

residential/social supports needs. The goal is to transition people from inappropriate settings to an appropriate level of care within the community.⁶

Small options homes are located in residential neighbourhoods and house three or four people. Staff are provided to support the residents according to their needs. Regional Residential Services Society “RRSS” is a service provider to the Province. Community Living Services Inc. is another such service provider. The Province pays Community Living Service, RRSS, and other services to care for the disabled. RRSS operates a number of small options homes. Sheila Livingstone and Joey Delaney both lived for many years in small options homes operated by RRSS. A number of witnesses testifying at the hearing are or were employed by RRSS. RRSS proposes now to accommodate Ms MacLean and Mr. Delaney.

The Complaints

Beth MacLean

Beth MacLean says in her complaint that discrimination against her began at age 14 in July, 1986 when she was placed in King’s. She says that discrimination is now continuing. She had been at the Nova Scotia Youth Training Centre in Truro for two years before her placement at King’s. She remained at King’s for 14 years before being transferred to the Nova Scotia Hospital in October, 2000. The Province and the Nova Scotia Hospital then agreed that she would remain at the Hospital for no longer than one year.

[As of the date of her complaint, July 22, 2014, she was still in Emerald Hall at the Nova Scotia Hospital. She later moved to Quest, where she was still living when the actual hearing finished at the end of October, 2018. As of this writing, the Province is working towards placing Ms MacLean in a small options home. For over 20 years, Ms MacLean has wanted to leave the institutions into which she has been successively placed.]

Ms MacLean says in her complaint that all her placements were to “institutions” where large groups of people lived together in a manner “that bore little or no resemblance to normal life in a home located in a community.” Ms MacLean says she “wants to live in a home, on a street in a neighbourhood and to live a normal life”. This goal becomes expressed, throughout the complaint, as being able “to

⁶CTP Website

live in the community”.⁷

Ms MacLean’s submission becomes that the Province has been and is discriminating by denying “living in the community” to her. She says staff of the Department of Community Services recognize that she is capable of living in supportive housing in the community.⁸

Ms MacLean says her needs include:

- (a) Support for all my activities of daily living
- (b) 24-hour supervision
- (c) A carefully planned transition to the community (preferably in the Halifax Metro area) with support from people I trust (i.e. circle of support) and an experienced provider of support
- (d) Ongoing support in learning how to live in the community, travel and shop and access services in the community
- (e) Ongoing support to engage in recreational activities/hobbies that are meaningful to me⁹

Ms MacLean submits¹⁰ that she is entitled to these supports. She says that since the Province does provide income assistance to people without disabilities and this assistance enables them to live in the community, her disabilities ought to be accommodated so that she can too. She says the Province’s failure to accommodate her disabilities “is discriminatory and a violation of s. 5(1)(a) access to services because of¹¹disability and/or source of income.”¹²

Ms MacLean requests this Board of Inquiry to:¹³

- a. tell the Province that it has discriminated against her
- b. order the Province to provide her “with the means to

⁷Beth MacLean Complaint, paras. 28, 29, 30, 31, 32, 38 (c) and (d), 39, 40, 42, 44

⁸Beth MacLean Complaint, para. 36

⁹Beth MacLean Complaint, para. 38

¹⁰Beth MacLean Complaint, para. 39

¹¹NS *Human Right Act*, s. 5(1)(o)

¹²NS *Human Right Act*, s. 5(1)(t)

¹³Beth MacLean Complaint, para. 48

immediately access the help and supports that I need to live in the community”.

- c. Order the Province to pay her compensation

Sheila Livingstone

Olga Cain filed a complaint dated July 23, 2014 on behalf of her younger sister, the now late Sheila Livingstone. Ms Cain says in the complaint that Ms Livingstone was disabled all her life. Ms Cain says that Ms Livingstone had mental disabilities and was completely dependent upon the Province¹⁴ from the time she was 12 years old. Their parents asked the Province for help. The Province placed her in the Children’s Training Centre in Truro where she lived for 10 years.¹⁵ She then lived at the Halifax Mental Hospital for about two and a half years before being moved to the Abbie Lane Hospital where she remained for the next 15 years. From there, she was moved to the Regional Rehabilitation Centre at Cole Harbour for four years.¹⁶ In 1986, she came to live in a variety of small options homes paid for by the Province and operated by the Regional Residential Services Society.¹⁷

Ms Livingstone lived with RRSS for 18 years but, the complaint reads, increasingly came to have exacerbations of her mental illnesses and entered Emerald Hall of the Nova Scotia Hospital from time to time for short term treatment. In July 2004, however, she was admitted to Emerald Hall for a longer time and lost her place at RRSS.¹⁸ She spent the next nine years as a resident of Emerald Hall. In January, 2014, the Province transferred her to Habourside Lodge, an Adult Residential Centre (“ARC”) in Yarmouth.¹⁹ [Ms Livingstone, who had a succession of physical illnesses over the years, succumbed in October, 2016 at age 67.]

Ms Cain says that the Province’s failure to provide Ms Livingstone with the supports necessary to enable her to live in the community during the period 2004-

¹⁴Sheila Livingstone Complaint, para. 51

¹⁵Sheila Livingstone Complaint, para. 58

¹⁶Sheila Livingstone Complaint, paras. 61 & 62

¹⁷Sheila Livingstone Complaint, para. 63

¹⁸Sheila Livingstone Complaint, para. 66

¹⁹Sheila Livingstone Complaint, para. 68