

File No.: 04-1000-20-2019-182

March 18, 2019

s.22(1)

Dear s.22(1)

Re: **Request for Access to Records under the Freedom of Information and Protection of Privacy Act (the "Act")**

I am responding to your request of March 15, 2019 for:

Correspondence sent by Barbara Findlay to the City Councillors explaining the Nixon case and opposing funding for Vancouver Rape Relief and Women's Shelter on March 12, 2019 or March 13, 2019.

All responsive records are attached.

Under section 52 of the Act, and within 30 business days of receipt of this letter, you may ask the Information & Privacy Commissioner to review any matter related to the City's response to your FOI request by writing to: Office of the Information & Privacy Commissioner, info@oipbc.bc.ca or by phoning 250-387-5629.

If you request a review, please provide the Commissioner's office with: 1) the request number (#04-1000-20-2019-182); 2) a copy of this letter; 3) a copy of your original request; and 4) detailed reasons why you are seeking the review.

Yours truly,



Barbara J. Van Fraassen, BA
Director, Access to Information & Privacy

Barbara.vanfraassen@vancouver.ca
453 W. 12th Avenue Vancouver BC V5Y 1V4

*If you have any questions, please email us at foi@vancouver.ca and we will respond to you as soon as possible. Or you can call the FOI Case Manager at 604.871.6584.

Encl.

:ag

From: barbara findlay
To: [Bligh, Rebecca](#); [Boyle, Christine](#); [Carr, Adriane](#); [De Genova, Melissa](#); [Kirby-Yung, Sarah](#); [Hardwick, Colleen](#); [Fry, Pete](#); [Swanson, Jean](#); [Wiebe, Michael](#)
Subject: Why Rape Relief is not entitled to grant funding
Date: Tuesday, March 12, 2019 5:38:15 PM
Attachments: [image002.jpg](#)
[20190312 It Vancouver City Council re Rape Relief funding.pdf](#)
Importance: High

Dear Council members

Attached is a letter outlining the reasons why Council should not fund Vancouver Rape Relief.

The link to the human rights decision referenced in my letter is:

<https://www.canlii.org/en/bc/bchrt/doc/2002/2002bchrt1/2002bchrt1.html?autocompleteStr=nixon%20rape&autocompletePos=1>

barbara findlay QC

LAWYER

Pronouns: she/her

600-1033 bfQCCOLOR



This communication is confidential and may be protected by solicitor/client privilege. If you have received it in error, please notify the sender and then delete the email completely from your computer.



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March 12, 2019

Vancouver City Council
By email

Dear Counsellors

Re: Application by Rape Relief for Funding

I understand that Rape Relief has applied for a \$34,000 City grant, and that the application is to be considered by Council tomorrow.

I write because Rape Relief does not satisfy the City's grant requirements.

Your grant requirements provide:

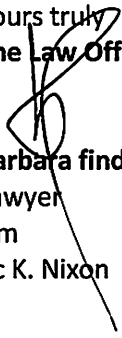
The organization must demonstrate accommodation, welcomeness and openness to people of all ages, abilities, sexual orientation, gender identities (including trans*, gender-variant and two-spirit people), ethnicities, cultural backgrounds and socio-economic conditions in its policies, practices, and programs, except in instances where the exclusion of some group is required for another group to be effectively targeted.

Vancouver Rape Relief has been judicially determined to discriminate against transgender people, in a case called *Nixon v Rape Relief*. The Court of Appeal ultimately held that because Rape Relief is a private organization it has a right to determine, for the purpose of its service delivery, who a "woman" is. However, that ruling did not displace the finding by the BC Human Rights Tribunal which held, in a long and carefully reasoned argument, that Rape Relief's conduct was discriminatory and was not saved by their argument that they could not effectively deliver services to "real women" unless they were permitted to discriminate against transgender women.

Rape Relief continues to maintain their position that trans women are not welcome or entitled to work or volunteer there.

Under the circumstances it would be a clear breach of your policy to grant funding to this organization.

Yours truly
The Law Office of barbara findlay QC


barbara findlay QC
Lawyer
/jm
Cc K. Nixon