send Vital Statistics a copy of your fingerprints or criminal record check results.**
- The date on the receipt must be **within 30 days of the date your application is received** in our office.

## 6 PAYMENT & FEES

Submit payment for your application **in Canadian funds** using the table below to calculate the amount owed. Fees below do not include the cost of obtaining certified copies or translations, having your signature witnessed on a statutory declaration, or replacing documents following the change of name.

<input type="checkbox"/> <b>Adult</b> (19 years of age or older)	\$137 Name Change Fee
<input type="checkbox"/> <b>Adult</b> (19 years of age or older) with dependent child (18 years old or younger)	\$137 Name Change Fee \$ 27 For <b>each child</b>
<input type="checkbox"/> <b>Child only</b> (18 years of age or younger)	\$137 Name Change Fee for first or only child \$ 27 For each additional child
<input type="checkbox"/> <b>Birth Search</b> (Fill out application on page 4.)	\$ 27 For <b>each search</b> (B.C. events only)
<input type="checkbox"/> <b>Marriage Search</b> (Fill out application on page 4.)	\$ 27 For <b>each search</b> (B.C. events only)

### Payment Method:

☐ Certified Cheque (No personal or postdated cheques) ☐ Money Order ☐ Visa ☐ MasterCard ☐ American Express

Amount  
Enclosed \$ \_\_\_\_\_

Interac/Cash payment may be made in person at any Service BC office. If paying by certified cheque or money order, make payable to the **Minister of Finance**.

X

Card holder signature

PRINT card holder name as shown on credit card

Note: Credit card information is not retained. Upon authorization of the payment request, all credit card information is destroyed.

Credit Card # \_\_\_\_\_ Expiry date \_\_\_\_\_

Applications missing information or documentation are held for 90 days. If you do not respond to a request for information within 90 days, your file will be cancelled and the fee of \$137 will be retained to cover the administrative costs.

## 7 SUBMIT YOUR APPLICATION

Place **all** documentation and the completed application into a suitably-sized envelope and submit it with payment in person at a Service BC office (Visit <http://www.servicebc.gov.bc.ca> to find your nearest Service BC location.) or by mail to the address below:

Vital Statistics Agency  
**ATTN: CONFIDENTIAL SERVICES**  
PO Box 9657 Stn Prov Govt  
Victoria BC V8W 9P3

**Note:** Applications may also be submitted at the Vital Statistics Vancouver office located at 250-605 Robson Street.

## Search Applications for Birth or Marriage Events that Occurred in British Columbia

If you do not have an original birth or marriage certificate to submit with your Application for Change of Name, you can request that Vital Statistics search for the event instead of ordering the certificate **if the birth and/or marriage occurred in British Columbia**. Simply fill out the application(s) below and then check the box(es) beside Search Fee \$27 when completing the Application for Change of Name. **Include \$27 for each search** requested when you are submitting your application.



If you need Vital Statistics to search BIRTH events for several people in a family (e.g. Mom, plus one or more children), photocopy or print additional copies of this page. A search application must be completed for each person requiring a search for a BIRTH event.

### Please search for the following BIRTH event that occurred in British Columbia:

Full name of person named in birth event, as listed at time of birth or following a previous change of name (NOT a married surname)									
Surname (Last Name)			First Name				Middle Name(s)		
Date of Birth	Month (e.g. Feb)	Day	Year	Place of Birth	City/Town/Village			Province <b>BRITISH COLUMBIA</b>	Sex
FATHER/ PARENT INFO	Surname (Last Name)			First Name			Middle Name(s)		
	Birthplace (City, Province/State, Country)								
MOTHER/ PARENT INFO	Surname (Last Name) as listed on current birth or change of name certificate			First Name			Middle Name(s)		
	Birthplace (City, Province/State, Country)								

### Please search for the following MARRIAGE event that occurred in British Columbia:

Date of Marriage	Month (e.g. Feb)	Day	Year	Place of Marriage	City/Town/Village			Province <b>BRITISH COLUMBIA</b>
<b>Provide your SPOUSE'S information below:</b>								
Spouse's Last Name (at the time of marriage)			Spouse's First Name			Spouse's Middle Name(s)		
Spouse's Birthplace (City, Province/State, Country)								

## General Information

### After your change of name application has been processed:



- Vital Statistics will send a *Certificate of Change of Name* to your mailing address. This certificate will show your previous name as provided in your foundation identity document, and your new name. If you have included your child(ren) in your application, their names will also be listed on the certificate.
- Your Canadian birth certificate will be amended to list your new name. If you were born in Canada, you will need to order a new birth certificate from your birth province. Be sure to advise them of your recent change of name when placing the order for your new certificate(s). BC Vital Statistics will send an electronic notification to other provinces following the registration of a change of name.

**NOTE** - Certificates issued in British Columbia are printed in uppercase lettering only.

- If you were married in Canada, your name change *may* affect your current marriage certificate. Contact your marriage province for advice. A name change does not affect a surname assumed by marriage.
- You are responsible for notifying other agencies of your name change and for replacing all applicable documents and identification, such as your BC Driver's Licence or BC Identification card, BC Services Card, Canadian Passport, etc.

### What happens to documents submitted with your application?

Document	Returned	Not Returned
B.C. and other Canadian birth certificates		Destroyed
B.C. marriage certificates		Destroyed
Certificates from previous name change(s)	✓ Stamped with "Historical Document. Not to be accepted as proof of current legal name."	
Out-of-province marriage certificates	✓	
Certified documents (e.g. <b>copies</b> of immigration papers)		Kept on file

 <b>PARENTS - Enter <u>your</u> information in Part 1(A) and 1(B) even if you are only changing your child's name and not your own. Provide your child's information in Part 2 (pg 7).</b> <input type="checkbox"/> <b>Check this box if you are not changing <u>your</u> name</b>				<b>OFFICE USE ONLY</b>  AFS #  REG. #	
Adult's full name as currently listed on birth certificate, <b>most recently issued</b> immigration or citizenship documents, or change of name certificate. (NOT YOUR SURNAME BY MARRIAGE) Surname (Last Name)                      First Name                      Middle Name(s)					
Full name as you would like it to appear following the legal change of name (Leave this line blank if you are not changing your name.) Surname (Last Name)                      First Name                      Middle Name(s)					
Date of birth MMM    DD    YYYY		Sex	Place of Birth City/Town                      Province/State, Country		
Marital status <input type="checkbox"/> Married  <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed <input type="checkbox"/> Never Married		Spouse's Surname  Place of Marriage (City/Town)		Date of Marriage MMM    DD    YYYY  Province/State, Country	
Is this application changing your surname to the surname of your spouse? <b>You MUST check a box below.</b> <input type="checkbox"/> No <input type="checkbox"/> Yes. I understand that if I was born in Canada this will change my name on my birth certificate, and may change my marriage certificate.					
Personal Health Number (PHN) (Used to confirm residency in B.C.) <div style="border-bottom: 1px solid black; width: 100%;"></div>					
How can we contact you? Preferred Number		Phone No. (including area code)		Alternate Contact Number	
Preferred Email Address					
Place(s) of residence for last three months <b>(ALL fields must be completed)</b>					
Suite/Apt No.		Street No.		Street Name	
				MMM    DD    YYYY <b>From</b>	
City/Town		Province B.C.		Postal Code	
				<b>To</b> PRESENT	
Suite/Apt No.		Street No.		Street Name	
				MMM    DD    YYYY <b>From</b>	
City/Town		Province B.C.		Postal Code	
				<b>To</b>	
Address for Letters or Certificate Mail to: <input type="checkbox"/> Above Address <input type="checkbox"/> Alternate Address Below: <i>(if different from above)</i>					
Name/Organization					
Suite/Apt No.		Street No.		Street Name	
City/Town		Province/State, Country		Postal/ZipCode	
<b>Documentation (Check applicable for <u>each</u> section.)</b>				<b>Notes</b>	
<b>Proof of Birth</b> If born in Canada - Original birth certificate with a registration number. <input type="checkbox"/> Enclosed <input type="checkbox"/> \$27.00 Search Fee (If you were born in British Columbia and do not have a birth certificate, complete a Search Application on page 4.) If born outside of Canada - Certified copy of immigration or citizenship documents. <input type="checkbox"/> Enclosed				Provide certified copies of <b>BOTH</b> sides of your <b>MOST RECENTLY ISSUED</b> Permanent Resident Card or Canadian Citizenship Card/ Certificate.	
<b>Proof of Marriage</b> Marriage certificate with registration number <i>(not applicable if divorced or widowed)</i> . <input type="checkbox"/> N/A <input type="checkbox"/> Original enclosed (If married in B.C.) <input type="checkbox"/> Photocopy enclosed (If married outside of B.C., a photocopy may be required to show continuity of usage of names.) <input type="checkbox"/> Photocopy enclosed (If B.C. marriage certificate already lists your <b>exact</b> proposed name.) <input type="checkbox"/> \$27.00 Search fee (If you were married in B.C. and do not have a marriage certificate, complete a Search Application on page 4.)				If you are changing your child's surname to that of your spouse, provide a photocopy of your marriage certificate.	
<b>Proof of Electronic Fingerprinting</b> Photocopy of the receipt you received from the fingerprinting agency for electronic fingerprinting (18 years of age or older). <input type="checkbox"/> N/A <input type="checkbox"/> Enclosed - <b>The date on the receipt must be within 30 days of the date your application is received in our office.</b>				If you are 18 years of age or older, provide a photocopy of the receipt for your payment for electronic fingerprinting.	
<b>Previous Name Change</b> Have you previously had a legal change of name in Canada? <input type="checkbox"/> No <input type="checkbox"/> Yes - The <b>original</b> Canadian change of name certificate(s) is/are enclosed. <input type="checkbox"/> Yes - I do NOT have the <b>original</b> Canadian change of name certificate(s).				Returned to you stamped with: "Historical Document. Not to be accepted as proof of current legal name".	

Statutory Declaration

Check applicable:

- ☐ I am applying as a single applicant to change my name only. Complete Section 2.
- ☐ I am a parent applying for myself and my child(ren)'s name change(s). Complete Sections 1 & 2.
- ☐ I am a parent applying on behalf of my child(ren) only. I am not changing my name. Complete Sections 1 & 2.

Section 1 - To be completed by the applicant parent

Only a parent recognized on the child's birth certificate or those being listed on the child's immigration documentation can apply to change a child's name. However ALL PARENTS and/or CUSTODIAL GUARDIANS must sign consent to a child's name change.

Write your INITIALS beside any/all situations that apply to you:

I have included all custodial/guardianship court order(s) for my child(ren) within this application.

The court order(s) included is(are) a final order OR the court order(s) included is(are) still valid and in effect.

List any future court dates:

OR

I do not have any custodial/guardianship court order(s) for my child(ren).

The other parent was not recorded on the child(ren)'s birth restration(s) and there is no custodial/guardianship court order in place for my child(ren).

The other parent and I are still married and there is no custodial/guardianship court order in place for my child(ren).

The other parent and I were married but no longer live together, and there is no custodial/guardianship court order in place for my child(ren).

The other parent and I were never married and there is no custodial/guardianship court order in place for my child(ren).

Section 2 - To be completed by ALL applicants

I have read the application and to the best of my knowledge, information and belief, the statements made are true in substance and in fact.

AND

I understand that any documentation submitted to support this application may be verified for validity and/or authenticity with the issuing authority and I provide my consent to the Vital Statistics Agency to complete this verification.

AND

I understand that the Vital Statistics Agency must use the exact name recorded on my birth certificate, immigration or citizenship document, or change of name certificate, and if I record a name other than that name on my application form the Vital Statistics Agency will amend my application to match.

AND

I have enclosed all original birth certificates, marriage certificates (B.C. only) and historical change of name certificates in my possession and I understand that any Canadian birth certificates and B.C. marriage certificates will not be returned on completion of the name change.

AND

I understand that all previously issued birth certificates, B.C. marriage certificates and change of name certificates will be cancelled under Section 40.1 (1)(h) of the Vital Statistics Act, and that to use any cancelled certificates may constitute a fraudulent action.

AND

I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

Signature of Applicant

Day Month Year

Declared before me at

City

in the Province of British Columbia, this

Day

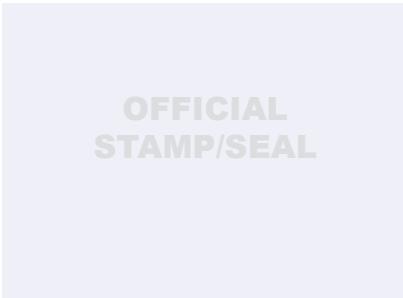
day of

Month

Year







Signature of Commissioner for Taking Affidavits, Lawyer, Articled Law Student, or Notary Public

(Note - Authorized individuals charge a fee for witnessing your signature.)



Documentation	Notes	Office Use Only
<div>All Applicants</div> <div>Photocopy of applicant's picture ID (e.g. driver's licence) showing their current address. A copy of a recent utility bill in the applicant's name (e.g. BC Hydro bill) is acceptable proof of the current address if it is not listed on identification.</div> <div><input type="checkbox"/> Photocopy of picture ID is enclosed</div>	<div>The address listed on the applicant's picture ID must match the residential address provided in Part 1A on page 5.</div>	



Child's full name as currently listed on birth certificate, <b>most recently issued</b> immigration or citizenship documents, or change of name certificate																
Surname (Last Name)		First Name		Middle Name(s)												
Child's full name as it will appear following the legal change of name (Names on Part 2A and Part 2B must match <b>exactly</b> .)																
Surname (Last Name)		First Name		Middle Name(s)												
Date of birth		Sex	Place of birth													
MMM	DD	YYYY	City/Town	Province/State and Country												
Has your child previously had a legal change of name in Canada? (Check applicable)																
<input type="checkbox"/> No <input type="checkbox"/> Yes - <b>ALL original</b> Canadian change of name certificates are enclosed. (This certificate will be stamped "Historical Document. Not to be accepted as proof of current legal name" and will be returned to you upon completion of this application.) <input type="checkbox"/> Yes - I do NOT have the <b>original</b> Canadian change of name certificate(s).																
Indicate what identification you have enclosed to prove your child's parentage																
Child born in Canada:		Child born outside of Canada - <b>CERTIFIED COPIES</b> of:														
<input type="checkbox"/> Original Canadian birth certificate showing parentage <input type="checkbox"/> \$27.00 Search fee (My child was born in British Columbia but I do not have their birth certificate. I have completed a Search Application on page 4)		<input type="checkbox"/> BOTH SIDES of child's <b>MOST RECENTLY ISSUED</b> Permanent Resident Card or Canadian Citizenship Card/Certificate <input type="checkbox"/> Child's original birth certificate showing parentage <input type="checkbox"/> English translation of birth certificate if not in English														
<b>CHILD'S CONSENT</b> - Children 12 to 18 years of age <b>MUST</b> provide: <input checked="" type="checkbox"/> Letter <input checked="" type="checkbox"/> Signature																
I hereby give my consent to change my name as stated in this application																
Child's Signature 		Signature of Witness 														
* Date <table border="1" style="display: inline-table; width: 100px;"><tr><td> </td><td> </td><td> </td></tr><tr><td>MMM</td><td>DD</td><td>YYYY</td></tr></table>					MMM	DD	YYYY	* Date <table border="1" style="display: inline-table; width: 100px;"><tr><td> </td><td> </td><td> </td></tr><tr><td>MMM</td><td>DD</td><td>YYYY</td></tr></table>						MMM	DD	YYYY
MMM	DD	YYYY														
MMM	DD	YYYY														
<div style="border: 2px solid red; border-radius: 15px; padding: 5px; display: inline-block;">* Dates must match</div>																
<input type="checkbox"/> Letter <u>handwritten in ink</u> by child is attached.																
<b>CONSENT OF OTHER PARENT/GUARDIAN(S)</b>																
If the other parent/guardian(s):																
<ul style="list-style-type: none"> <li>consents to the change of name, they must complete Part 2B - "Other Parent's Consent" on page 8.</li> <li>is/are not listed on the birth registration, complete section I below.</li> <li>is/are listed on the birth registration but you have a valid reason to waive their consent, complete section II below.</li> </ul>																
<b>I. Other Parent is Not Listed</b>																
<input type="checkbox"/> No other parent is recorded on the birth registration of the child whose name is to be changed.																
Applicant's Signature 		Date <table border="1" style="display: inline-table; width: 100px;"><tr><td> </td><td> </td><td> </td></tr><tr><td>MMM</td><td>DD</td><td>YYYY</td></tr></table>						MMM	DD	YYYY						
MMM	DD	YYYY														
<b>II. Request for Waiver (A - E)</b> See pages 9 and 10 for information about reasons for waivers and what to submit with your request.																
I request that the consent of the other parent/guardian(s): _____ be waived for the following reason(s): _____																
<div style="display: flex; justify-content: space-around;"> <span>Last Name(s)</span> <span>First Name(s)</span> </div>																
<p>A <input type="checkbox"/> The other parent/guardian(s) cannot be located after a reasonable, diligent and adequate search has been conducted as demonstrated by statutory declaration and supporting evidence maintained in the change of name file. <b>A custody or guardianship order is required for this option. Obtain an order prior to making application.</b></p> <p>B <input type="checkbox"/> The other parent/guardian(s) is/are deceased, proven by a copy of a government-issued death certificate maintained in the change of name file.</p> <p>C <input type="checkbox"/> The other parent/guardian(s) is/are unreasonably withholding consent to the change of name.</p> <p>D <input type="checkbox"/> The other parent/guardian(s) is/are mentally disordered, as demonstrated by statutory declaration and supporting evidence.</p> <p>E <input type="checkbox"/> Exceptional circumstances make it unreasonable to seek the consent of the other parent/guardian(s). <b>Unless you can provide a valid court ordered restraining order/no contact order between the other parent/guardian(s) and the child(ren) this option does not apply.</b></p>																
Applicant Signature 		Date <table border="1" style="display: inline-table; width: 100px;"><tr><td> </td><td> </td><td> </td></tr><tr><td>MMM</td><td>DD</td><td>YYYY</td></tr></table>						MMM	DD	YYYY						
MMM	DD	YYYY														
<b>CONSENT OF SPOUSE OF APPLICANT</b> (Only if Child's surname is changing to that of the Applicant's Spouse.)																
I, _____, am the spouse of the applicant and hereby give my consent for the above-listed child to change his/her surname to be the same as mine.																
<div style="display: flex; justify-content: space-around;"> <span>Name (Printed)</span> </div>																
Signature of Applicant's Spouse 		Signature of Witness 														
* Date <table border="1" style="display: inline-table; width: 100px;"><tr><td> </td><td> </td><td> </td></tr><tr><td>MMM</td><td>DD</td><td>YYYY</td></tr></table>					MMM	DD	YYYY	* Date <table border="1" style="display: inline-table; width: 100px;"><tr><td> </td><td> </td><td> </td></tr><tr><td>MMM</td><td>DD</td><td>YYYY</td></tr></table>						MMM	DD	YYYY
MMM	DD	YYYY														
MMM	DD	YYYY														
<div style="border: 2px solid red; border-radius: 15px; padding: 5px; display: inline-block;">* Dates must match</div>																





If more than one child is included in the change of name application, or if there is more than one other parent/guardian, please photocopy or print additional copies of this page.

Full name(s) of other parent/guardian(s) as listed on the birth registration of child or within court orders.					
Surname (Last Name)		First Name		Middle Name(s)	
Suite/Apt No.	Street No.	Street Name		City/Town	
Province/State, Country			Postal/Zip Code	Phone No. (including area code)	
Child's full name as it will appear following the legal change of name (Names on Part 2A and Part 2B must match <b>exactly</b> .)					
Surname (Last Name)		First Name		Middle Name(s)	
Child's date of birth MMM DD YYYY		Sex	Child's place of birth City/Town		Province/State, Country



Anyone can witness the signature of the other parent/guardian(s), but the other parent/guardian(s) and the witness must sign **at the same time**. Signatures are valid for six months only.

### Consent of Other Parent/Guardian(s)

I \_\_\_\_\_ have read the information provided on this page and to the best of my knowledge, information and belief, the statements made are true in substance and in fact.

AND

I understand that any documentation submitted to support this application may be verified for validity and/or authenticity with the issuing authority and I provide my consent to the Vital Statistics Agency to complete this verification.

AND

I have enclosed all original birth certificates and historical change of name certificates in my possession for each child named in this application. I understand that any Canadian birth certificates will not be returned on completion of the name change.

AND

I understand that all previously issued birth certificates and change of name certificates for each child named in this application will be cancelled under Section 40.1 (1)(h) of the *Vital Statistics Act*, and that to use any cancelled certificates may constitute a fraudulent action.

AND

I understand that by consenting to change the name(s) for my child, I will still remain listed as a parent on my child's birth registration, if I am currently listed.

X

Signature(s) of Other Parent/Guardian(s)

\* Date     
MMM DD YYYY

\* Dates must match

X

Signature of Witness

\* Date     
MMM DD YYYY

Full name, address, and phone number of <b>witness</b> to signature(s) of other parent/guardian(s)					
Surname (Last Name)		First Name		Middle Name(s)	
Suite/Apt No.	Street No.	Street Name		City/Town	
Province/State, Country			Postal/Zip Code	Phone No. (including area code)	

Documentation	Notes	Office Use Only
<b>Other Parent/Guardian(s) Consenting to Child's Change of Name</b> Photocopy of other parent/guardian(s)' picture ID (e.g. driver's licence) showing their current address. <b>A copy of a recent utility bill in the name of the other parent/guardian(s) (e.g. BC Hydro bill) is acceptable proof of the current address if it is not listed on identification.</b> <input type="checkbox"/> Photocopy of picture ID is enclosed	The address(es) listed on the picture ID of the other parent/guardian(s) <b>must match</b> the residential address provided above.	

## Statutory Declaration

This statutory declaration **MUST** be completed if the applicant is asking for a waiver of consent of the other parent/guardian(s) unless the other parent/guardian(s) is(are) deceased. See pages 7 and 10 for further details. Your Statutory Declaration must include **ALL** of the following information:

If you require more space, attach a separate sheet of paper.

1. Explain in detail all attempts that have been made to gain the consent of the other parent/guardian(s), including contact with relatives, friends, proof of attempted contact or conversation threads regarding the change of name through social media (e.g. Facebook), texting, email threads etc.
2. When was your last contact with the other parent/guardian(s)?
3. What is the last known contact information you have for the other parent/guardian(s)? **(Include full addresses, phone numbers, email addresses, or state that all contact information is unknown.)**
4. Do you receive child support from the other parent/guardian(s)?
5. Are you registered with the Family Maintenance Enforcement Program (FMEP)? **If yes, submit a copy of the most recent statement.**
6. Outline any reasons why you feel the change of name is in your child(ren)'s best interest.
7. If the custody/guardianship order submitted with your application is not a final order, state whether or not it is still valid and in effect. As well, include any future court dates.

**IMPORTANT - Select one:**

☐ I authorize or ☐ I do not authorize the Vital Statistics Agency to use the contact information provided with my application and/or supporting documentation when contacting the other parent/guardian(s) to seek approval for the application.

CANADA:  
PROVINCE OF BRITISH COLUMBIA.  
To Wit: } In the Matter of

I, \_\_\_\_\_ of \_\_\_\_\_  
Applicant's Name City

in the Province of British Columbia, do solemnly declare that

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_

I verify that all supporting documents represent current circumstances and are in effect as of this date. And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me at \_\_\_\_\_ in the \_\_\_\_\_ } **X** \_\_\_\_\_  
Declarant's Signature

Province of British Columbia, this \_\_\_\_\_ day of \_\_\_\_\_ \* } \* \_\_\_\_\_  
Day Month Year Day Month Year

**X**

Signature of Commissioner for Taking Affidavits, Lawyer, Articled Law Student, or Notary Public  
(Note - Authorized individuals charge a fee for witnessing your signature.)


\* Dates must match

OFFICIAL  
STAMP/SEAL

The following is a list of grounds on which a waiver of parental/guardian consent may be approved and the documents required. Choose the one that best applies to your situation and provide **ALL** of the requested information. **If information cannot be provided, include a letter of explanation.**

<p><b>A) The other parent/guardian(s) cannot be located after a reasonable, diligent and adequate search has been conducted as demonstrated by the statutory declaration and supporting evidence maintained in the change of name file.</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Custody/guardianship order. Obtain an order from the courts <u>prior to</u> applying to legally change the name(s) of your child(ren).</li> <li><input type="checkbox"/> In your statutory declaration list the full mailing address, phone numbers, email addresses and any other contact information for the parent/guardian(s) whose consent is(are) to be waived.</li> <li><input type="checkbox"/> If you are unaware of the whereabouts of the other parent/guardian(s):             <ul style="list-style-type: none"> <li><input type="radio"/> Include a list of the efforts you have made to determine their location; <b>AND</b></li> <li><input type="radio"/> Provide proof of attempted contact or conversation thread regarding the change of name through social media (e.g. Facebook), texting, email etc.</li> </ul> </li> </ul> <p>In your statutory declaration, you must include <b>ALL</b> of the information listed at the top of page 9, "Statutory Declaration-Request to Waive Consent of Other Parent/Guardian(s)".</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> If you are registered with the Family Maintenance Enforcement Program (FMEP), include a copy of your latest statement. If you are not registered with FMEP, include a statement indicating that you do or do not receive support from the other parent/guardian(s).</li> <li><input type="checkbox"/> Children 12 years of age or older must write a brief letter in their own words describing why they would like their name to be changed. The letter must be <b>handwritten in ink</b>, and <b>signed and dated <u>by the child</u></b>.</li> </ul>
<p><b>B) The other parent/guardian(s) is(are) deceased, proven by a copy of a government-issued death certificate maintained in the change of name file.</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> A copy of a government-issued death certificate of the person whose consent is to be waived.</li> </ul>
<p><b>C) The other parent/guardian(s) is(are) unreasonably withholding their consent.</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> In your statutory declaration, you must include <b>ALL</b> of the information listed at the top of page 9, "Statutory Declaration-Request to Waive Consent of Other Parent/Guardian(s)".</li> <li><input type="checkbox"/> Provide proof of attempted contact or conversation thread regarding the change of name through social media (e.g. Facebook), texting, email etc.</li> <li><input type="checkbox"/> If you are registered with the Family Maintenance Enforcement Program (FMEP), include a copy of your latest statement. If you are not registered with FMEP, include a statement indicating that you do or do not receive support from the other parent.</li> <li><input type="checkbox"/> Children 12 years of age or older must write a brief letter in their own words describing why they would like their name to be changed. The letter must be <b>handwritten in ink</b>, and <b>signed and dated <u>by the child</u></b>.</li> </ul>
<p><b>D) The other parent/guardian(s) is(are) mentally disordered, as demonstrated by statutory declaration and supporting evidence</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> A letter from a physician/court order stating the person whose consent is to be waived is incapable of understanding what they would be signing.</li> <li><input type="checkbox"/> Children 12 years of age or older must write a brief letter in their own words describing why they would like their name to be changed. The letter must be <b>handwritten in ink</b>, and <b>signed and dated <u>by the child</u></b>.</li> </ul>
<p><b>E) Exceptional circumstances make it unreasonable to seek the consent of the other parent/guardian(s). Unless you can provide a valid court ordered restraining order/no contact order between the other parent/guardian(s) and the child(ren) this option does not apply.</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <ul style="list-style-type: none"> <li><input type="radio"/> A court ordered no contact order; <b>OR</b></li> <li><input type="radio"/> A court ordered restraining order; <b>OR</b></li> <li><input type="radio"/> A letter from the police indicating you would be in danger if you attempted to contact the parent/guardian(s) whose consent is required.</li> </ul> </li> <li><input type="checkbox"/> Children 12 years of age or older must write a brief letter in their own words describing why they would like their name to be changed. The letter must be <b>handwritten in ink</b>, and <b>signed and dated <u>by the child</u></b>.</li> </ul>

**NOTE:** Requirements identified in this information sheet are a guide only and the registrar general of the Vital Statistics Agency has the authority to ask for additional information.

 Statements made in a statutory declaration are considered the equivalent of statements made in a Court of Law and may provide the basis for action against the applicant if they are proven to be fraudulent.

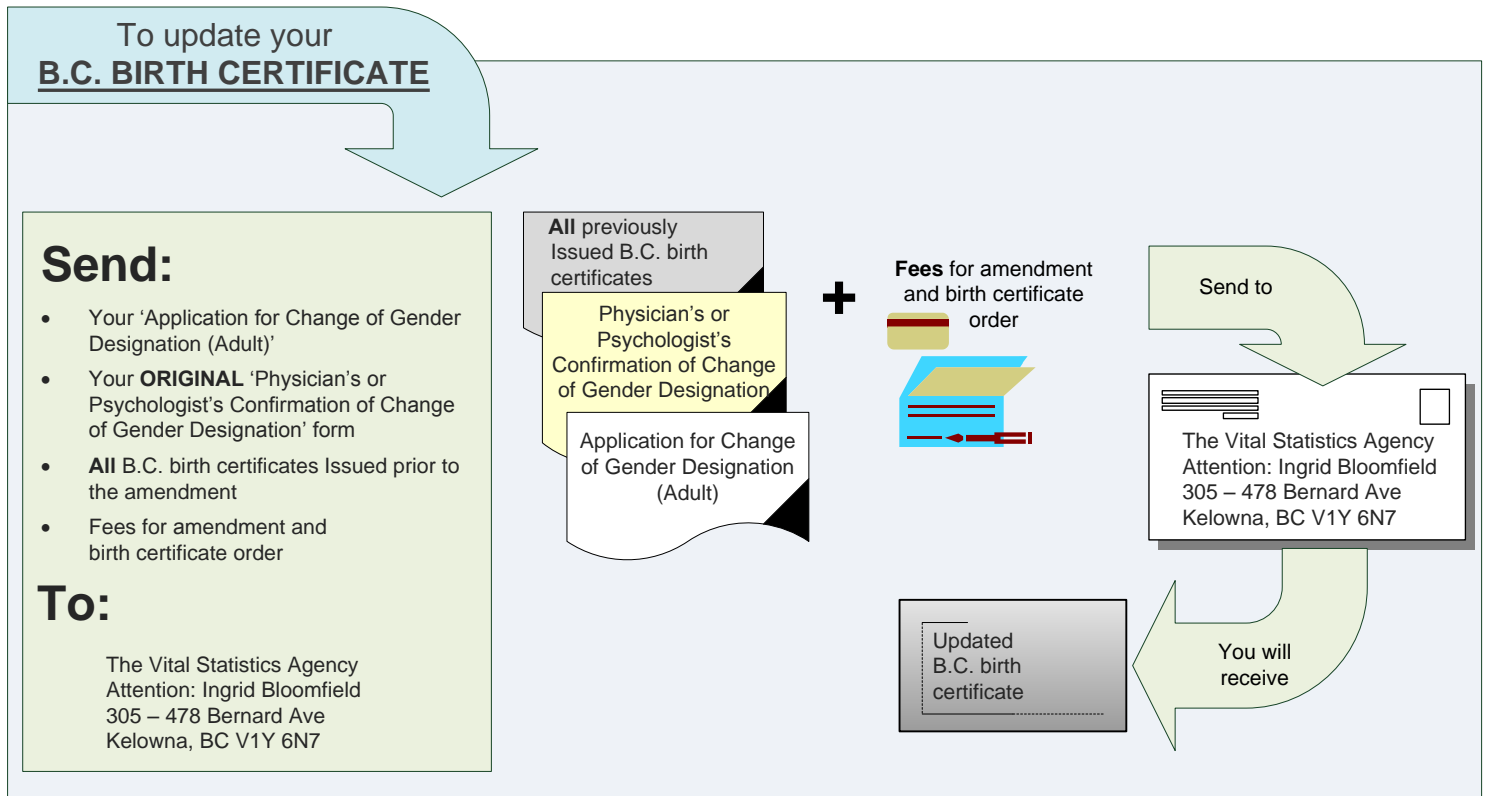
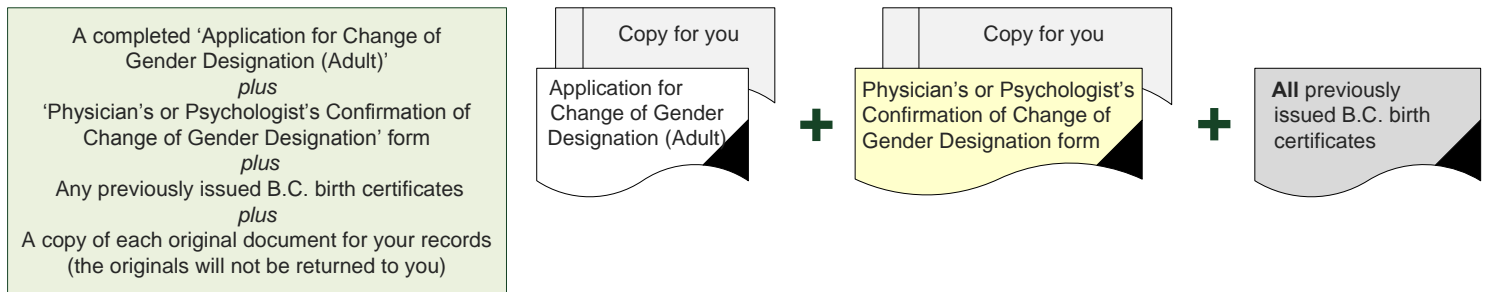
This information is collected by the Vital Statistics Agency under section 26(c) of the *Freedom of Information and Protection of Privacy Act*, and will be used to fulfill the requirements of the *Vital Statistics Act* for the release of change of name information. Should you have any questions about the collection of this personal information, please contact: Manager, Vital Statistics Agency, 250 952-2681, PO Box 9657, Stn Prov Govt, Victoria BC V8W 9P3



# Instructions for the APPLICATION FOR CHANGE OF GENDER DESIGNATION (ADULT)

The Application for Change of Gender Designation can be used to request an update of your **B.C. Birth Certificate**.

## What You'll Need





# APPLICATION FOR CHANGE OF GENDER DESIGNATION (ADULT) – CHANGING B.C. BIRTH CERTIFICATE

APPLICANT INFORMATION		FOR OFFICE USE ONLY
LEGAL SURNAME FOLLOWED BY LEGAL GIVEN NAME(S)		
MAILING ADDRESS		POSTAL CODE
BIRTHDATE (dd/mm/yyyy) <div style="text-align: center; color: #ccc;">DD / MM / YYYY</div>	TELEPHONE NUMBER, INCLUDING AREA CODE (      )	
<p>The birth certificate is a foundation identity document which is required by many institutions to access programs and services, such as obtaining a passport or driver's licence.</p> <p>I, _____ (Print current legal name in full) solemnly declare that</p> <p>I make this application to change my gender designation captured as "Sex" on my B.C. birth certificate</p> <p style="text-align: center;"> <b>FROM</b>   <input type="checkbox"/> Female   <input type="checkbox"/> Male   <input type="checkbox"/> X                      <b>TO</b>   <input type="checkbox"/> Female   <input type="checkbox"/> Male   <input type="checkbox"/> X         </p> <p>Check the applicable boxes and sign below to confirm that you have read and acknowledge the corresponding statements. (For male and female, check boxes 1 and 2 only. For gender X, check all four boxes.)</p> <div style="margin-left: 20px;"> <input type="checkbox"/> 1. I have assumed, identify with and intend to maintain the gender identity that corresponds with the requested change in gender designation.           <input type="checkbox"/> 2. I am providing a "Physician's or Psychologist's Confirmation of Change of Gender Designation" form (VSA 510p).           <input type="checkbox"/> 3. I understand that the Province of British Columbia cannot guarantee acceptance of a birth certificate with an "X" designation by organizations or governments and that the "X" marker is not universally accepted.           <input type="checkbox"/> 4. I understand that as the holder of a birth certificate, it is my responsibility to check with organizations and program areas that I intend to transact with about their application or enrolment requirements regarding birth certificates with an "X" designation.         </div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;"> <p style="text-align: center;"><b>X</b> _____</p> <p style="text-align: center;">SIGNATURE OF APPLICANT</p> </div> <div style="width: 45%; text-align: right;"> <p style="text-align: center;">_____</p> <p style="text-align: center;">DATE (dd/mm/yyyy)</p> </div> </div>		

B.C. BIRTHS ONLY - DETAILS OF BIRTH AS CURRENTLY REGISTERED						
BIRTH DETAILS	SURNAME*	* NOTE: Provide your surname at birth/adoption or following a legal change of name even if you currently use a surname by marriage.				
	GIVEN NAME(S) & SEX	First	Middle Name(s)			Sex
	DATE & PLACE OF BIRTH	Month (e.g. Feb) <div style="text-align: center; color: #ccc;">MMM</div>	Day <div style="text-align: center; color: #ccc;">DD</div>	Year <div style="text-align: center; color: #ccc;">YYYY</div>	City	BRITISH COLUMBIA
FATHER / PARENT DETAILS	SURNAME					
	GIVEN NAME(S)	First	Middle Name(s)			
	BIRTH PLACE	City	Province/State		Country	
MOTHER /PARENT DETAILS	SURNAME†	†NOTE: Surname as per current birth or change of name certificate.				
	GIVEN NAME(S)	First	Middle Name(s)			
	BIRTH PLACE	City	Province/State		Country	

†The mother's maiden surname is the last name she was given at birth, or if a legal change of name has been completed, her new last name as noted on the Certificate of Change of Name. In Canada, the mother's birth surname or surname following a legal change of name is always listed on the child's birth registration and the parental birth certificate, even if she is married.

PRIVACY INFORMATION
<p>This information is collected by the Vital Statistics Agency under section 26(c) of the <i>Freedom of Information and Protection of Privacy Act</i>, and will be used to fulfill the requirements of the <i>Vital Statistics Act</i> for the release of gender designation information. Should you have any questions about the collection of this personal information, please contact: Manager, Vital Statistics Agency, 250 952-2681, PO Box 9657, Stn Prov Govt, Victoria BC V8W 9P3.</p> <p>This form is subject to verification and audit by the Province of British Columbia.</p>

**See reverse (page 2) for fee information and to order new B.C. birth certificates.**

## B.C. BIRTH CERTIFICATE CONTACT INFORMATION

### ENQUIRIES & CREDIT CARD ORDERS

Telephone: **250 952-2681** (Victoria & Outside B.C.)

Toll Free: **1 888 876-1633** (within B.C.)

Website: [www2.gov.bc.ca/gov/content/life-events](http://www2.gov.bc.ca/gov/content/life-events)

### ADDRESS ALL DOCUMENTS TO:

Vital Statistics Agency  
ATTENTION: Ingrid Bloomfield  
305 - 478 Bernard Ave  
Kelowna BC V1Y 6N7

## B.C. BIRTH CERTIFICATE SERVICES/ FEES

The \$27 amendment fee charged when you change the gender designation on your birth registration does not include a new birth certificate.

To order a new birth certificate(s), enter a quantity of 1 or 2 beside your selection below and add its cost to the amendment fee in the "Payment Methods" section at the bottom of this page. Different document types are mailed in separate envelopes. **All birth certificates issued before the amendment must be returned to Vital Statistics.**

Qty. (Limit 2 of each)	Description of Birth Documents	Cost Based on Delivery Type		Estimated Date of Delivery Once the Amendment is Complete	
		Mail	Courier	Mail	Courier**
	<b>Individual information only</b> - Includes the subject of the birth certificate's name, sex, place and date of birth. (12.5 cm x 17.7 cm)	\$27	\$60	Prints in 2 - 5 business days; <b>add</b> mailing time from Victoria B.C. to you.	Prints next business day; <b>add</b> courier delivery time from Victoria B.C. to you.
	<b>*Parental information included</b> - Includes the subject of the birth certificate's name, sex, place and date of birth, plus names and birthplaces of parents listed on the registration. (12.5 cm x 17.7 cm)	\$27	\$60	Prints in 2 - 5 business days; <b>add</b> mailing time from Victoria B.C. to you.	Prints next business day; <b>add</b> courier delivery time from Victoria B.C. to you.
	<b>Registration Photocopy</b> - A certified photocopy of the original birth registration completed at the time of birth. This document is seldom required for applications.	\$50	\$60	Prints within 20 business days; <b>add</b> mailing time from Victoria B.C. to you.	Prints next business day; <b>add</b> courier delivery time from Victoria B.C. to you.

\*Children (18 and under) require a birth certificate with **parental information included** for passport, school enrollment, and many other applications.

\*\*Courier service is not made to post office boxes, apartment complexes, homes that use Super Box (community) mailboxes, or to basement suites. Instead, a delivery notice with instructions is left at the mailing address and the envelope is delivered to the nearest postal outlet. ID and signature are required upon pick up.

## PAYMENT METHODS

☐ Cheque\*

☐ Money Order\*

☐ Visa

☐ MasterCard

☐ American Express

\*Postdated cheques are not accepted. Make cheques or money orders payable to the Minister of Finance. Interac/Cash payments can be made in person at a Service BC office. (Visit [www.servicebc.gov.bc.ca](http://www.servicebc.gov.bc.ca) to find a location near you.)

### AMOUNT ENCLOSED:

**Amendment Fee**      \$      **27.00**

**New Certificate(s)**      \$      \_\_\_\_\_

(See Services/Fees above)

**Total Amount Enclosed**      \$      \_\_\_\_\_

**X** \_\_\_\_\_

Card holder signature

\_\_\_\_\_  
PRINT card holder name as shown on Credit Card

Credit Card # \_\_\_\_\_

Expiry date \_\_\_\_\_

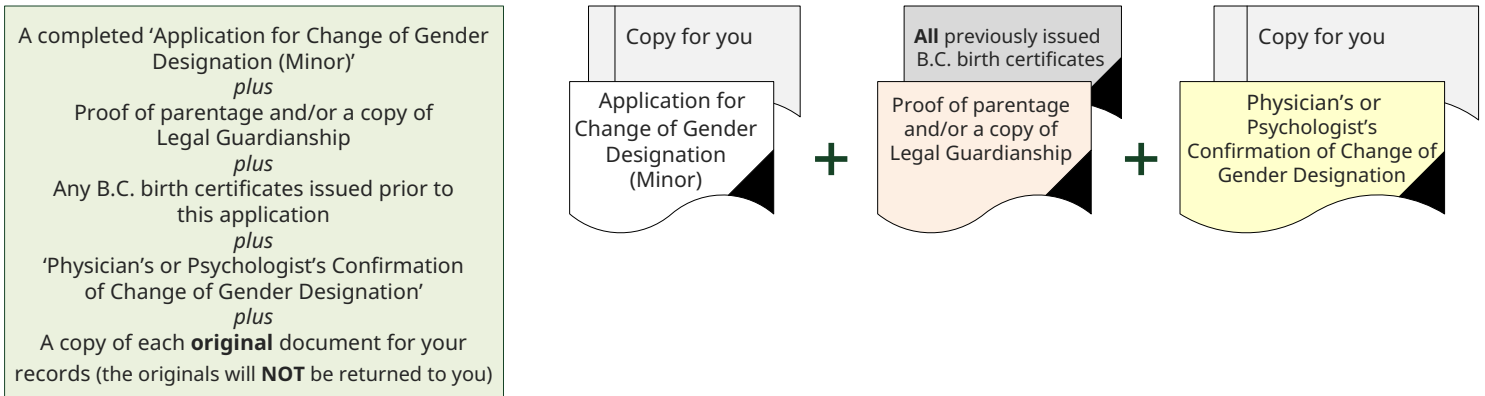
**Note:** Credit Card information is not retained. Upon authorization of the payment request, all credit card information is destroyed.



## Instructions for the APPLICATION FOR CHANGE OF GENDER DESIGNATION (MINOR)

The Application for Change of Gender Designation (Minor) can be used to request an update to your **B.C. BIRTH CERTIFICATE** if you are a minor (under 19 years of age).

### What You'll Need



#### Proof of parentage and/or legal guardianship

The child's parental birth certificate listing the parents and copies of any orders of guardianship issued by the Courts are considered proof of parentage and/or legal guardianship.  
**IMPORTANT: ALL** parents and guardians are required to provide consent on the application.

### To update your B.C. BIRTH CERTIFICATE

#### Send:

- Your 'Application for Change of Gender Designation (Minor)'
- Your proof of parentage and/or copy of Legal Guardianship
- Your **ORIGINAL** 'Physician's or Psychologist's Confirmation of Change of Gender Designation'
- **All** B.C. birth certificates Issued prior to this application
- Fees for amendment and birth certificate order

#### To:

ATTENTION: Ingrid Bloomfield  
 The Vital Statistics Agency  
 305 - 478 Bernard Ave  
 Kelowna, BC V1Y 6N7

All previously issued B.C. birth certificates

Physician's or Psychologist's Confirmation of Change of Gender Designation

Proof of parentage and/or copy of Legal Guardianship

Application for Change of Gender Designation (Minor)

Fees for amendment and birth certificate order

Send to

ATTENTION: Ingrid Bloomfield  
 The Vital Statistics Agency  
 305 - 478 Bernard Ave  
 Kelowna, BC V1Y 6N7

Updated B.C. birth certificate

You will receive



# APPLICATION FOR CHANGE OF GENDER DESIGNATION (MINOR) - CHANGING B.C. BIRTH CERTIFICATE

## APPLICANT INFORMATION

LEGAL SURNAME FOLLOWED BY LEGAL GIVEN NAME(S)		FOR OFFICE USE ONLY: AFS#
MAILING ADDRESS	CITY/TOWN/VILLAGE, PROVINCE/STATE, COUNTRY	POSTAL/ZIP CODE
BIRTHDATE (DD/MM/YYYY) <b>DD / MM / YYYY</b>	TELEPHONE NUMBER (INCLUDING AREA CODE)	

The birth certificate is a foundation identity document which is required by many institutions to access programs and services, such as obtaining a passport or driver's licence.

I, \_\_\_\_\_, (PRINT CURRENT LEGAL NAME IN FULL) solemnly declare that I make this application to change my gender designation captured as "Sex" on my B.C. birth certificate

**FROM** ☐ Female ☐ Male ☒ X **TO** ☐ Female ☐ Male ☒ X

Check the applicable boxes and sign below to confirm that you have read and acknowledge the corresponding statements. (For male and female, check boxes 1 and 2 only. For gender X, check all four boxes.)

- ☐ 1. I have assumed, identify with and intend to maintain the gender identity that corresponds with the requested change
- ☐ 2. I am providing a "Physician's or Psychologist's Confirmation of Change of Gender Designation" form (VSA 510p).
- ☐ 3. I understand that the Province of British Columbia cannot guarantee acceptance of a birth certificate with an "X" designation by organizations or governments and that the "X" marker is not universally accepted.
- ☐ 4. I understand that as the holder of a birth certificate, it is my responsibility to check with organizations and program areas that I intend to transact with about their application or enrolment requirements regarding birth certificates with an "X" designation.

**X**

SIGNATURE OF APPLICANT

**DD / MM / YYYY**

DATE (DD/MM/YYYY)

I, \_\_\_\_\_, NAME OF PARENT OR LEGAL GUARDIAN\* hereby give consent for \_\_\_\_\_, NAME OF APPLICANT to change their gender designation

**FROM** ☐ Female ☐ Male ☒ X **TO** ☐ Female ☐ Male ☒ X

**X**

SIGNATURE OF PARENT OR LEGAL GUARDIAN\*

**DD / MM / YYYY**

DATE (DD/MM/YYYY)

I, \_\_\_\_\_, NAME OF PARENT OR LEGAL GUARDIAN\* hereby give consent for \_\_\_\_\_, NAME OF APPLICANT to change their gender designation

**FROM** ☐ Female ☐ Male ☒ X **TO** ☐ Female ☐ Male ☒ X

**X**

SIGNATURE OF PARENT OR LEGAL GUARDIAN\*

**DD / MM / YYYY**

DATE (DD/MM/YYYY)

\*GUARDIANS MUST PROVIDE LEGAL DOCUMENTATION PROVING GUARDIANSHIP.

## DETAILS OF BIRTH AS CURRENTLY REGISTERED

SURNAME ON BIRTH RECORD		GIVEN NAME(S) ON BIRTH RECORD	SEX
BIRTHDATE (DD/MM/YYYY) <b>DD / MM / YYYY</b>	BIRTHPLACE (CITY/TOWN/VILLAGE)		<b>BRITISH COLUMBIA</b>
SURNAME OF FATHER/PARENT		GIVEN NAME(S)	BIRTHPLACE OF FATHER/PARENT (CITY, PROVINCE/STATE, COUNTRY)
MAIDEN SURNAME* OF MOTHER/PARENT		GIVEN NAME(S)	BIRTHPLACE OF MOTHER/PARENT (CITY, PROVINCE/STATE, COUNTRY)

\*The mother's maiden surname is the last name she was given at birth, or if a legal change of name has been completed, her new last name as noted on the Certificate of Change of Name. In Canada, the mother's birth surname or surname following a legal change of name is always listed on the child's birth registration and the parental birth certificate, even if she is married.

## PRIVACY INFORMATION

This information is collected by the Vital Statistics Agency under section 26(c) of the *Freedom of Information and Protection of Privacy Act*, and will be used to fulfill the requirements of the *Vital Statistics Act* for the release of gender designation information. Should you have any questions about the collection of this personal information, please contact:

Manager, Vital Statistics Agency, 250 952-2681, PO Box 9657, Stn Prov Govt, Victoria BC V8W 9P3.

This form is subject to verification and audit by the Province of British Columbia.

**SEE PAGE 2 OF THIS FORM FOR AMENDMENT FEE INFORMATION AND TO ORDER A NEW B.C. BIRTH CERTIFICATE**

## PLEASE NOTE:

The \$27 amendment fee charged when you change the gender designation on your birth registration does **not** include a new B.C. birth certificate. You must order a new certificate if you wish to have a birth certificate displaying the changed gender designation.

## B.C. BIRTH CERTIFICATE SERVICES/FEEs

To order a new birth certificate(s), enter a quantity of 1 or 2 beside your selection below and add its cost to the amendment fee in the "Payment Methods" section at the bottom of this page. Different document types are mailed in separate envelopes. **All birth certificates issued before the amendment must be returned to Vital Statistics.**

Qty. (Limit 2 of each)	Description of Birth Documents	Cost Based on Delivery Type		Estimated Date of Delivery Once the Amendment is Complete	
		Mail	Courier	Mail	Courier†
#	<b>Individual information only</b> - Includes the subject of the birth certificate's name, sex, place and date of birth. (12.5 cm x 17.7 cm)	\$27	\$60	Prints in 2 - 5 business days; <b>add</b> mailing time from Victoria B.C. to you.	Prints next business day; <b>add</b> courier delivery time from Victoria B.C. to you.
#	<b>*Parental information included</b> - Includes the subject of the birth certificate's name, sex, place and date of birth, plus names and birthplaces of parents listed on the registration. (12.5 cm x 17.7 cm)	\$27	\$60	Prints in 2 - 5 business days; <b>add</b> mailing time from Victoria B.C. to you.	Prints next business day; <b>add</b> courier delivery time from Victoria B.C. to you.
#	<b>Registration Photocopy</b> - A certified photocopy of the original birth registration completed at the time of birth. This document is seldom required for applications.	\$50	\$60	Prints within 20 business days; <b>add</b> mailing time from Victoria B.C. to you.	Prints next business day; <b>add</b> courier delivery time from Victoria B.C. to you.

\* Children (18 and under) require a birth certificate with **parental information included** for passport, school enrollment, and many other applications.

† Courier service is not made to post office boxes, apartment complexes, homes that use Super Box (community) mailboxes, or basement suites. Instead, a delivery notice with instructions is left at the mailing address and the envelope is delivered to the nearest postal outlet. ID and signature are required upon pick up.

## B.C. BIRTH CERTIFICATE CONTACT INFORMATION

### ENQUIRIES & CREDIT CARD ORDERS

Telephone: **250 952-2681** (Victoria & Outside B.C.)

Toll Free: **1 888 876-1633** (within B.C.)

Website: [www.gov.bc.ca/vitalstatistics](http://www.gov.bc.ca/vitalstatistics)

### ADDRESS ALL DOCUMENTS TO:

ATTENTION: Ingrid Bloomfield  
Vital Statistics Agency  
305 - 478 Bernard Ave  
Kelowna BC V1Y 6N7

## PAYMENT METHOD

☐ Cheque or Money Order payable to the Minister of Finance. (**Postdated cheques are not accepted.**)

☐ Credit Card: Please bill my: ☐ Visa ☐ MasterCard ☐ American Express

Interac/Cash payments can be made in person at a Service BC Centre. Visit [www.servicebc.gov.bc.ca](http://www.servicebc.gov.bc.ca) to find a location near you.

Card holder name: \_\_\_\_\_

PRINT card holder name as shown on credit card

Card holder signature: **X** \_\_\_\_\_

Credit Card #: \_\_\_\_\_ Expiry date: \_\_\_\_\_

**Note:** Credit card information is not retained. Upon authorization of the payment request, credit card information is destroyed.

### Amount Enclosed:

Amendment Fee \$ 27.00

New Certificate(s) \$ \_\_\_\_\_  
(See Services/Fees above)

Total Amount Enclosed \$ \_\_\_\_\_



# ADULT GENERAL PASSPORT APPLICATION for Canadians 16 years of age or over applying in Canada or the USA

**Warning:** Any false or misleading statement with respect to this application and any supporting document, including the concealment of any material fact, may result in the refusal to issue a passport, the revocation of a currently valid passport, and/or the imposition of a period of refusal of passport services, and may be grounds for criminal prosecution as per subsection 57 (2) of the Criminal Code (R.C.S. 1985, C-46).

Type or print in **CAPITAL LETTERS** using black or dark blue ink.

## 1 PERSONAL INFORMATION (SEE INSTRUCTIONS, SECTION I)

Surname (last name) requested to appear in the passport

Given name(s) requested to appear in the passport

All former surnames (including surname at birth if different from above. These will not appear in the passport.)

Mother's surname at birth

Place of birth

City Country Prov./Terr./State (if applicable)

Date of birth (YYYY-MM-DD) Sex ☐ F Female ☐ M Male ☐ X Another gender Natural eye colour Height (cm or in)

Current home address

Number Street Apt. City Prov./Terr./State Postal/ZIP code

Mailing address (if different from current home address)

Number Street Apt. City Prov./Terr./State Postal/ZIP code

Email address

Telephone (daytime)

Telephone (other)

**Declaration**—I solemnly declare that I am a Canadian citizen, that the photos enclosed are unaltered and a true likeness of me, that all of the statements made and the information provided in this application, as well as any supporting documents, are true. I declare that I have read and understood the **Warning** at the top of this page and the **Privacy Notice Statement** (see section N). I consent to the collection, use and disclosure of my personal information as outlined in the Privacy Notice Statement.

Sign within border

Signature (see Instructions, section I)

Signed at

Date (YYYY-MM-DD)

City

Prov./Terr./State

## 2 DECLARATION OF GUARANTOR (SEE INSTRUCTIONS, SECTION J)

**Note:** You must complete and sign all **three (3)** pages of this application form before requesting that your guarantor validate and sign this section.

Surname (last name) in passport

Given name(s)

Date of birth (YYYY-MM-DD)

Canadian passport number

Date of issue (YYYY-MM-DD)

Date of expiry (YYYY-MM-DD)

Relationship to the applicant

Telephone (daytime)

Telephone (other)

Current home address

Number Street Apt. City Prov./Terr./State Postal/ZIP code

**Declaration**—I solemnly declare that I have known the applicant identified above personally for at least **two (2)** years. I have signed the back of one (1) of the photos to certify that the image is a true likeness of the applicant. Where applicable, I have signed and dated a copy of each document to support the applicant's identity (see section 5) to confirm that I have seen the original(s). I declare that I have read and understood the **Warning** at the top of page 1 of this application and the **Privacy Notice Statement** in section N of the instructions. I consent to the collection, use and disclosure of my personal information as outlined in the Privacy Notice Statement.

Signature of guarantor

I have known the applicant for

Date (YYYY-MM-DD) Signed at

Number of years

City

Prov./Terr./State

**3 PREVIOUS CANADIAN TRAVEL DOCUMENT (SEE INSTRUCTIONS, SECTION K)**

- Has a Canadian travel document (passport, certificate of identity or refugee travel document) been issued to you in your current name or any other name?

☐ No ☐ Yes (specify) 

Number	Date of issue (YYYY-MM-DD)
--------	----------------------------

**If the Canadian travel document has not expired, you must include it with your application.**

Any passport that is damaged or was ever reported as lost or stolen will not be returned and will be securely destroyed to protect your personal information.

- Would you like the previous passport to be cancelled and returned to you?

☐ **Yes, please return it to me. If this box is not checked, the passport will not be returned and will be securely destroyed.**

**Note:** If a Canadian travel document has been reported lost, stolen, damaged or is inaccessible, and has not yet expired, complete form PPTC 203, *Declaration concerning lost, stolen, inaccessible, damaged or found Canadian travel document*, available online at [Canada.ca/passport](https://Canada.ca/passport). **A Canadian travel document is no longer valid if damaged or reported as lost, stolen, or inaccessible.** There is an administrative fee for the replacement of a lost or stolen Canadian travel document that has not yet expired.

**4 PROOF OF CANADIAN CITIZENSHIP (SEE INSTRUCTIONS, SECTION M)**

**A** To be completed if you were **born in Canada**. Provide **one (1)** of the documents listed below (**original only**):

<input type="radio"/> Canadian provincial or territorial birth certificate	Registration number	Date of issue
<input type="radio"/> Certificate of Canadian citizenship	Certificate number	Date of issue or Effective date of citizenship

**B** To be completed if you were **born outside of Canada**.

**1) Provide one (1) of the documents listed below (original only):**

- |  |   |
|--|---|
| <input type="radio"/> Certificate of Canadian citizenship  | <input type="radio"/> Certificate of naturalization   |
| <input type="radio"/> Certificate of registration of birth abroad<br>(issued by the Registrar of Canadian Citizenship) | <input type="radio"/> Certificate of retention of Canadian citizenship<br>(issued before February 15, 1977) |

Certificate number	Date of issue or Effective date of citizenship
--------------------	--

**2) To be completed if you were born outside of Canada between February 15, 1977 and April 16, 1981 inclusive** (you do not need to complete this section if you are presenting a certificate of Canadian citizenship issued after January 1, 2007).

**a) Are you a naturalized Canadian, i.e. did you receive Canadian citizenship following immigration to Canada?**

☐ Yes, go to section 5 ☐ No, continue to question b)

**b) Was one of your parents born in Canada?**

☐ Yes, go to section 5 ☐ No, complete and submit form PPTC 001, *Proof of Canadian Citizenship—Additional Information*, available online at [Canada.ca/passport](https://Canada.ca/passport).

**5 DOCUMENTS TO SUPPORT IDENTITY (SEE INSTRUCTIONS, SECTION L)**

You need to provide at least **one (1)** document to support your identity. The identification document (ID) must be valid and be issued by a federal, provincial/territorial government authority (or local equivalent abroad). The ID must include your name, date of birth, signature and photo. One or more document(s), when combined, may be used to fulfill these criteria.

- If you are applying in person, your original documents will be validated and returned to you.
- If applying by mail, provide copies of both sides of your ID and have them signed and dated by your guarantor.

**Note:** The documents provided in this section must **not** be the proof of Canadian citizenship provided in section 4.

Type of document	Document number	Date of expiry (If applicable) (YYYY-MM-DD)	Your name as it appears on the document
Type of document	Document number	Date of expiry (If applicable) (YYYY-MM-DD)	Your name as it appears on the document
Signature of applicant			Date (YYYY-MM-DD)

**6 PERIOD OF VALIDITY (SEE INSTRUCTIONS, SECTION C)**Choose **one (1)** of the following periods of validity: ☐ **5-year** or ☐ **10-year****7 ADDITIONAL PERSONAL INFORMATION****Note:** If insufficient space, include form PPTC 056, [Additional Information – Address and Occupation](#), available on [Canada.ca/passport](#).**A** Addresses in the last **two (2)** years

- ☐ Same as current home address
- ☐ Different from current home address (complete below)

1.							From (YYYY-MM)	To (YYYY-MM)
Number	Street	Apt.	City	Prov./Terr./State	Country	Postal/ZIP code		

2.							From (YYYY-MM)	To (YYYY-MM)
Number	Street	Apt.	City	Prov./Terr./State	Country	Postal/ZIP code		

**B** Occupation in the last **two (2)** years (check all that apply):

- ☐ I was employed (full- or part-time)
- ☐ I was in school (full- or part-time) ☐ Other, e.g. homemaker, unemployed or retired

Enter full details below for the last **two (2)** years:

Employer, school or other	Address	Telephone (daytime)	Field of employment or studies	Date (from)	Date (to)

**8 REFERENCES**Provide the following information for **two (2)** persons who are neither your relatives nor your guarantor; are 18 years of age or over; and who have known you for at least **two (2)** years. They must agree to have their contact information provided as they may be contacted to confirm your identity. Visit [Canada.ca/passport](#) for more information on the Passport Program's definition of a relative.

1. Surname (last name)		Given name(s)		Relationship to the applicant	
Address					
Number	Street	Apt.	City	Prov./Terr./State	Country
Telephone (daytime)		Telephone (other)		Email address	
				Has known me for	Number of years
2. Surname (last name)		Given name(s)		Relationship to the applicant	
Address					
Number	Street	Apt.	City	Prov./Terr./State	Country
Telephone (daytime)		Telephone (other)		Email address	
				Has known me for	Number of years

**9 EMERGENCY CONTACT INFORMATION (OPTIONAL)**

This information is helpful if you require emergency assistance while outside of Canada.

Surname (last name)		Given name(s)	
Relationship to the applicant	Telephone (daytime)	Telephone (other)	Email address
Current home address			
Number	Street	Apartment	City
		Prov./Terr./State	
		Postal/ZIP code	
		Signature of applicant	
		Date (YYYY-MM-DD)	



# ADULT GENERAL PASSPORT APPLICATION

## for Canadians 16 years of age or over applying in Canada or the USA

### INSTRUCTIONS

#### A ENTITLEMENT TO A CANADIAN PASSPORT

**Important notice: We recommend that you not finalize your travel plans until you receive the requested passport.**

- A Canadian passport is the only reliable and universally accepted travel and identification document for Canadians who travel abroad.
- Canadian passports are issued to Canadian citizens only and reflect their identity, as determined by proof of citizenship and supporting documents.
- For Canadians under 16 years of age, use form PPTC 155, *Child General Passport Application*.
- Applicants who were previously issued a Canadian passport may be able to renew their passport using form PPTC 054, *Adult Simplified Renewal Passport Application*. To find out if you are eligible, visit [Canada.ca/passport](https://Canada.ca/passport).

#### B REQUIREMENTS CHECKLIST

- ☐ All three (3) pages of the application form completed and signed within the last **twelve (12)** months, with page **one (1)** certified by the guarantor
- ☐ Two (2) identical and unaltered passport photos taken within the last **six (6)** months, **one (1)** certified by the guarantor
- ☐ Proof of Canadian citizenship (original only); the document will be returned to you
- ☐ Document(s) to support identity (original or copies); copies must be signed and dated by your guarantor
- ☐ Any valid Canadian travel document (passport, certificate of identity or refugee travel document) issued to you
- ☐ The fee

**Note:** All documents submitted throughout the passport application process that are in a language other than English or French must be translated by a certified translator.

Additional documents or information may be requested in support of this application.

#### C FEE AND PERIOD OF VALIDITY

Where the application is made in **Canada**  
and the passport is to be delivered in Canada:  
**5-year validity – CAN\$120\***  
**10-year validity – CAN\$160\***

Where the application is made **from the USA\*\***  
or the passport is to be delivered to the USA\*\*:  
**5-year validity – CAN\$190\***  
**10-year validity – CAN\$260\***

\*A CAN\$25 consular services fee is included in the above-mentioned fee.

\*\*Includes Bermuda, American Samoa, the Midway Islands, Puerto Rico and the US Virgin Islands.

There is a separate, non-refundable CAN\$45 administrative fee for the replacement of a lost or stolen Canadian travel document that has not yet expired.

#### Methods of payment (Canadian funds only):

- Debit card (Interac), Visa Debit, Virtual Visa Debit or other prepaid cards (Visa, MasterCard, American Express) only for in person applications submitted by the cardholder. Prepaid debit cards are not accepted;
- Credit card and prepaid card (**embossed only**). If you are applying by mail, see section D; or
- Certified cheque or money order (postal or bank) in the exact amount, payable to the Receiver General for Canada.

#### Important

- Every person who requests passport services must pay the applicable fee in the exact amount.
- Applicants who cancel their application or are refused a passport are not eligible for a refund of the passport service fee. Only the consular services fee of CAN\$25, applied only to adult applications, is refundable.
- The Passport Program, Immigration, Refugees and Citizenship Canada does not accept personal cheques or payment in cash for applications submitted in Canada.
- Administrative fees and applicable interest will be applied to all dishonoured payments.
- Fees are subject to change.

In cases where services do not meet established service standards, applicants **may** be eligible for partial compensation of service fees.

For information on the *Departmental Remission Policy* and Service Standards please visit [Canada.ca/immigration-refugees-citizenship](https://Canada.ca/immigration-refugees-citizenship).

#### D CREDIT CARD INFORMATION

If you are applying in person, **do not complete** this section. If you are applying by mail and paying by credit card, complete and submit this section with your application.

Card type: ☐ Visa ☐ MasterCard ☐ American Express

Name as it appears on card	Card number	Date of expiry Month   Year
----------------------------	-------------	--------------------------------

Name of applicant	For official use only	
-------------------	-----------------------	--

<b>Authorization</b> —I authorize the Passport Program to charge <input type="text" value="CAN\$"/> to my credit card.	Signature of cardholder	Date (YYYY-MM-DD)
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## E APPLYING IN PERSON

If you cannot submit your passport application in person, an acceptable third party may submit the application on your behalf. For an urgent or express service request you must apply in person yourself. For information on third party eligibility, visit [Canada.ca/passport](https://Canada.ca/passport).



### Canadians can submit an application in Canada at:

- a Passport Program regional office; or
- a participating Service Canada Centre.

For information on service locations, service standards and requirements for expedited services, visit [Canada.ca/passport](https://Canada.ca/passport).



### For Canadians submitting an application from the USA:

If you require a passport in exceptional circumstances, contact the nearest Government of Canada office. You can find a list of Government of Canada offices in the USA online at [travel.gc.ca](https://travel.gc.ca) or in your local telephone directory.

## F APPLYING BY MAIL



Mailed-in applications are processed in Canada.

### By mail

Passport Program  
Gatineau QC K1A 0G3  
Canada

### By courier

Passport Program  
22 de Varennes Street  
Gatineau QC J8T 8R1  
Canada

The original documents that you enclose with your application are valuable. We recommend that you use a courier or mail service that allows you to track your package

## G CONTACT INFORMATION

General information is available 24 hours a day, 7 days a week. Agents are available Monday to Friday from 7:30 a.m. to 8:00 p.m. (Eastern Time) in Canada.



### Information on passports, fees and processing times

[Canada.ca/passport](https://Canada.ca/passport)

Toll-free: 1-800-567-6868  
Outside the continental USA: 1-819-997-8338

TTY (for people who are Deaf or hard of hearing)  
Toll-free: 1-866-255-7655

### Travel reports, warnings and requirements

For travel advice and warnings or foreign entry and exit requirements (how long the passport has to be valid for travel to a foreign country), visit [travel.gc.ca](https://travel.gc.ca)

## H ANTICIPATED DATE OF TRAVEL

Regardless of the date of travel you indicate on the application form, processing times and requirements for expedited services are still applicable. Processing times begin once a completed application form and all required supporting documentation are received (see section B). Processing times **do not** include mailing time. Visit [Canada.ca/passport](https://Canada.ca/passport) for more details.

### It is recommended that you do not finalize travel plans until you receive the requested passport.

The Government of Canada, or any representative of the Government of Canada will not be liable for any loss incurred as a result of or arising out of the passport not being delivered in time for you to travel on the date you have specified on the application form.

## I PERSONAL INFORMATION

### Surname and given name(s) requested to appear in passport

Write the name to appear in the passport. If you are requesting a passport in a name that is different from the name that appears on the proof of citizenship, please note the following:

- For a change of surname resulting from a relationship, you must provide a marriage or common-law relationship certificate, or a document demonstrating termination of the relationship (indicating both previous and current surname).
- For a legal change of name, you must provide a Canadian birth certificate or citizenship certificate issued in the new name. If you have your name legally changed, you must apply for a new travel document that accurately reflects your new name. (A change of name certificate alone will not be accepted.)

Additional documentation will be required to verify your identity as well as the name to appear in the passport (see section L).

### All former surnames

All former surname(s) that differ from the surname requested to appear in the passport, including your surname at birth must be declared. Please separate your former surnames by a comma. These former surnames will not appear in the passport.

### Mother's surname at birth

Indicate your mother's surname (last name) at birth.

### Place of birth

Your place of birth must be provided on the application form. If you do not wish the place of birth to appear in the passport, complete and submit form PPTC 077, *Request for a Canadian passport without place of birth*, available online at [Canada.ca/passport](https://Canada.ca/passport).

### Date of birth

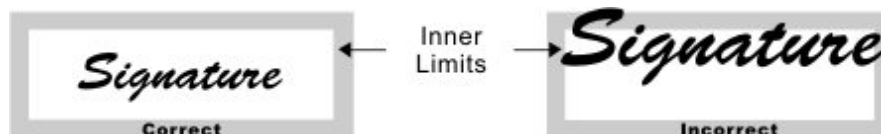
If your proof of citizenship does not show a complete date of birth, the specific **year**, **month** and **day** of your birth will be entered as shown on your supporting identification (see section 5).

### Sex

If the sex or gender identifier requested to appear in the passport does not match the submitted proof of Canadian citizenship or your latest travel document, complete and submit form PPTC 643, *Request – sex or gender identifier on the travel document for an adult 16 years of age or older* form (PPTC 643), available online at [Canada.ca/passport](https://Canada.ca/passport).

### Signature

You **must** sign your usual signature on all **three (3)** pages.



## J DECLARATION OF GUARANTOR

A guarantor is a person other than the applicant who can confirm their identity and may be called upon to confirm personal information. A guarantor can be a relative or someone living at the applicant's address, as long as they meet all the requirements listed below.

### The guarantor must:

- be able to communicate in English or French;
- be a Canadian citizen 18 years of age or over;
- hold a **5-year** or a **10-year** Canadian passport that is valid or has expired within **twelve (12)** months of the date the Passport Program receives this application;
- have been 16 years of age or over when the application was submitted for the passport identified in section 2 on this application form;
- have known you (the applicant) personally for at least **two (2)** years. To know you personally to confirm aspects of your personal attributes;
- know you well enough to be confident that the statements you have made on the application form are true;
- provide the requested information contained in the passport issued in his or her name by completing by hand the declaration of guarantor section of the application form;
- be accessible to the Passport Program for verification

A Canadian passport holder guarantor does not need to reside in the same country as the applicant.

The guarantor must perform the following **three (3)** tasks **free of charge**:

1. Validate the information and sign the section Declaration of Guarantor (section 2). Ensure you have completed and signed all **three (3)** pages of the application before submitting it to your guarantor.
2. Write "I certify this to be a true likeness of (your name)" on the back of **one (1)** of your photos and sign it.
3. If applicable, sign and date a copy of each document to support your identity (see section L).

The Passport Program reserves the right to request a new guarantor.

**Important:** The applicant cannot help the guarantor in performing their duties. If the guarantor needs help they can contact the Passport Program (see Section G).

If you have **not known** an eligible guarantor for at least **two (2)** years, complete form PPTC 132, *Statutory Declaration in Lieu of Guarantor*, available at any passport office in Canada or any Government of Canada office in the USA. The form must be completed at your expense before a person who is authorized by law to administer an oath or solemn affirmation. **This may delay the processing time of the passport requested.**

## K PREVIOUS CANADIAN TRAVEL DOCUMENT

Enclose any Canadian travel document (passport, certificate of identity or refugee travel document) that is not expired and that is issued to you in your current name or any other name. If the travel document's expiry date is more than **twelve (12)** months from the date the application is submitted, provide a written explanation as to why you are applying at this time. Should the Passport Program not be satisfied that you have an acceptable reason for applying early, your application for a new passport may be refused.

## L DOCUMENTS TO SUPPORT IDENTITY

- You need to provide at least **one (1)** document to support your identity. The identification document (ID) must be valid and be issued by a federal, provincial/territorial government authority (or local equivalent abroad). The ID must include your name, date of birth, signature and photo. One or more document(s), when combined, may be used to fulfill these criteria.
- A Canadian passport that is expired for less than **one (1)** year may be used to support your identity. However, you must submit an additional piece of valid federal, provincial or territorial identification, with your passport, if:
  - the passport was issued to you before you turned 16 years of age; or
  - the passport was issued to you with a period of validity of less than **five (5)** years.
- If you are submitting copies of your ID, each side must be copied and then signed and dated by your guarantor. All original documents that you submit will be returned to you.
- If you submit copies of your documents and are using form PPTC 132, *Statutory Declaration in Lieu of Guarantor*, the same official who signs the declaration must also sign and date the copies of both sides of the identity document(s) to indicate that the official has seen the original(s).

## M PROOF OF CANADIAN CITIZENSHIP

**Important:** A Canadian provincial or territorial birth certificate does not constitute an acceptable proof of Canadian Citizenship if, at the time of your birth in Canada, one or both of your parents was or were employed in Canada by a foreign government or international agency and neither parent was a Canadian citizen or permanent resident. See subsection 3(2) of the *Citizenship Act* for more information. You may request a formal assessment by submitting an application for a citizenship certificate to Immigration, Refugee and Citizenship Canada (IRCC). For more details, visit the IRCC website at [Canada.ca/citizenship](https://Canada.ca/citizenship).

The original proof of Canadian citizenship you submit with your application will be returned to you. Additional information may be requested to confirm your citizenship.

### Canadian provincial or territorial certificate of birth

Only official birth documents issued by the vital statistics office in your province or territory of birth in Canada are accepted. Certain exceptions may apply. Certain Canadian provinces and territories have other documents that may also be accepted as proof of Canadian citizenship. Visit [Canada.ca/passport](https://Canada.ca/passport) for more information.

**Note:** For Canadians born in the province of Quebec, only a birth certificate or a copy of an act of birth issued after January 1, 1994, by the Directeur de l'état civil of Québec or a certificate of Canadian citizenship are accepted as proof of Canadian citizenship.

### Certificate of Canadian citizenship

Commemorative certificates of citizenship are **not** accepted as proof of citizenship. If you require a certificate of Canadian citizenship visit the IRCC website at [Canada.ca/citizenship](https://Canada.ca/citizenship).

### Immigration, Refugees and Citizenship Canada



Website: [Canada.ca/citizenship](https://Canada.ca/citizenship)



Toll-free in Canada: 1-888-242-2100



TTY in Canada (for people who are Deaf or hard of hearing)  
1-888-576-8502, 8:00 a.m. to 4:00 p.m. (Eastern Time)

## N PRIVACY NOTICE STATEMENT

Personal information provided on this form is collected by Immigration, Refugees, and Citizenship Canada (IRCC) under the authority of the *Canadian Passport Order*. The personal information provided will be used for the purpose of processing applications, determining entitlement to passport services and administering passport services. In the same context, the guarantor's personal information is subject to verification and security queries to determine whether the individual meets the guarantor requirements. The personal information provided may be disclosed to other federal government institutions, provincial/territorial governments, foreign governments, investigative bodies and/or law enforcement for the purpose of validating identity, determining current and ongoing entitlement to passport services and administering or enforcing any law or carrying out a lawful investigation.

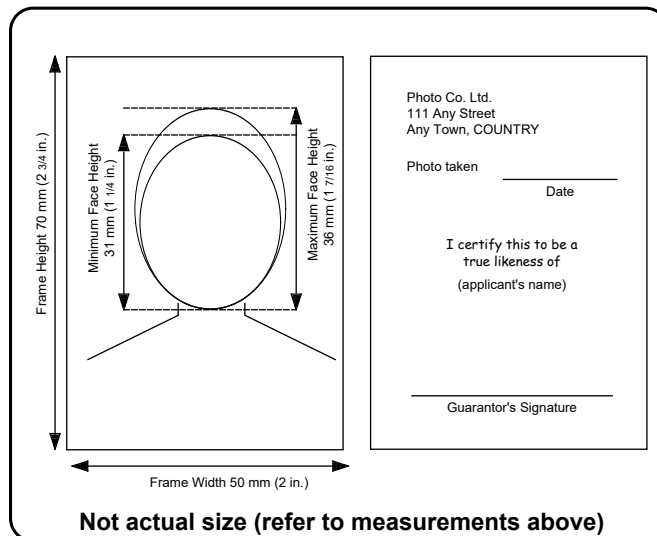
Personal information may also be used for purposes including research, statistics, quality assurance, program and policy evaluation, internal audit, compliance, risk management, strategy development and reporting. Failure to complete the form in full may result in a delay or the application not being processed. The *Privacy Act* gives individuals the right of access to, protection, and correction of their personal information. If you are not satisfied with the manner in which IRCC handles your personal information, you may exercise your right to file a complaint to the [Office of the Privacy Commissioner of Canada](#). The collection, use, disclosure and retention of your personal information is further described in IRCC's Personal Information Bank – [IRCC PPU 081 and IRCC PPU 082](#).

## O CANADIAN PASSPORT PHOTO INSTRUCTIONS

You must submit **two (2)** identical and unaltered photo prints with each passport application. Electronic photos are not acceptable. More information is available at [Canada.ca/passport](https://Canada.ca/passport).

### The photos must:

- be taken in person by a commercial photographer;
- be professionally printed on plain, high quality photographic paper (photos printed at home are not acceptable);
- be clear, sharp and in focus; in colour or black and white;
- show a neutral facial expression (**no smiling, mouth closed**) and looking straight at the camera, with **eyes open and clearly visible**;
- have uniform lighting—no shadows, glare or flash reflections;
- show a full front view of the face and top of the shoulders squared to the camera (face and shoulders centered in the photo, head not tilted or turned);
- reflect natural skin tone and be taken against a plain white or light coloured background with enough contrast between the background, facial features and clothing, so that your features appear clearly against the background;
- be originals that **have not been altered in any way** and not taken from an existing photo;
- be taken within the last **six (6)** months from the date the application is submitted and reflect your current appearance.



### The following must appear on the back of one photo

- The name and complete address of the photo studio (not a P.O. Box) and the date the photo was taken. The photographer may use a stamp or handwrite this information (stick-on labels are not acceptable).
- The statement "I certify this to be a true likeness of (name of applicant, written by guarantor)".
- The **guarantor's** signature. Note: If you are using the PPTC 132, *Statutory Declaration in Lieu of Guarantor* (see section J), the signing official must also sign the back of the photo.

### Additional information

- Prescription glasses may be worn in photos as long as there is no glare and the eyes are clearly visible.
- The red-eye effect, tinted glasses and sunglasses make the photos unacceptable.
- Hats and head coverings must not be worn, except for religious beliefs or medical reasons. The head covering and hair must not cast shadows on the face and the full face must be clearly visible.



# STATUTORY DECLARATION REQUEST FOR A CHANGE OF SEX DESIGNATION

## SECTION 1 – DETAILS OF REQUEST

I, \_\_\_\_\_ born on \_\_\_\_\_ in \_\_\_\_\_  
(Current legal name of applicant in full) Date of birth (YYYY-MM-DD) (City, State/Province, Country)

☐ previously held a temporary resident document (Visitor Visa, Temporary Resident Permit, Study Permit, or Work Permit) and am now applying for permanent residence and I request a change in sex designation from: \_\_\_\_\_ to: \_\_\_\_\_  
(specify sex) (specify sex)

OR

☐ am a permanent resident who is applying for Canadian citizenship and I request a change in sex designation from: \_\_\_\_\_ to: \_\_\_\_\_  
(specify sex) (specify sex)

OR

☐ request a change in sex designation from: \_\_\_\_\_ to: \_\_\_\_\_ on: \_\_\_\_\_  
(specify sex) (specify sex)

☐ my existing Permanent Resident Card

☐ my existing Certificate of Canadian Citizenship

**SECTION 2 – DECLARATIONS****I do solemnly declare that:**

- ☐ 1 ► I am unable to obtain a document issued by a Canadian province or territory indicating my gender identity because:  
State reason (mandatory):
- ☐ 2 ► I identify with the gender that accords with the requested change in sex designation. I am living and intend to continue to live full-time in the gender identity that corresponds with the requested change;
- ☐ 3 ► I am providing, along with this declaration, a letter from a physician or psychologist who
- ☐ is a practicing member in good standing of the appropriate regulatory body;
  - ☐ has treated or evaluated me; and
  - ☐ can confirm that my gender identity does not accord with the sex designation on my IRCC document.
- ☐ 4 ► I am aware that I may encounter difficulties with the officials of other countries and/or airlines if my Immigration, Refugees and Citizenship Canada (IRCC) document shows the requested sex designation, especially if it is different from my other identification, including my passport or travel document, or is different from my physical appearance, and that I may be subjected to secondary inspections at the border. It is hereby understood, and agreed, that IRCC, the Government of Canada or any representative of the Canadian Government will not be liable for any damages caused or alleged to be caused as a result of the indication of that sex designation on my IRCC document. I agree not to make any claims or demands against IRCC, or any representative of the Canadian government in respect of any potential damages.
- ☐ 5 ► I make this declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

**SECTION 3 – SIGNATURES****Applicant**

Name (current legal name in full)		Signature	
Signed at: City/Town	State/Province	Country	Date (YYYY-MM-DD)

**Witness**

Name (current legal name in full)		Signature	
Signed at: City/Town	State/Province	Country	Date (YYYY-MM-DD)
Title of witness			

**If co-signature of parent(s)/legal guardian(s) is required as per your application \***

Name of parent/legal guardian (current legal name in full)		Signature	
Signed at: City/Town	State/Province	Country	Date (YYYY-MM-DD)

\* Please attach separate sheet of paper if additional space is required.





# APPLICATION FOR CITIZENSHIP CERTIFICATE FOR ADULTS AND MINORS (Proof of Citizenship) Under Section 3 of the *Citizenship Act*

## IMPORTANT

The parent or guardian applying for a citizenship certificate on behalf of a minor (under 18) should complete this form.

**Do not use this form** if you or your child is a **permanent resident** applying to be granted Canadian citizenship.

### Do any of these apply to you?

☐ I need to replace my citizenship certificate;

☐ I want to pass down my Canadian citizenship to my child born outside Canada AND I was born in Canada or naturalized in Canada before my child was born; I didn't adopt my child.

☐ I never had a citizenship certificate and I was born outside Canada to a Canadian parent who was born in Canada or naturalized in Canada before I was born; I wasn't adopted by my Canadian parent.

☐ I think I am Canadian and want to know for sure.

☐ Yes: proceed to the application ☐ No: you may need a different type of application

**NOTE:** If you (or the child you are applying for) was adopted outside of Canada by a Canadian citizen, you can only use this application for a **replacement** certificate. If your adopted child was never granted Canadian citizenship, you can apply for

**Instructions below apply to your child or minor as the applicant if you are filling out the form on their behalf.**

### 1 Language

I want service in: ☐ English ☐ French Please check ☐ One

### 2 Provide your Unique Client Identifier (UCI) if you have one:

### 3 Reason for application

Are you applying to replace your citizenship certificate? ☐ Yes ☐ No - skip to section 4

If yes, give information that appears on the certificate

Certificate no. Date of certificate (YYYY-MM-DD)

Surname/Last name

Given name(s)

I am applying for a replacement because I need to

☐ Update certificate (previous certificate enclosed) ☐ Replace a stolen/lost/destroyed certificate

Was the theft/loss reported to the police? ☐ Yes ☐ No

Give details of the theft/loss/destruction (when, where and how?)

### FOR OFFICIAL USE ONLY

UCI No.

Current Act

Former Act

Certificate no.

☐ Return original document(s)

☐ Approved

Signature

YYYY-MM-DD

☐ Notify

Send certificate to

**4 Tell us about yourself** (or the minor you are applying for)

Surname/Last name (as it appears on your birth certificate)

Given name(s) (as it/they appear on your birth certificate)

Date of birth (YYYY-MM-DD)

Place of birth

Country of birth or territory

Specify (if not on list)

Gender

☐ F Female☐ M Male☐ X Another gender

Height

 cm

OR

 ft

in

Natural eye colour

List any other names (include current or former married name(s), aliases and nicknames). These names will not appear on your citizenship certificate

**5 Are you requesting a change to the personal details you have provided above?**☐ Yes☐ No

No - skip to section 6

If Yes, please specify

☐ I want a different name to appear on my citizenship certificate.

Requested Surname/Last name

Requested Given name(s)

☐ I want a different date of birth to appear on my citizenship certificate. New date of birth (YYYY-MM-DD) ☐ I want a different gender to appear on my citizenship certificate.What gender would you like to appear? ☐ F Female ☐ M Male ☐ X Another Gender**6 Details about your birth certificate** (or the minor you are applying for)Will you provide a birth certificate that was **changed** or **replaced**?☐ Yes☐ No – my birth certificate is the original record on file since the time of my birth (skip to section 7)☐ I don't know

If 'Yes' or 'I don't know', explain why your birth certificate was changed, replaced or the reasons why you don't know. (ex. my document was changed to include my step parent; my original birth certificate was destroyed and I received a new one, etc). Provide an explanation letter if you need more space.

**7 Tell us about your parents** - (If you do not know the information requested, enter 'unknown'. If the information does not apply, enter 'not applicable' or 'NA'.)

**Parent 1**

Details

Surname/Last name

Given name(s)

Other names used by parent (name at birth, maiden name, etc.)

Parent's country or territory of birth

Date of birth (YYYY-MM-DD)

Canadian birth certificate registration number, if applicable

Date of marriage (YYYY-MM-DD)

Place of marriage

**A - Relationship to you (select one) – See page 10 definition**

\* Select **biological parent** if biological AND legal parent at birth

This parent is my ☐ biological parent ☐ adoptive parent ☐ legal parent at birth

**B - Parent 1's Citizenship Status**

☐ Parent 1 is **not** / was **not** a Canadian citizen - skip to section C

☐ I am not sure if parent 1 is (or was ever) a Canadian citizen

Please tell us the circumstances

☐ Parent 1 is/was a Canadian citizen

How did parent 1 obtain Canadian citizenship?

**Parent 2**

Details

Surname/Last name

Given name(s)

Other names used by parent (name at birth, maiden name, etc.)

Parent's country or territory of birth

Date of birth (YYYY-MM-DD)

Canadian birth certificate registration number, if applicable

Date of marriage (YYYY-MM-DD)

Place of marriage

**A - Relationship to you (select one) – See page 10 definition**

\* Select **biological parent** if biological AND legal parent at birth

This parent is my ☐ biological parent ☐ adoptive parent ☐ legal parent at birth

**B - Parent 2's Citizenship Status**

☐ Parent 2 is **not** / was **not** a Canadian citizen - skip to section C

☐ I am not sure if parent 2 is (or was ever) a Canadian citizen

Please tell us the circumstances

☐ Parent 2 is/was a Canadian citizen

How did parent 2 obtain Canadian citizenship?

**7 Tell us about your parents - Continued****Parent 1 continued****B - Parent 1's Citizenship Status - Continued**

Parent 1's citizenship certificate number, if applicable  On what date did parent 1 first enter Canada to live? (YYYY-MM-DD)

Did parent 1 leave Canada for more than 1 year before 1977? ☐ Yes ☐ No

If Yes, give details

From (YYYY-MM-DD)	To (YYYY-MM-DD)	Destination (Country or territory)
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

Is (or was) parent 1 a citizen of a country or territory other than Canada before 1977? ☐ No ☐ Yes

If Yes, give details: (country or territory, date of citizenship, description of how citizenship/nationality was obtained and/or recognized, etc.)

Was parent 1 born in Canada before January 1, 1947 or in Newfoundland and Labrador before April 1, 1949? ☐ No ☐ Yes

Was parent 1 naturalized as a British subject in Canada before January 1, 1947 or in Newfoundland and Labrador before April 1, 1949? ☐ No ☐ Yes

Was parent 1 a British subject and living in Canada on January 1, 1947 or Newfoundland and Labrador before April 1, 1949? ☐ No ☐ Yes

**C - Foreign Government Employment**

**If you were born in Canada,** was parent 1 employed in Canada by a foreign government or international agency at the time of your birth?

☐ Not applicable, not born in Canada ☐ No ☐ Yes

If Yes, give details

**If parent 1 was born in Canada,** was one of their parents (i.e. your grandparents) employed in Canada by a foreign government or international agency?

☐ Not applicable, not born in Canada ☐ No ☐ Yes

If Yes, give details

**Parent 2 continued****B - Parent 2's Citizenship Status - Continued**

Parent 2's citizenship certificate number, if applicable  On what date did parent 2 first enter Canada to live? (YYYY-MM-DD)

Did parent 2 leave Canada for more than 1 year before 1977? ☐ Yes ☐ No

If Yes, give details

From (YYYY-MM-DD)	To (YYYY-MM-DD)	Destination (Country or territory)
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

Is (or was) parent 2 a citizen of a country or territory other than Canada before 1977? ☐ No ☐ Yes

If Yes, give details: (country or territory, date of citizenship, description of how citizenship/nationality was obtained and/or recognized, etc.)

Was parent 2 born in Canada before January 1, 1947 or in Newfoundland and Labrador before April 1, 1949? ☐ No ☐ Yes

Was parent 2 naturalized as a British subject in Canada before January 1, 1947 or in Newfoundland and Labrador before April 1, 1949? ☐ No ☐ Yes

Was parent 2 a British subject and living in Canada on January 1, 1947 or Newfoundland and Labrador before April 1, 1949? ☐ No ☐ Yes

**C - Foreign Government Employment**

**If you were born in Canada,** was parent 2 employed in Canada by a foreign government or international agency at the time of your birth?

☐ Not applicable, not born in Canada ☐ No ☐ Yes

If Yes, give details

**If parent 2 was born in Canada,** was one of their parents (i.e. your grandparents) employed in Canada by a foreign government or international agency?

☐ Not applicable, not born in Canada ☐ No ☐ Yes

If Yes, give details

**7 Tell us about your parents - Continued**

Parent 1 continued	Parent 2 continued
<b>D - Canadian Crown Service</b> <b>If you were born outside Canada</b> , was parent 1 employed outside Canada in or with the Canadian Armed Forces, the federal public administration, or the public service of a province or territory, other than as a locally engaged person at the time of your birth? <input type="checkbox"/> Not applicable, I was born in Canada <input type="checkbox"/> No <input type="checkbox"/> Yes If Yes, give details <div style="border: 1px solid black; height: 60px; width: 100%;"></div>	<b>D - Canadian Crown Service</b> <b>If you were born outside Canada</b> , was parent 2 employed outside Canada in or with the Canadian Armed Forces, the federal public administration, or the public service of a province or territory, other than as a locally engaged person at the time of your birth? <input type="checkbox"/> Not applicable, I was born in Canada <input type="checkbox"/> No <input type="checkbox"/> Yes If Yes, give details <div style="border: 1px solid black; height: 60px; width: 100%;"></div>

**8 Tell us about your grandparents -** (If you do not know the information requested, enter 'unknown'. If the information does not apply, enter 'not applicable' or 'NA'.)**Full name of Parent 1**

If parent 1 was born outside Canada, was one of parent 1's parents (i.e. your grandparents) a Canadian citizen and/or a Crown servant of Canada at the time of this parent's birth or adoption?

Was parent 1 born outside Canada?   ☐ No: skip to parent 2   ☐ Yes

Was one of parent 1's parents (your grandparents) Canadian?   ☐ No: skip to parent 2   ☐ Yes

If you chose a 'Yes' response, please provide the following details

Parent A) of parent 1	Parent B) of parent 1
Surname/Last name <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	Surname/Last name <div style="border: 1px solid black; height: 15px; width: 100%;"></div>
Given name(s) <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	Given name(s) <div style="border: 1px solid black; height: 15px; width: 100%;"></div>
Other names used (name at birth, maiden name) <div style="border: 1px solid black; height: 60px; width: 100%;"></div>	Other names used (name at birth, maiden name) <div style="border: 1px solid black; height: 60px; width: 100%;"></div>
Country or territory of birth <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	Country or territory of birth <div style="border: 1px solid black; height: 15px; width: 100%;"></div>
Date of birth (YYYY-MM-DD) <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	Date of birth (YYYY-MM-DD) <div style="border: 1px solid black; height: 15px; width: 100%;"></div>
Canadian birth certificate number (if applicable/known) <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	Canadian birth certificate number (if applicable/known) <div style="border: 1px solid black; height: 15px; width: 100%;"></div>
Canadian citizenship certificate number (if applicable/known) <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	Canadian citizenship certificate number (if applicable/known) <div style="border: 1px solid black; height: 15px; width: 100%;"></div>
Details on how this grandparent obtained Canadian citizenship <div style="border: 1px solid black; height: 60px; width: 100%;"></div>	Details on how this grandparent obtained Canadian citizenship <div style="border: 1px solid black; height: 60px; width: 100%;"></div>
Details on Crown Service (if applicable) <div style="border: 1px solid black; height: 60px; width: 100%;"></div>	Details on Crown Service (if applicable) <div style="border: 1px solid black; height: 60px; width: 100%;"></div>

**8 Tell us about your grandparents - Continued****Full name of Parent 2**

If parent 2 was born outside Canada, was one of parent 2's parents (i.e. your grandparents) a Canadian citizen and/or a Crown servant of Canada at the time of this parent's birth or adoption?

Was parent 2 born outside Canada? ☐ No: skip to section 9 ☐ Yes

Was one of parent 2's parents (your grandparents) Canadian? ☐ No: skip to section 9 ☐ Yes

If you chose a 'Yes' response, please provide the following details

**Parent A) of parent 2**

Surname/Last name

Given name(s)

Other names used (name at birth, maiden name)

Country or territory of birth

Date of birth (YYYY-MM-DD)

Canadian birth certificate number  
(if applicable/known)
Canadian citizenship certificate  
number (if applicable/known)

Details on how this grandparent obtained Canadian citizenship

Details of Crown Service (if applicable)

**Parent B) of parent 2**

Surname/Last name

Given name(s)

Other names used (name at birth, maiden name)

Country or territory of birth

Date of birth (YYYY-MM-DD)

Canadian birth certificate number  
(if applicable/known)
Canadian citizenship certificate  
number (if applicable/known)

Details on how this grandparent obtained Canadian citizenship

Details of Crown Service (if applicable)

**9 Additional citizenship information**

Have you ever lived in Canada? ☐ No: skip to section 10 ☐ Yes

If Yes, on what date did you first enter Canada to live ☐ Date (YYYY-MM-DD) \_\_\_\_\_ or ☐ I was born in Canada

**10 Were you born before 1977?**

☐ No: skip to section 12 ☐ Yes: fill out this section

Were you absent from Canada for 1 year or longer before 1977? ☐ No ☐ Yes: fill out this section

From (YYYY-MM-DD)	To (YYYY-MM-DD)	Destination (Country or territory)	Reason
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**10 Were you born before 1977? - Continued**

Were you a citizen of one or more countries other than Canada before 1977? ☐ No ☐ Yes

If Yes, give details (country or territory, date of citizenship, description of how citizenship/nationality was obtained and/or recognized)

**11 Were you born before 1950?**

☐ No: skip to section 12 ☐ Yes: fill out this section

Were you born in Canada before January 1, 1947 or in Newfoundland and Labrador before April 1, 1949?

☐ No ☐ Yes

Were you naturalized in Canada before January 1, 1947 or in Newfoundland and Labrador before April 1, 1949?

☐ No ☐ Yes

Were you a British subject and a resident of Canada on January 1, 1947 or in Newfoundland and Labrador before April 1, 1949?

☐ No ☐ Yes

Were you married before January 1, 1947 to a man who was born in Canada or naturalized as a British subject in Canada?

☐ Yes

☐ No, I was not married before 1947

☐ Yes, I was married before 1947 but not to a man born or naturalized in Canada

If you selected a Yes response, please provide details: (husband's name, husband's country or territory of birth, his date of birth, nationalities obtained or lost (if applicable), details on naturalization certificate (if applicable), country or territory of marriage, date of marriage)

**12 Contact Information**

How can we contact you about your application?

Surname/Last name

Given name(s)

Email address

Confirm email address

**Home address**

No. and street

Apt./Unit

City

Province

Country or territory

Postal code

Is the mailing address the same as the home address? ☐ Yes ☐ No

No. and street

Apt./Unit

City

Province

Country or territory

Postal code

If you are applying from outside Canada and the U.S., your documents will be sent to the Canadian embassy, high commission, or consulate nearest you. If you know which Canadian embassy, high commission, or consulate you would like your documents sent to, please provide the details

**Telephone numbers**

Home (Area code and number)

Work (Area code and number)

Extension

Cell (Area code and number)



**13 Representative**

Is someone helping you fill out this form? ☐ No ☐ Yes

Are you paying someone to help you fill out this form? ☐ No ☐ Yes

If yes complete the following details about the person helping you:

Family name (last name)  Given name(s)  Company name

**Note: A representative can be paid or not. If your representative is paid, they must be a member in good standing of: a law society of a province or territory, the Chambre des notaires du Quebec, or the Immigration Consultants of Canada Regulatory Council (ICCRC)**

Would you like to name a ☐ No ☐ Yes (such as an immigration consultant, lawyer, friend or family member) to do business with us for you?

☐ No ☐ Yes If yes complete the

**14 Declarations/Permissions/Signatures**

☐ I agree to advise IRCC if any information on this form changes before the processing of my application is complete.

☐ I understand the content of this form.

☐ I declare that the information provided is true, correct and complete.

☐ I declare that the photographs enclosed are a true likeness of me.

☐ I understand that if I, or someone on my behalf, make a false representation, commit fraud or conceal any material circumstances relevant to my application, my application could be denied, my citizenship certificate could be taken away, and I could be charged with an offence as provided for under the *Citizenship Act* or the Criminal Code.

☐ I declare that I am NOT using this form to apply for a grant of Canadian citizenship for a person adopted outside of Canada by a Canadian citizen. I understand that persons adopted outside of Canada can only use this form to apply for a replacement certificate.

**APPLICANT'S Signature**

(you must sign inside the box in black ink only)

City

Date (YYYY-MM-DD)

If applicant is under 14 years of age, signature of parent/guardian

**PARENT'S/GUARDIAN'S Signature**

(you must sign inside the box in black ink only)

City

Date (YYYY-MM-DD)

**Remember: If you are sending more than one application, send all of them together in one envelope. The applications will be processed together.**

**Protected Information**  
**Personal Information Bank CIC PPU 050**

The information you provide on this form is collected under the authority of the *Citizenship Act* to determine whether your citizenship application may be approved. It will be stored in the Personal Information Bank (CIC PPU 050 entitled Application and Assessment for Canadian Citizenship). The information may be shared with other Canadian government institutions such as the Canada Border Services Agency (CBSA), the Royal Canadian Mounted Police (RCMP), the Canadian Security Intelligence Service (CSIS), and foreign governments in accordance with the *Citizenship Regulations* and subsection 8(2) of the *Privacy Act*. Information may also be disclosed to foreign governments, law enforcement bodies and detaining authorities with respect to the administration and enforcement of citizenship legislation where such sharing of information may not put the individual and/or their family at risk. Information may also be systematically validated by other Canadian government institutions under the terms of an agreement or arrangement for the purposes of validating status and identity to administer their programs. In accordance with the *Privacy Act* and the *Access to Information Act*, individuals have a right to protection of, access to and correction of their personal information. Details on these matters are available at the InfoSource Website at <http://infosource.gc.ca>. InfoSource is also available at public libraries across Canada.

## Follow the step-by-step instructions below to complete the application form.

### Important Information

- Make sure that you **read the** to help you complete your application.
- If a section does not apply to you, write “Not Applicable” or “NA”. If your application is incomplete it may be returned to you and this will delay processing.
- If you're completing this application for a minor under 18 years of age, remember **all questions are about the minor and you should answer as though you are the minor**.
- If you need more space to answer any questions, use an extra sheet of paper and indicate the number and/or letter of the question you're answering.
- All of your **answers must be complete and true**.

### Section 1 - Language of service

- Would you like to receive service) in English or in French? Your correspondence will be in the language that you choose. Please check one.

### Section 2 - Unique Client Identifier

- Please enter your UCI or 'Unique Client Identifier', the 8 or 10 digit number that is unique to your IRCC immigration and citizenship records.
- If you do not have a UCI, enter 'not applicable' or 'NA'. If you do not know your UCI, enter 'unknown'.

### Section 3 - Reason for application

- Check a 'Yes' response if you have had a previous Canadian citizenship certificate and are applying to replace it. Otherwise, check 'No' and proceed to section 4.
- If you check 'Yes', you'll need to complete all the questions in this section. Enter certificate number or, if unknown, enter 'unknown'. Indicate the surname/last name(s) and given name(s) on the certificate.
- Indicate why you're applying to replace your certificate by checking the applicable box in this section. If it was stolen, lost or destroyed, describe the circumstances (indicate if the theft/loss was reported to the police by checking a 'Yes' or 'No' response to that questions) and provide details the theft/loss or destruction in the space provided.
- If you're applying for a replacement because you want to update the information on the certificate, you'll need to return the previous certificate.

### Section 4 - Tell us about yourself

**Important Information:** As this is the **first time** you are applying for a citizenship certificate, the name, date of birth and gender on your citizenship certificate will be the **same as the information that appears on your birth certificate unless you request a change** to that information in section 5.

- Please enter the following information from your birth certificate in the spaces provided:
  - family/last name(s) and given names(s)
  - date of birth
  - place and country or territory of birth (e.g. Paris, France)
  - gender (please check either 'F Female' or 'M Male' as per birth certificate or previous citizenship certificate).
- Enter your current height and natural eye colour.
- Enter any other names by which you are known, or have been known (for example previous family names, other given names, aliases, nicknames).

**Note:** Your height, eye colour, other names, and country or territory of birth will not appear on your citizenship certificate but are recorded so that other service providers, such as Passport Canada, can confirm your identity.

## Section 5 - Are you requesting a change to the personal details you have provided above?

In this section you can request a change to the personal details that appear on your previous citizenship certificate or, if this will be your first certificate, the personal details that appear on your birth certificate.

- ▶ If you want to change your name(s) or your date of birth or your gender, please check the 'Yes' response. Otherwise, check the 'No' response and proceed to section 6.
- ▶ If you check 'Yes', you'll need to check the box that describes your change of personal details request, and then enter the requested information in the spaces provided.
  - **Request for a different name:** If you want a name that is different from the name(s) you provided in section 3, or section 4 if this is your first certificate, enter the requested surname/last name and given name(s) in the spaces provided. Include the required supporting documents with your application. Refer to *Appendix C: Name Change* of the instruction guide to find out which documents you need.
  - **Request for a different date of birth:** If you want a date of birth that is different from the date of birth you provided in section 3, or section 4 if this is your first certificate, enter the requested date of birth in the space provided. Include the required supporting documents with your application. Refer to *Appendix D: Date of Birth Correction* of the instruction guide to find out which documents you need.
  - **Request for different gender:** If you want a different gender to appear on your citizenship certificate, check the requested gender (F Female, M Male, X Another Gender). Refer to Request form for a Change of Sex or Gender form.

## Section 6 - Details about your birth certificate (or the minor you are applying for)

Explain why your birth certificate was changed or replaced, or provide reasons why you don't know.  
Provide an explanation letter if you need more space.

## Section 7 - Tell us about your parents

**Important Information:** We collect information about your parents and your grandparents because it helps us accurately determine what section of the Citizenship Act describes your claim to citizenship. If you are claiming citizenship by descent through a parent, complete information will help us search for citizenship records.

It is important that you provide the **fullest and most accurate** information about your parents and grandparents. If we don't have enough information about your parents, your application may be delayed or we may not be able to assess your claim.

**If you do not know the information requested on the form, enter 'unknown'. If the information requested does not apply, enter 'not applicable' or 'NA'.**

**In the following section, you need to answer each question for Parent 1 (first column) and for Parent 2 (second column).**

**Reminder:** If you are filling out this application for your minor child, then you are the parent referred to in this section.

### Parent's personal information

- ▶ Please provide full and accurate information about your parents: names, date of birth, country or territory of birth, other names, and date and place of marriage. If you do not know the information requested on the form, enter 'unknown' in the spaces provided. If it does not apply to your parents, enter 'not applicable' or 'NA'.
- ▶ If your parent was born in Canada, please provide the registration number found on their Canadian birth certificate.

**Note:** Canadian birth certificates include two numbers: a certificate number and a registration number. For the purpose of this application, please make sure to provide the registration number.

### 7A - Relationship to you

**Select ONE option:**

**“biological parent”** (means you have a genetic or gestational connection to that parent)

- select “biological parent” if your parent is both your biological AND legal parent at birth, or
- your parent has a biological connection to you and they are NOT listed on your birth certificate but you have birth records and documents that recognize your parent(s).  
(ex. pre-birth orders, court orders, surrogacy agreements, hospital records, etc.)
- **Note:** After submitting your application, IRCC might request a DNA test to confirm parentage. IRCC will also provide a list of accredited laboratories to complete the DNA test. In these cases, DNA results must have an accuracy of 99.8% or higher.

**“adoptive parent”** (means that you were legally adopted after you were born)

**“legal parent at birth”** (means that your biological or non-biological parent was listed on the original birth certificate or birth record issued at the time of your birth)

- your parent was listed on your original birth certificate issued at the time of your birth, **and / or**
- you have birth records and documents that recognize your parent(s) at the time of your birth (ex. pre-birth orders, court orders, surrogacy agreements, hospital records, etc.)
- **does not** include adoptive parents (even those recognized right after birth) or legal guardians.

## 7B - Parent's citizenship status

- ▶ Indicate your parent's citizenship status by checking one of the three boxes provided.
  - If you check parent is not/was not a Canadian citizen, you can proceed to section 7C, or
  - If you check parent's status is unknown, explain the circumstances in the box provided - you should also try to provide as much information as possible about Parent 1 in the spaces provided in the rest of 7B, well as in 7C and 7D, or
  - If you check parent is/was a Canadian citizen, tell us how they obtained citizenship in the box provided - for example, 'born in Canada' or 'granted citizenship' or 'born outside Canada to a Canadian parent'.
- ▶ Enter number of parent's citizenship certificate in space provided - if you do not know the number, enter 'unknown', or if no citizenship certificate was issued to your parent enter 'not applicable' or 'NA'.
- ▶ Enter date parent first entered Canada to live - please provide the most accurate date you can - for example, the date from a parent's passport or from another immigration record. If you are not certain, provide your best estimate of the month and year this parent entered Canada.
- ▶ Check a 'Yes' or 'No' response to indicate:
  - if your parent was outside Canada for more than 1 year before 1977. If you check 'Yes', provide details in the table provided. If you are not certain of the dates, provide your best estimate of the month and year.
  - if your parent was a citizen of a country or territory other than Canada before 1977. If you check 'Yes', provide details in the space provided.
  - if your parent was born in Canada before January 1, 1947 (or in Newfoundland and Labrador before April 1, 1949).
  - if your parent was naturalized as a British subject in Canada before January 1, 1947 (or in Newfoundland and Labrador before April 1, 1949).
  - if your parent was a British subject and a resident of Canada on January 1, 1947 (or of Newfoundland and Labrador before April 1, 1949).

## 7C - Foreign government employment

- ▶ Check 'Not applicable', or 'Yes', or 'No' to indicate:
  - if your parent was employed in Canada by a foreign government or international agency.
  - if your parent's parent (your grandparent) was employed in Canada by a foreign government or international agency.
  - if your parent was employed outside Canada as a Crown servant of Canada.
- ▶ If you check a 'Yes' response to any of the three questions, provide details in the space provided.

## Section 8 - Tell us about your grandparents

In the following section, there is an area to provide information about both of Parent 1's parents and about both of Parent 2's parents. Whether or not full personal details for all four grandparents will be required depends on your responses to the initial 'Yes' or 'No' questions.

**If you do not know the information requested, enter 'unknown'. If the information requested does not apply, enter 'not applicable' or 'NA'.**

**Reminder:** If you are filling out this application for your minor child, then you (and your child's other parent) are the Parent 1 and Parent 2 who will be named in this section.

### Parent 1's Parents

- ▶ Enter the full name of Parent 1 (same parent named as Parent 1 in section 7).
- ▶ Check 'Yes' or 'No' to the **first question** to indicate if Parent 1 was born outside Canada.
- ▶ If you check 'No' to the first question, no further information about this set of grandparents is required and you can proceed to the area in section 8 about Parent 2's parents.
- ▶ If you check 'Yes' to the first question, proceed to the **second question** and check a 'Yes' or 'No' response there to indicate if either of your grandparents were Canadian.

- ▶ If you check 'No' to the second question, no further information about this set of grandparents is required and you can proceed to the area in section 8 about Parent 2's parents.
- ▶ If you have checked 'Yes' to both questions 1 and 2, you will need to provide full and accurate information about Parent 1's parents, including:
  - all known names
  - country or territory of birth and date of birth
  - the registration number found on their Canadian birth certificate
  - citizenship certificate number
  - date and place of marriage
  - details on how Canadian citizenship was obtained
  - details on Crown service.

Enter the information in the spaces provided. If you do not know the information requested on the form, enter 'unknown'. If the information requested does not apply, enter 'not applicable' or 'NA'.

### Parent 2's Parents

- ▶ Enter the full name of Parent 2 (same as Parent 2, first column, in section 7)
- ▶ Follow the same steps as you did for Parent 1's parents.

## Section 9 - Additional citizenship information

**Important Information:** The information collected in this section, and in section 10 and section 11, will allow a citizenship official to accurately determine what section of the Citizenship Act describes your claim to Canadian citizenship today.

- ▶ Check a 'Yes' or 'No' response to indicate if you have ever lived in Canada. If 'No', you can proceed to section 10 now. If 'Yes', enter the date you came to live in Canada. You can also check 'Since birth', if applicable.
- ▶ If you are not certain of exact dates, provide your best estimate of the month and year.

## Section 10 - Were you born before 1977?

If you were born before February 15, 1977, you need to complete this section. If you were born on or after February 15, 1977, you do not need to provide this information - you can check the 'No' response and proceed to section 12.

- ▶ If you give a 'Yes' response to the first question, and you have had absences of more than one year before 1977, provide details about those absences in the table provided (if you are not certain of exact dates, provide your best estimate of the month and year).
- ▶ Check a 'Yes' or 'No' response to indicate if you were a citizen of any countries other than Canada before 1977. If 'Yes', provide details in the space provided - country or territory (or countries) of citizenship, date of citizenship, and how citizenship was acquired.

## Section 11 - Were you born before 1949?

If you were born before April 1, 1949, you need to complete this section. If you were born on or after April 1, 1949, you do not need to provide this information - you can check the 'No' response and proceed to section 12.

- ▶ If you give a 'Yes' response to the first question, answer all questions in this section.

## Section 12 - Contact information

In this section you must provide the contact information for the applicant.

- ▶ Provide an email address where you can be reached. If the email address is that of a representative, you must indicate their e-mail address in this section and complete the IMM 5476 form.

If applicable, write your e-mail address using a format similar to the following: [name@provider.net](mailto:name@provider.net)

**Note:** By indicating your e-mail address, you're hereby authorizing us to transmit correspondence, including file and personal information to this specific e-mail address.

- ▶ Provide your current home address including your postal code.

- If your mailing address is different from your home address, indicate your mailing address.

If the mailing address is that of a representative, you must indicate their mailing address in this section and complete the IMM 5476 form.

**Note:** We only send mail to Canadian and US addresses. If you live outside of Canada and the United States, correspondence will be sent to the Canadian embassy, high commission or consulate where you applied (unless you provided an email address). If you do not want your certificate sent to a mission you need to provide a Canadian or US mailing address.

- We may need to contact you by phone. Provide the telephone number(s) where you can be reached.

### Section 13 - Representative

- Tell us if someone helped you fill out your forms.
- If you appoint an individual, firm or organization as your representative, you must complete the  
 Note that once you appoint a representative, all correspondence from us regarding your application will be directed to them and not to you.

For help completing the \_\_\_\_\_, see:

### Section 14 - Declarations/Permissions/Signatures

- Read and check off each of the five declarations. If you can attest to the declarations truthfully, **sign** and **date** the application form with the signature you currently use on your other official documents.
- If the application is for a person under 14 years of age, it must be signed by a parent or guardian in the space provided.

#### Note: Your application will be returned to you if:

- the form is not signed and dated
- stale-dated (dated more than 90 days before we receive it)
- post-dated (dated into the future)
- you have appointed an individual, firm or organization as your representative and did not submit the *Use of a Representative* form (IMM 5476) with your application or this form was submitted incomplete.
- you appoint a compensated representative who is not a member of the following designated bodies:
  - Immigration consultants who are members in good standing of the Immigration Consultants of Canada Regulatory Council (ICCRC);
  - Lawyers and paralegals who are members in good standing of a Canadian provincial or territorial law society and students-at-law under their supervision; or
  - Notaries who are members in good standing of the *Chambre des notaries du Québec* and students-at-law under their supervision.



## REQUEST TO AMEND VALID TEMPORARY RESIDENT DOCUMENTS OR INFORMATION CONTAINED IN THE CONFIRMATION OF PERMANENT RESIDENCE

### PART A - PERSONAL DETAILS CONTAINED ON YOUR VALID TEMPORARY RESIDENT DOCUMENTS OR CONFIRMATION OF PERMANENT RESIDENCE

1 - Client ID number/UCI

2 - Surname(s) (Family name) (As it currently appears on your document)			3 - Given name(s) (As it currently appears on your document)				
4 - Other name(s) used			5 - Other given name(s) used				
6 - Gender <input type="checkbox"/> F Female <input type="checkbox"/> M Male <input type="checkbox"/> X Another gender		7 - Date of birth (YYYY-MM-DD)		8 - Place of birth (City, state/province and country or territory)			
9 - Citizenship			10 - Passport number		Indicate if: <input type="checkbox"/> On entry <input type="checkbox"/> Current		
11 - Date of issue (YYYY-MM-DD)			12 - Expiry date (YYYY-MM-DD)				
13 - Marital status <div><input type="checkbox"/> Never married <input type="checkbox"/> Married <input type="checkbox"/> Widowed <input type="checkbox"/> Separated <input type="checkbox"/> Divorced <input type="checkbox"/> Common-law partner</div> <div>If you are married, is your spouse a Canadian citizen or permanent resident? <input type="checkbox"/> Yes <input type="checkbox"/> No</div>							
14 - Language of correspondence <input type="checkbox"/> English <input type="checkbox"/> French							
15 - Current mailing address							
P.O. box		Apt./Unit	Street no.	Street name			
City/Town		Country or territory		Province/State	Postal code District		
16 - Residential address Same as mailing address? <input type="checkbox"/> No <input type="checkbox"/> Yes							
Apt./Unit		Street no.	Street name		City/Town		
Country or territory		Province/State	Postal code	District			
17 - Telephone no. <input type="checkbox"/> Canada/US <input type="checkbox"/> Other			18 - Alternate Telephone no. <input type="checkbox"/> Canada/US <input type="checkbox"/> Other				
Type	Ext.	No.	Country Code	Type	Ext.	No.	Country Code
19 - E-mail address: (Indicating an e-mail address will authorize all correspondence, including file and personal information, to be sent to the e-mail address you specify.)							
20 - Date of original entry (YYYY-MM-DD)				21 - Date permanent residence or temporary residence was granted (YYYY-MM-DD)			

### PART B - INFORMATION TO BE AMENDED

1 - Please indicate for which of the following you need a correction. If you have more than one valid temporary resident document, indicate the document ID number or if unknown, the document issue date and expiry date of the requested document.


<input type="checkbox"/> Confirmation of permanent residence (or record of landing)	<input type="checkbox"/> Exclusion Order	<input type="checkbox"/> Departure Order
<input type="checkbox"/> Authorization to Return to Canada	<input type="checkbox"/> Permit to Come Into or Remain in Canada - Temporary Resident Permit	<input type="checkbox"/> Protected Person
<input type="checkbox"/> Work Permit <input type="checkbox"/> ID No.: _____	OR Issue date: (YYYY-MM-DD) _____	and Expiry date: (YYYY-MM-DD) _____
<input type="checkbox"/> Study Permit <input type="checkbox"/> ID No.: _____	OR Issue date: (YYYY-MM-DD) _____	and Expiry date: (YYYY-MM-DD) _____
<input type="checkbox"/> Visitor Record <input type="checkbox"/> ID No.: _____	OR Issue date: (YYYY-MM-DD) _____	and Expiry date: (YYYY-MM-DD) _____

**PART B - INFORMATION TO BE AMENDED (continued)**

<b>2 - Surname(s) (Family name)</b>		<b>3 - Given name(s)</b>	
<b>4 - Date of birth (YYYY-MM-DD)</b>	<b>5 - Place of birth (City, state/province)</b>		
<b>6 - Country or territory of birth</b>		<b>7 - Citizenship</b>	<b>8 - Gender</b> <input type="checkbox"/> F Female <input type="checkbox"/> M Male <input type="checkbox"/> X Another gender
<b>9 - Marital status</b> <input type="checkbox"/> Never married <input type="checkbox"/> Married <input type="checkbox"/> Common-law partner <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced <input type="checkbox"/> Separated			
<b>10 - Date of original entry (YYYY-MM-DD)</b>	<b>11 - Date permanent residence or temporary residence was granted (YYYY-MM-DD)</b>	<b>12 - Other change (Provide a description in PART C, section 2 below)</b>	

### PART C

**1 - If you are applying for an amendment to your confirmation of permanent residence (or record of landing) and you are not a Canadian citizen, have you, since your admission to Canada as a permanent resident, been convicted of a crime or offence in Canada or elsewhere?**

☐ No      ☐ Yes       If yes, attach copies of the relevant court documents.

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**2 - Reasons for requesting the amendment(s).** (Attach another sheet if you need more space.)

### STATEMENT

I certify that the statements made on this application document are true and correct. I understand that the approval of my request to amend my date of birth may affect my eligibility for benefit and services from other government institutions as that term is defined in the *Privacy Act* and may also result in the recovery from me by other government institutions of payments or benefits made to me under income support programs for which I was not eligible at the time the payments or benefits were paid.

Signature 

Date \_\_\_\_\_  
(YYYY-MM-DD)



Personal information provided on this form is collected by Immigration, Refugees, and Citizenship Canada (IRCC) under the authority of the Immigration and Refugee Protection Act (IRPA). The personal information will be used for the purpose of processing an application. The personal information provided may be disclosed to other federal government institutions, law enforcement bodies, non-governmental organizations, provincial/territorial governments and foreign governments for the purpose of validating identity, admissibility and eligibility.

Personal information may also be used for other purposes including research, statistics, program and policy evaluation, internal audit, risk management, subsequent program eligibility, strategy development and reporting.

Failure to complete the form in full may result in a delay or the application not being processed. The Privacy Act gives individuals the right of access to, protection, and correction of their personal information. If you are not satisfied with the manner in which IRCC handles your personal information, you may exercise your right to file a complaint to the [Office of the Privacy Commissioner of Canada](#). The collection, use, disclosure and retention of your personal information is further described in IRCC's Personal Information Bank – IRCC PPU 042.

## DOCUMENT CHECKLIST

### REQUEST TO AMEND VALID TEMPORARY RESIDENT DOCUMENTS OR INFORMATION CONTAINED IN THE CONFIRMATION OF PERMANENT RESIDENCE

Ensure the following documents are included with your application. Check **R** each box once you enclose the item. Failure to provide a fully **completed application or the necessary documents** will result in the return of your application. Please make sure you complete this document and include it in your application as the cover page. Submit photocopies of documents unless we ask for originals as they will not be returned to you.

#### I HAVE ENCLOSED THE FOLLOWING ITEMS:

(See "Gather documents" section in the Instruction Guide for examples)

- ☐ **Original** Request to Amend Valid Temporary Resident Documents or Information contained in the Confirmation of Permanent Residence **completed and signed**.
- ☐ **Photocopy** of federal or provincial/territorial government issued photo identification **OR** if unavailable, **photocopy** of government issued or internationally recognized photo identification from outside Canada prior to your entry to Canada. (See "Gather Documents" section in the Instruction Guide for examples)
- ☐ **Photocopy** of another form of government issued or internationally recognized identification from outside Canada before your entry to Canada indicating an error was made. (See "Gather Documents" section in the Instruction Guide for examples)
- ☐ **Photocopy** of letter of acceptance or enrolment from your current designated learning institution, if applicable.
- ☐ **Copies** of court documents if you have been convicted of a crime since becoming a permanent resident (if you are not a Canadian citizen).
- ☐ **Original** *Use of a Representative* (IMM 5476) form **completed and signed**, if applicable.
- ☐ **Proof** of urgency, if applicable.

#### IMMIGRATION DOCUMENT CONTAINING ERROR

- ☐ **Original** *Work Permit, Study Permit, Visitor Record or Permit to Enter and Remain in Canada* (IMM 1442, IMM 1208, IMM 1102, IMM 1097 or IMM 1263).
- ☐ **Photocopy** of the *Record of Landing* (IMM 1000) or *Confirmation of Permanent Residence*

#### Mail your completed application form and all required documents to:

Request to amend Valid Temporary Resident Documents or Information contained in the Confirmation of Permanent Residence  
Operations Support Centre (OSC)  
PO Box 8784 STN T CSC  
Ottawa, Ontario K1G 5J3

# Funding Coverage for Gender-Affirming Care

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## Funding Sources Available

A number of funding sources are available for clients looking for support in gender-affirming care. Below is a quick overview of the coverage options that are mentioned in this document that categorizes gender-affirming care along with details of the coverage options.

- **MSP coverage:** coverage of medically necessary services for all eligible residents of British Columbia.
- **Regular Benefit:** coverage under Fair Pharmacare or other PharmaCare plans such as Plan C which covers drug costs for those receiving income assistance.
- **Special Authority:** coverage under Pharmacare for those with specific medical circumstances to a drug, medical supply or medical device that otherwise would not be covered or only partially covered. Actual reimbursement depends on the patient's PharmaCare plan rules, including any annual deductible requirements.
- **Private insurance/work place insurance:** coverage provided through self-purchased private insurance and/or work place insurance and benefits. Often, a referral letter from MD/NP detailing necessity is required.

Clients who have First Nations status, may receive benefit coverage through the First Nations Health Authority, or through their First Nations organization or band.

- Individuals registered with FNHA's Health Benefits can access bras, bra inserts, gaffs, packers, STP's, binders and dilators through the NIHB program. These items must be prescribed by a provider and are eligible for coverage up to a pre-set amount. Providers can contact Express Scripts Canada to confirm client eligibility in the program. Once client eligibility is confirmed and the item is dispensed to the client, providers can submit claims directly to Express Scripts Canada. For further information, please refer to the following:
  - Medical Supplies & Equipment Providers in Canada (Fall 2018): [http://provider.express-scripts.ca/documents/Medical%20Supplies%20and%20Equipment/NewsLetters/2018/NIHB\\_MSE\\_Newsletter\\_Fall\\_2018\\_ROC.pdf](http://provider.express-scripts.ca/documents/Medical%20Supplies%20and%20Equipment/NewsLetters/2018/NIHB_MSE_Newsletter_Fall_2018_ROC.pdf)
  - Gender-affirming product benefit list: <https://www.canada.ca/en/indigenous-services-canada/services/first-nations-inuit-health/non-insured-health-benefits/health-provider-information/medical-supplies-equipment-information/benefits-criteria/medical-supplies-equipment-general-benefits-criteria-health-provider-information-non-insured-health-benefits-first-nations-inuit-health-canada.html#a1-4>
- Other information on coverage and eligibility through the First Nations Health Authority, please visit <http://www.fnha.ca/benefits>. On eligibility and what health benefits are covered by a band, please contact the relevant band office.

# Funding Coverage for Gender-Affirming Care

## Coverage for Hormone Therapy

Coverage for hormone therapy is only available for individuals who qualify for Regular Benefit or can be requested through Special Authority. The table below breaks down available hormone therapy by coverage options. For hormones that may be covered by Special Authority, a suggested rationale is provided to help providers in their submission of forms.

Refer to the Primary Care Toolkit page 7-11 for additional information on each hormone therapy listed.

[www.phsa.ca/transcarebc/Documents/HealthProf/Primary-Care-Toolkit.pdf](http://www.phsa.ca/transcarebc/Documents/HealthProf/Primary-Care-Toolkit.pdf)

Coverage	Hormone Therapy	Steps to apply for funding/Suggested Rationale
<b>Regular Benefit</b>	Estradiol (tablets) Spironolactone (tablets) Medroxyprogesterone (tablets) Progesterone (tablets)	Submit request through Regular Benefits for eligible patients
<b>Special Authority</b> <i>use Suggested Rationale listed in submission form</i>	Leuprolide acetate (injection)	For suppression of puberty related to gender dysphoria
	Estradiol (patches or gel)	For treatment of gender dysphoria in patients > 40 with CV risk factors or severe liver disease, any age with clotting disorder or personal history of blood clot
	Testosterone cypionate (injectable)	For treatment of gender dysphoria
	Testosterone enanthate (injectable)	For treatment of gender dysphoria
	Testosterone patches/gel (1% gel)	For treatment of gender dysphoria with clinical rationale for why injections cannot be used
	Cyproterone	For treatment of gender dysphoria when spironolactone is ineffective, contraindicated or not tolerated
	Finasteride	For treatment of gender dysphoria when required to enhance peripheral blockade and augment the main anti-androgen
<b>Not covered under Pharmacare</b>	Estrogen compounded cream/gel Testosterone compounded cream/gel Estradiol (injectable) - only available as a compounded product	

# Funding Coverage for Gender-Affirming Care

## Coverage for Surgery

The table below lists gender-affirming surgeries by funding coverage. For up to date information on funding and other requirements for each surgery, visit [www.phsa.ca/transcarebc/surgery](http://www.phsa.ca/transcarebc/surgery).

Coverage	Gender-Affirming Surgeries
<b>Fully covered by MSP</b>	<ul style="list-style-type: none"> <li>• Chest construction surgery (and medically necessary revisions)</li> <li>• Gonadectomy (hysterectomy/bilateral salpingo-oophorectomy or orchiectomy)</li> <li>• Genital reconstruction (vaginoplasty, vulvoplasty, clitoral release, metaoidioplasty or phalloplasty)</li> </ul>
<b>Covered by MSP under limited circumstances</b>	<ul style="list-style-type: none"> <li>• Breast construction surgery (and medically-necessary revisions) <ul style="list-style-type: none"> <li>○ Current criteria are breast size less than AA cup or greater than 1.5 cup size asymmetry after &gt; 18 months on hormones (or absolute contraindication to hormones)</li> <li>○ Plastic surgeon must apply for coverage through special MSP process</li> </ul> </li> </ul> <p><i>**This process is currently under review at MSP**</i></p>
<b>Not covered by MSP</b>	<ul style="list-style-type: none"> <li>• Facial procedures (<i>such as reduction of the Adam's apple, facial bone reduction, face lifts, rejuvenation of the eyelid</i>)</li> <li>• Pectoral implants</li> <li>• Hair reconstruction or restoration</li> <li>• Liposuction or lipofilling</li> <li>• Vocal feminization surgery or voice surgery</li> </ul>

# Funding Coverage for Gender-Affirming Care

## Coverage for other gender-affirming care and services

Other Services	Specific Services	Coverage Options & Details
<b>Fertility</b>	Initial consult	<ul style="list-style-type: none"> <li>MSP covered with referral from an MD or NP</li> </ul>
	Fertility services	<ul style="list-style-type: none"> <li>Not publicly covered unless through private insurance</li> </ul>
<b>Counselling or mental health support services</b>	Psychiatry services	<ul style="list-style-type: none"> <li>MSP covered</li> </ul>
	Psychologists, social workers and registered clinical counsellors - <i>some private mental health clinicians offer sliding scale rates</i>	<ul style="list-style-type: none"> <li>Workplace Employee Assistance Program</li> <li>Private insurance</li> <li>Mental health services through regional health authorities</li> <li>Some community organizations offer limited free counselling. Contact the Care Coordination Team for more information (<a href="http://www.phsa.ca/transcarebc/about/contact">www.phsa.ca/transcarebc/about/contact</a>)</li> </ul>
<b>Voice training</b>	Vocal feminization	<ul style="list-style-type: none"> <li>Changing Keys program is a free vocal feminization program. Visit the <a href="#">Changing Speech</a> at Trans Care BC.</li> </ul>
	Speech Language Pathology	<ul style="list-style-type: none"> <li>not covered by MSP but may be covered by private insurance plans with a referral from an MD or NP</li> </ul>
<b>Hair removal</b>	Electrolysis and laser hair removal	<ul style="list-style-type: none"> <li>Not covered by MSP but may be covered by private insurance plans with a referral from an MD or NP</li> <li>May be tax deductible if the person has a letter from a physician stating the medical necessity of hair removal, and if a doctor practices out of the clinic where the hair removal takes place.</li> </ul>
	Other hair removal options	<ul style="list-style-type: none"> <li>Not covered</li> </ul>
<b>Supplies</b>	Binders, packers, breast forms	<ul style="list-style-type: none"> <li>Those on PWD can get coverage with prescription/letter from MD or NP, may also be covered by some private health plans with letter from MD/NP</li> <li>Some community organizations offer access to binders, packers. Contact the Care Coordination Team for more information (<a href="http://www.phsa.ca/transcarebc/about/contact">www.phsa.ca/transcarebc/about/contact</a>)</li> </ul>
	Post-surgical wound care supplies and compression vest ( <i>for those having chest surgery</i> )	<ul style="list-style-type: none"> <li>Those on PWD can get coverage with prescription/letter from MD or NP, may also be covered by some private health plans with letter from MD/NP</li> </ul>
<b>Costs associated with surgical aftercare</b>	In-province surgical aftercare	<ul style="list-style-type: none"> <li>Not covered – see next page on accommodation coverage options</li> </ul>
	Out-of-province surgical aftercare	<ul style="list-style-type: none"> <li>Trans Care BC currently covers expenses for clients staying at designated, medically required, sub-acute, residential facilities such as Asclépiade in Montreal, Quebec. Contact the Care Coordination Team for more information (<a href="http://www.phsa.ca/transcarebc/about/contact">www.phsa.ca/transcarebc/about/contact</a>)</li> </ul>

# Funding Coverage for Gender-Affirming Care

## Travel assistance for medically necessary travel

Program	Details of assistance
<b>Provincial travel assistance programs</b>	<ul style="list-style-type: none"> <li>• <i>MSP Travel Assistance Program (TAP)</i> is an option for assistance with transportation costs for eligible BC residents travelling for services not available in their own community. Links below are specific for: <ul style="list-style-type: none"> <li>○ <a href="#">Within province Medical Transportation Assistance</a></li> <li>○ <a href="#">Non-Local Medical Transportation Assistance</a></li> </ul> </li> <li>• <i>Hope Air</i> is a charity that provides free flights for financially disadvantaged Canadians for medically necessary travel. <ul style="list-style-type: none"> <li>○ Should your patient require assistance with flight expenses please recommend they apply by filling in the online application at <a href="http://www.hopeair.ca">www.hopeair.ca</a></li> <li>○ In some cases, Hope Air will also cover the costs for a companion to travel with the patient if deemed medically necessary. Hope Air will contact you to verify some details related to the patient's travel needs.</li> </ul> </li> </ul>
<b>Accommodation assistance</b>	<ul style="list-style-type: none"> <li>• To find available hotels that offer reduced accommodation prices for medical patients you can use the search function on this page <a href="http://csa.pss.gov.bc.ca/medicaltravel/">http://csa.pss.gov.bc.ca/medicaltravel/</a>. If you select the name of the city you need to stay in as the destination and select your estimated arrival date this website will show available hotel listings.</li> </ul>
<b>Regional ground travel assistance</b>	<ul style="list-style-type: none"> <li>• <i>Northern Health Connections Bus</i>: heavily subsidized bus travel for people living in Northern BC for medically necessary travel. <a href="https://nhconnections.ca/">https://nhconnections.ca/</a></li> <li>• <i>Interior Health Connections</i>: heavily subsidized bus travel for people living in Northern BC for medically necessary travel. <a href="https://www.interiorhealth.ca/YourStay/GettingThere/Pages/default.aspx">https://www.interiorhealth.ca/YourStay/GettingThere/Pages/default.aspx</a></li> <li>• <i>Wheels for Wellness (Vancouver Island)</i>: Registered charity that provides by-donation transportation for all non-emergency, medically necessary appointments: <a href="http://www.wheelsforwellness.com/">http://www.wheelsforwellness.com/</a></li> </ul>

**BC Human Rights Tribunal****How to use this form**

- Use this form to file a discrimination complaint in BC for yourself or another person.
- This form has 11 steps.
  - Answer the questions on the form or use extra pages.
  - You can add up to **5 pages** to Step 3 if the form does not have enough space.
- Print clearly. Use a black or blue pen.
- Do not attach evidence about your complaint, unless it is about an employment ad or publication. The Tribunal will tell you when you need to submit evidence to support your complaint.
- Keep a copy of your complaint form and all of your documents.
- If you are filing the complaint for another person, you must also file a Form 1.2 – Authorization (unless you are their lawyer or legal advocate). Get the Form 1.2 on the [Tribunal website](#).

**1-year time limit to make complaint**

- Submit this form within **1 year** of the discrimination, if possible.
- If you file late, you can ask the Tribunal to accept your complaint when you fill out this form.

**How to send your complaint to the BC Human Rights Tribunal**

- Email: [BCHumanRightsTribunal@gov.bc.ca](mailto:BCHumanRightsTribunal@gov.bc.ca)
- Fax: (604) 775-2020
- Mail or in person to: 1270 - 605 Robson Street, Vancouver, BC V6B 5J3

**How to contact us if you have questions**

- Email: [BCHumanRightsTribunal@gov.bc.ca](mailto:BCHumanRightsTribunal@gov.bc.ca)
- Phone: (604) 775-2000
- Toll Free: 1-888-440-8844
- TTY: (604) 775-2021

**Do you need help?**

- We recommend you get legal advice about your complaint before submitting it, if possible.
- See [Who Can Help?](#) on the Tribunal website.

**What will the Tribunal do with this form?**

The Tribunal will read the form to see if you set out possible discrimination under the Human Rights Code. The Tribunal may ask you for more information. If you set out possible discrimination, the Tribunal will give a copy of your complaint form to the Respondents so they can respond to the complaint.

There is more information at the end of this form about:

- Meeting your needs in the process so you can take part. (The legal term is “accommodation.”)
- Privacy and who may see the information on this form,
- What happens next, and
- Protection from retaliation for making a complaint.



# Individual Complaint

## Step 1 – Parties



### BC Human Rights Tribunal

1270 - 605 Robson Street  
Vancouver, BC V6B 5J3

Phone: (604) 775-2000 Fax: (604) 775-2020  
Toll Free: 1-888-440-8844 TTY: (604) 775-2021  
Email: [BCHumanRightsTribunal@gov.bc.ca](mailto:BCHumanRightsTribunal@gov.bc.ca)  
Website: [www.bchrt.bc.ca](http://www.bchrt.bc.ca)

Tribunal stamp

## Step 1 Party information

### Part A Complainant contact information

#### 1. Who experienced discrimination [Complainant]?

**Note:** If a group or class experienced discrimination, use a Form 1.3 instead.

Legal name – First name:

Legal name – Last name:

Preferred name: (**example:** traditional name, nickname, alias)

Use my preferred name:

- ☐ When talking to me  
☐ When writing to me  
☐ In decisions in addition to my legal name

Title:

☐ Mr. ☐ Ms. ☐ Mx. ☐ other: \_\_\_\_\_

Pronoun:

☐ she/ ☐ he/ ☐ they/ ☐ other: \_\_\_\_\_

#### 2. Who will communicate with the Tribunal about this complaint?

Check only one:

- ☐ The Complainant  
☐ A lawyer  
☐ A legal advocate (**example:** a person who works for a law clinic)  
☐ Another person – **must file a Form 1.2 with this complaint**

# Individual Complaint

## Step 1 – Parties

### Complainant contact information continued

**Name of person who will communicate with the Tribunal, if different from the Complainant**

First name:

Last name:

Preferred name: (**example:** traditional name, nickname, alias)

Organization name, if applicable: (**example:** law firm)

Title:

☐ Mr. ☐ Ms. ☐ Mx. ☐ other: \_\_\_\_\_

Pronoun:

☐ she/ ☐ he/ ☐ they/ ☐ other: \_\_\_\_\_

### 3. Complainant's address for delivery

**Purpose of collecting contact information:** The Tribunal and Respondents use your contact information to communicate with you about the complaint. For more information see the Privacy Notice at the end of this form.

You must give an address where all parties can send you documents. Give the address of the person who will communicate with the Tribunal.

The Tribunal usually communicates by email. If possible, give an email address where all parties can reach you.

If you also have confidential contact information, do not put it on this form. Provide it separately by email, mail, fax, or in person.

**Important information:** A document sent to an address below is considered to be received by the Complainant. You must notify the Tribunal of any change to the address for delivery.

Email:

Mailing address:

City:

Province:

Postal code:

Telephone:

Fax:

Cell:

# Individual Complaint

## Step 1 – Parties

### Step 1, Part B Respondent contact information

#### Important information about Respondents:

1. The Respondent is the person or organization you say discriminated against you. Usually, there is only one.
2. Usually the Respondent is an organization such as: corporate employer or landlord, government body, service provider, business or union. Organizations are usually responsible for their employees' actions. Make the organization Respondent #1.
3. An individual can be a Respondent. Only name the person who you say discriminated against you. For example, name the person who harassed you. Do not name the person who only handed you a letter firing you.

**Email:** Email is fastest. If possible, give an email address where we can send your complaint. Choose someone that you think has authority to respond to your complaint. For example, someone in the human resources or legal department.

#### Name of Respondent #1:

Relationship to you: (**example:** your employer, landlord, government body)

Email:

Mailing address:

City:

Province:

Postal code:

Telephone:

Fax:

Cell:

#### Name of Respondent #2 (if applicable):

Relationship to you: (**example:** your manager, building caretaker, government employee)

Email:

Mailing address:

City:

Province:

Postal code:

Telephone:

Fax:

Cell:

# Individual Complaint

## Step 2 – Area and Grounds of Discrimination

### Step 2, Part A Area of discrimination

**Information:** The Human Rights Code protects people in the following “areas”.

Check any area that applies to your complaint:

Information about the areas:

<input type="checkbox"/> <b>Employment</b> If your complaint is about employment, check if it is about: <input type="checkbox"/> A job <input type="checkbox"/> A job ad <input type="checkbox"/> Lower rate of pay based on sex for similar work	Employment means work for an employer who controls the work and pay. It can include work as a volunteer, intern, or “independent contractor”.  Applies when you: <ul style="list-style-type: none"> <li>• Apply for a job</li> <li>• Are working as an employee</li> <li>• Get fired</li> </ul>
<input type="checkbox"/> <b>Services</b>	Applies when you want a service. For example, you go out to eat or shop. You go to school. You apply for a government benefit. You own a strata unit.
<input type="checkbox"/> <b>Tenancy</b>	Applies when you: <ul style="list-style-type: none"> <li>• Try to rent a space</li> <li>• Are renting a space</li> <li>• Get evicted</li> </ul>
<input type="checkbox"/> <b>Purchase of property</b>	Applies when you want to buy a house, condo, other unit, or land.
<input type="checkbox"/> <b>Publication</b>	Covers flyers, articles, notices, signs, and symbols. Applies when someone aims to discriminate. <b>Example:</b> A “whites only” sign Applies to a publication that is likely to expose a person or group to hatred. <b>Example:</b> An article that says a protected group is disgusting and immoral
<input type="checkbox"/> <b>Membership in a union, employer’s organization, or occupational association</b>	Applies when: <ul style="list-style-type: none"> <li>• You want to join a union or get licensed to work by a regulator</li> <li>• You get suspended or expelled</li> <li>• You are a member</li> </ul>

# Individual Complaint

## Step 2 – Area and Grounds of Discrimination

### Step 2, Part B Grounds of discrimination

**Information:** The Human Rights Code protects you based on the characteristics or “grounds” below. The Code protects you if you have the characteristic. The Code also protects you if you don’t have the characteristic, but someone thinks you do. Discrimination is conduct that harms you based on one or more characteristics.

**Example of multiple “grounds”:** A service provider treats an Indigenous woman badly. She selects the grounds race, colour, ancestry and sex.

**Check only the grounds that apply to this complaint. Give details for each ground you check.**

**Examples:** Disability – I have a learning disability. Disability – Respondent thinks I have a heart condition. Age – I am 67. Race – I am Métis.

<input type="checkbox"/> Race, details: _____	Racial identity. <b>Example:</b> South Asian or Indigenous.
<input type="checkbox"/> Colour, details: _____	Skin colour. <b>Example:</b> Black, “dark-skinned”, “light-skinned”.
<input type="checkbox"/> Ancestry, details: _____	Where your ancestors come from. <b>Example:</b> Your father is Métis.
<input type="checkbox"/> Place of origin, details: _____	Where you come from. <b>Example:</b> Born in China.
<input type="checkbox"/> Physical disability <input type="checkbox"/> Mental disability (you can select both) details: _____	Conditions that affect or are seen as affecting your abilities.  <b>Examples:</b> Addiction, amputation, asthma, bipolar disorder, cancer, depression, dementia, epilepsy, obesity, learning disorders, developmental disabilities, impairments to hearing, speech, vision, or mobility.
<input type="checkbox"/> Sex, details: _____	Includes being male, female, intersex, Two Spirit, or transgender.  Includes pregnancy, breast-feeding, and sexual harassment.
<input type="checkbox"/> Gender identity or expression, details: _____	Gender identity is a person’s sense of their gender, including man, woman, transgender, or non-binary.  Gender expression is how a person presents their gender. It includes how a person acts and appears.  Gender identity or expression can include a person’s name or pronoun such as he, she, or they.

# Individual Complaint

## Step 2 – Area and Grounds of Discrimination

<input type="checkbox"/> Sexual orientation, details: _____ _____	Includes being heterosexual, gay, lesbian, bisexual, pansexual, or queer.
<input type="checkbox"/> Age (19 or over), details: _____ _____	Does not apply: <ul style="list-style-type: none"> <li>• To purchase of property</li> <li>• If legislation allows an age distinction</li> </ul>
<input type="checkbox"/> Family status: _____ _____	Includes: <ul style="list-style-type: none"> <li>• Family size</li> <li>• Family type (<b>example:</b> single parent family)</li> <li>• Family care responsibilities</li> <li>• Who is in your family (<b>example:</b> someone fires you because of who your father is)</li> </ul> Does not apply to purchase of property.
<input type="checkbox"/> Marital status: _____ _____	Includes: <ul style="list-style-type: none"> <li>• Married, single, widowed, divorced, common-law</li> <li>• Who your spouse is (<b>example:</b> someone fires you because they fired your spouse)</li> </ul>
<input type="checkbox"/> Religion: _____ _____	Includes: <ul style="list-style-type: none"> <li>• Practicing a faith</li> <li>• Religious beliefs</li> <li>• Not having certain religious beliefs or any religious beliefs at all</li> </ul>
<input type="checkbox"/> Political belief: _____ _____	Applies only to employment and membership in a union, employer's organization, or occupational association. Includes: <ul style="list-style-type: none"> <li>• Supporting a political party</li> <li>• Advocating for change to laws</li> <li>• Beliefs about how to govern a nation</li> </ul>
<input type="checkbox"/> Criminal conviction: _____ _____	Applies only to employment and membership in a union, employer's organization, or occupational association.  Includes: <ul style="list-style-type: none"> <li>• Charged with a crime</li> <li>• Convicted of an offence</li> </ul>
<input type="checkbox"/> Lawful source of income: _____ _____	Applies only to tenancy. <b>Example:</b> A landlord won't rent to you because you receive government benefits.

# Individual Complaint

## Step 3 – Details of Discrimination

### Step 3 Details of the discrimination

To show possible discrimination under the Human Rights Code, you must show:

- The Respondent harmed you in the “area” you selected, such as employment. The legal term is “adverse effect” regarding the area.
- The harm is based on the “ground(s)” you selected. The legal term is that the grounds “are a factor in” or are “connected to” the harm.

**Answer these questions. Then give details for each Respondent.**

**1. Describe the harm you experienced in a few words. Examples:** My landlord evicted me based on my race. My co-worker said things that made work very uncomfortable for me.  
Give a short answer. Use the space on the form. Your short answer helps us understand the details you give below.

**2. Explain how the harm relates to the grounds you checked in Step 2, Part B above. Examples:**

- The words my co-worker used are slurs about Black men.
- Security only followed me around the store, not the other people who were not First Nations.
- The Respondent fired me one week after they learned I was pregnant.
- A white male colleague got the promotion. I am at least as qualified. I am an Asian woman.
- My employer said I have to work Saturdays. My religion does not allow me to work Saturdays.
- My employer disciplined me for shouting at someone. My disability caused me to shout.
- This organization refused to provide an interpreter which I need because I am Deaf.

Consider getting help if you are not sure. See [Who Can Help?](#) on the Tribunal website.

If you need more space, use extra sheets (maximum 5 pages total for Step 3). Mark them “Step 3”.

## Individual Complaint

### Step 3 – Details of Discrimination

**Respondent #1:** \_\_\_\_\_

**Describe what this Respondent did that harmed you.**

- Be specific.

**Example:** If someone harassed you, write out the words they used.

- Conduct can be what someone did or didn't do. The legal term is "acts or omissions".

If you don't know the exact date, give an approximate date. **Examples:** 2020 02 23 or 2020 02

[illegible]

If you need more space, use extra sheets (maximum 5 pages total for Step 3). Mark them “Step 3, Respondent #1”.



## Individual Complaint

### Step 3 – Details of Discrimination

**Respondent #2:** \_\_\_\_\_

**Describe what this Respondent did that harmed you.**

- Be specific.

**Example:** If someone harassed you, write out the words they used.

- Conduct can be what someone did or didn't do. The legal term is "acts or omissions".

- If you don't know the exact date, give an approximate date. **Examples:** 2020 02 23 or 2020 02

[illegible]

If you need more space, use extra sheets (maximum 5 pages total for Step 3). Mark them “Step 3, Respondent #2”.

# Individual Complaint

## Step 4 – Time Limit

### Step 4, Part A Is the complaint filed in time?

There is a 1-year time limit for filing a complaint. Answer these questions:

#### 1. What is the date of the most recent conduct that you listed as discrimination?

Respondent #1: \_\_\_\_\_ Respondent #2: \_\_\_\_\_  
(yyyy mm dd) (yyyy mm dd)

#### 2. Did the most recent conduct happen in the last year?

Respondent #1 ☐ yes ☐ no Respondent #2 ☐ yes ☐ no

#### 3. Did all of the conduct happen in the last year?

- ☐ yes – go to Step 5. You filed your complaint in time.  
☐ no – continue in Step 4.

#### 4. Is all of the conduct related or similar?

**Information:** You must file a complaint within one year of the last conduct if the conduct is similar or related. The legal term is “continuing contravention”.

- ☐ yes – answer questions 5 and 6.  
☐ no – skip questions 5 and 6. Go to Step 4, Part B.

#### 5. Explain how the conduct is similar or related (a “continuing contravention”).

**Examples:**

- Each event is about a co-worker using racial slurs.
- Each event is about an employer not accommodating a disability.

#### 6. Explain any gaps in time.

**Information:** Gaps in time might mean there is no “continuing contravention”. The Tribunal will consider reasons for gaps.

**Examples:**

- “My employer denied me three promotions. The job postings were three months apart.”
- “My manager used racial slurs. He was on leave for four months.”

If you need more space, use extra sheets (maximum 5 pages for Step 4). Mark them “Step 4”.

# Individual Complaint

## Step 4 – Time Limit

### Step 4, Part B Ask Tribunal to accept late complaint

#### Information:

- Complete this step if **any** conduct happened more than 1 year ago.
- There must be a good reason to accept the late complaint. The legal term is that it must be in the “public interest”.
- There must be no real harm to anyone because of the delay in filing. The legal term is no “substantial prejudice”.

### 1. Reasons to accept complaint

#### Information: Reasons include:

- Why you filed late, and how late you filed,
- Why accepting the complaint would benefit the public.

#### A. Why did you file late?

##### Examples the Tribunal will consider:

- The Complainant has a disability that prevented them from filing on time.
- The Complainant faced trauma or a family or housing crisis that made it hard to file the complaint at the time of the events.
- The Complainant recently found evidence of discrimination.
- The delay is very short and there is some reason for filing late.

**Attach any documents that support your reasons for filing your complaint late. Examples:** doctor’s note, or letter from a counsellor.

#### B. How will accepting your complaint benefit the public?

**Examples:** A complaint is about a situation that the Tribunal has not addressed often. A complaint seeks a remedy that would help many people.

### 2. Why would the delay in filing not harm anyone else?

#### Information: The delay means the time after the 1-year time limit.

- “The complaint is two months late. Documents and witnesses should still be available.”
- “The complaint is six months late. I know of no harm to the Respondents.”

If you need more space, use extra sheets (maximum 5 pages total for Step 4). Mark them “Step 4”.

# Individual Complaint

## Steps 5-6

### Step 5 Other proceedings

**Information:** The Tribunal can defer your complaint (put it on hold) until another proceeding is finished.

**Instructions:** Answer these questions.

**1. Do you have another proceeding about the same events?**

☐ yes – answer question 2

☐ no – go to Step 6.

**2. What kind of proceeding is it?**

**Examples:** union grievance, court case, WorkSafeBC claim.

**3. What stage is that proceeding at?**

**Examples:** Has there been a hearing? When do you expect a decision?

**4. Do you want the Tribunal to wait to deal with your complaint?**

☐ yes – answer question 5

☐ no – go to Step 6

**5. Explain why you want the Tribunal to wait to deal with your complaint.**

### Step 6 Remedies

Check the kinds of remedies you want and that are available under s. 37 of the Human Rights Code:

☐ Order to stop the discrimination

☐ Declaration that the conduct is discrimination

☐ Steps or programs to address the discrimination (**examples:** training, policy)

☐ Compensation for injury to dignity, feelings, and self-respect

☐ Compensation for lost wages or other expenses such as moving expenses, photocopying, costs of attending the hearing (keep receipts)

☐ Something specific (**examples:** job back, ramp): \_\_\_\_\_

### Step 7 Mediation

#### Information:

- At a “mediation”, a trained mediator works with you and the Respondent to find a solution to your complaint. Settlement is voluntary. If you can’t agree, the process continues.
- If you settle your complaint, the process is usually much faster. If you don’t settle, there are steps you must take before a hearing where you can prove your complaint. See [Steps in the Process](#) on the Tribunal website.
- Mediation is free.
- What you and the Respondent say in mediation is confidential.
- A mediator does not act for either party.
- You can bring your representative or a support person.
- You don’t have to be in the same room as a Respondent to participate in mediation. The mediator can speak to you and the Respondent separately.
- For more information see [Settle a Complaint](#) on the Tribunal website.

The Tribunal will ask the Respondent if they want to attend a mediation. If you both agree, the Tribunal will contact you to schedule a date for the mediation.

#### Do you want to attend a mediation?

☐ yes ☐ no

### Step 8 Indigenous Peoples

The Tribunal is committed to Truth and Reconciliation. This includes incorporating Indigenous protocols or ways of resolving disputes in its process.

Anyone can ask the Tribunal about:

- Help to understand the Tribunal process
- Process options
- Incorporating Indigenous protocols

☐ Check here if you are Indigenous and you want the Tribunal to contact you to talk about the process.

### Step 9 Extra pages

#### More space for answers to questions in form

You may add up to 5 pages for Step 3 – Details and up to 5 pages for Step 4 – Time Limit.

☐ Check here if you are attaching extra pages.

Number each page you attach, write the step you are responding to, and name the Respondent that it is about.

How many extra pages are you attaching: \_\_\_\_\_

#### Evidence

**Do not file evidence now unless an exception applies.** There are 2 exceptions:

1. You can file evidence to show why you filed your complaint late. For example, a doctor's note.
2. If your complaint is about a job ad or publication, you can attach the ad or publication.

☐ Check here if you are attaching evidence. One of these exceptions must apply.

How many pages of evidence are you attaching: \_\_\_\_\_

**Keep your documents.** The Tribunal will tell you when you need to submit evidence to support your complaint.

### Step 10 Confirm information is true and accurate

Keep a copy of your complaint form.

Check the following box:

☐ The information I gave is true and accurate to the best of my knowledge and belief.

# Individual Complaint

## Step 11

### Step 11 Demographic information

The Tribunal wants to ensure that everyone can access and use its process. We use this information to know how the process works for different groups. Your information is **confidential**. We share it with the Office of the Human Rights Commissioner on a confidential basis. We do not give it to the Respondents. We share only statistics or “aggregated data” with the public.

This section is **voluntary**. You can complete all, some, or none. Check all that apply.

<p>1. Indigenous Identity</p> <p><input type="checkbox"/> First Nations</p> <p><input type="checkbox"/> Métis</p> <p><input type="checkbox"/> Inuit</p> <p><input type="checkbox"/> Indigenous</p> <p><input type="checkbox"/> Other: _____</p> <p>2. Racial Identity</p> <p><input type="checkbox"/> Indigenous</p> <p><input type="checkbox"/> Black</p> <p><input type="checkbox"/> East Asian</p> <p><input type="checkbox"/> South Asian</p> <p><input type="checkbox"/> Latinx</p> <p><input type="checkbox"/> Middle Eastern</p> <p><input type="checkbox"/> White</p> <p><input type="checkbox"/> Mixed Race</p> <p><input type="checkbox"/> Other: _____</p> <p>3. Primary Language</p> <p><input type="checkbox"/> English</p> <p><input type="checkbox"/> French</p> <p><input type="checkbox"/> ASL</p> <p><input type="checkbox"/> Chinese Traditional</p> <p><input type="checkbox"/> Chinese Simplified</p> <p><input type="checkbox"/> Punjabi</p> <p><input type="checkbox"/> Tagalog</p> <p><input type="checkbox"/> Farsi</p> <p><input type="checkbox"/> Korean</p> <p><input type="checkbox"/> Other: _____</p>	<p>4. Disability requiring accommodation</p> <p><input type="checkbox"/> Pain-related</p> <p><input type="checkbox"/> Flexibility</p> <p><input type="checkbox"/> Mobility</p> <p><input type="checkbox"/> Dexterity</p> <p><input type="checkbox"/> Seeing</p> <p><input type="checkbox"/> Hearing</p> <p><input type="checkbox"/> Deafblind</p> <p><input type="checkbox"/> Mental health-related</p> <p><input type="checkbox"/> Cognitive</p> <p><input type="checkbox"/> Memory</p> <p><input type="checkbox"/> Learning</p> <p><input type="checkbox"/> Developmental</p> <p><input type="checkbox"/> Unknown</p> <p><input type="checkbox"/> Other: _____</p> <p>5. Gender Identity</p> <p><input type="checkbox"/> Woman</p> <p><input type="checkbox"/> Man</p> <p><input type="checkbox"/> Intersex</p> <p><input type="checkbox"/> Non-binary</p> <p><input type="checkbox"/> Transgender</p> <p><input type="checkbox"/> Two Spirit</p> <p><input type="checkbox"/> Other: _____</p> <p>6. Sexual Orientation</p> <p><input type="checkbox"/> LGBTQ</p> <p><input type="checkbox"/> Heterosexual</p> <p><input type="checkbox"/> Other: _____</p>	<p>7. Immigration Status</p> <p><input type="checkbox"/> Canadian citizen</p> <p><input type="checkbox"/> Permanent resident</p> <p><input type="checkbox"/> Refugee</p> <p><input type="checkbox"/> Temporary visa</p> <p><input type="checkbox"/> Other: _____</p> <p>8. Age</p> <p><input type="checkbox"/> Under 19</p> <p><input type="checkbox"/> 20-34</p> <p><input type="checkbox"/> 35-49</p> <p><input type="checkbox"/> 50-64</p> <p><input type="checkbox"/> 65 and over</p> <p>9. Household</p> <p><input type="checkbox"/> Single parent family</p> <p><input type="checkbox"/> Two parent family</p> <p><input type="checkbox"/> Single adult</p> <p><input type="checkbox"/> Two adults</p> <p><input type="checkbox"/> Other: _____</p> <p>10. Household Income After Tax</p> <p><input type="checkbox"/> Under \$20,000</p> <p><input type="checkbox"/> \$20,000 to \$39,999</p> <p><input type="checkbox"/> \$40,000 to \$59,999</p> <p><input type="checkbox"/> \$60,000 to \$79,999</p> <p><input type="checkbox"/> \$80,000 to \$99,999</p> <p><input type="checkbox"/> \$100,000 or more</p>
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## Accommodation

The Tribunal wants to make sure its process is safe and accessible for everyone.

You may need us to address your needs so you can take part. (The legal term is “accommodation”.)

If you need an accommodation, send us a page called “Accommodation Request”.

### Examples:

- “I am Deaf. I need an interpreter.”
- “I am Indigenous. I want to smudge at the hearing.”

## Privacy Notice

The Tribunal collects personal information to process human rights complaints. The Tribunal may survey parties to improve its services.

The demographic information you give at the end of this form is confidential.

The Tribunal will give a copy of the rest of the form to the other parties.

The Tribunal must provide copies of complaints and responses to the Office of the Human Rights Commissioner. The Tribunal may provide the Commissioner with other records in a complaint file.

The Tribunal may disclose personal information to the public as follows:

- The Tribunal publishes most decisions on its website.
- The Tribunal publishes a hearing schedule.
- Before a hearing, the public can see parts of the file. This does not include contact information.

It does include:

- The complaint,
- The response to the complaint.
- Hearings are open to the public.
- The Freedom of Information and Protection of Privacy Act applies to the Tribunal. Someone can apply to see information in the complaint file.

You can ask the Tribunal to limit the information it makes public. You can also ask the Tribunal to order a publication ban. Use a Form 7.1 General Application to apply. For more information, see [Apply to Limit Publication of Personal Information](#) on the Tribunal website.

Other laws may restrict a party from going public with information in this complaint.

For more information, see the [Complaint Process Privacy Policy](#).



## What happens next?

The Tribunal will review your complaint. Next, it will tell you one of the following:

- The complaint form is complete and the complaint will proceed to the next step. The Tribunal will send a copy to the Respondent(s).
- The complaint form is incomplete and the Tribunal will ask you for more information by a certain date.
- The complaint is on hold until the end of another proceeding.
- The complaint cannot be accepted for filing because:
  - The complaint is not covered by the BC Human Rights Code,
  - The complaint does not set out facts that could be discrimination under the BC Human Rights Code, or
  - The complaint was filed late and the Tribunal has decided not to accept it.

## Protection from retaliation

The Human Rights Code forbids retaliation:

- Against someone who makes a complaint to the Tribunal or who might make a complaint, or
- Against someone who might get involved in a complaint. This includes parties, witnesses, or anyone who might help with a complaint.

Retaliation is conduct that punishes someone for their involvement in a complaint. It includes:

- Evicting
- Firing or suspending
- Expelling or kicking out
- Intimidating
- Penalizing
- Other similar kinds of harm

For more information see [Protection from Retaliation](#) on the Tribunal website.

If you or someone else has been retaliated against, complete a Form 1.4 – Retaliation Complaint available in the [Forms](#) section on our website.