

## Joey Delaney

Susan Lattie filed a complaint dated July 22, 2014 on behalf of her son, Joey Delaney. [Ms Lattie died in May, 2016.] Ms Lattie alleged that the Province had, since 2010, discriminated against Mr. Delaney because of his source of income and his disabilities.<sup>24</sup> Joey was born September 10, 1972. He has always been disabled. The Province, at Ms Lattie's request, took over his care placing him at the Dartmouth Children's Training Centre at an early age.<sup>25</sup> In 1998, the Province placed him in a RRSS small options home.<sup>26</sup>

Ms Lattie said that in January, 2010, Mr. Delaney was admitted to Emerald Hall.<sup>27</sup> In July, 2010, clinical staff advised that he was medically ready for discharge, but his bed at his small options home had been taken. In November, 2010, the Province put Mr. Delaney on a waitlist for placement out of Emerald Hall.<sup>28</sup> Ms Lattie says Mr. Delaney, while still being susceptible to bouts of exacerbation of his conditions which required short term treatment, has been ready for placement in the community since.<sup>29</sup>

Ms Lattie said:

112 I feel that Joey is entitled to and should have been given the help and supports that he needs to live in the Metro Halifax community in the same way that people from Metro Halifax without disabilities who have no money are given the help they need by the Province to live in the community. The Province's failure to take into account and accommodate Joey's needs in offering supports to live in the community since July 2010 is discriminatory and a violation of s. 5(1)(a), (o) and/or (t) of the *Human Rights Act*.

The Complainant requests this Board of Inquiry:<sup>30</sup>

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<sup>24</sup> Joey Delaney Complaint, para. 92

<sup>25</sup> Joey Delaney Complaint, para. 98

<sup>26</sup> Joey Delaney Complaint, para. 99

<sup>27</sup> Joey Delaney Complaint, para. 101

<sup>28</sup> Joey Delaney Complaint, para. 105

<sup>29</sup> Joey Delaney Complaint, paras. 102-106

<sup>30</sup> Joey Delaney Complaint, para. 126

To tell the Province that offering Mr. Delaney no option but to live in Emerald Hall is discriminatory and a violation of s. 5(1)(a), (o) and/or (t) of the *Human Rights Act*

To order the Province to give him right away the supports he needs to live in the community

To order the Province to pay him compensation “for all the years that it discriminated against” him.

### Disability Rights Coalition

The Disability Rights Coalition describes itself in its complaint as a coalition of individuals and 32 organizations all from across Nova Scotia committed to “promoting the equality of interests of persons with disabilities.”<sup>31</sup> Mr. Marty Wexler, a witness in this Inquiry, and the then Chair of the Disability Rights Coalition, signed the Coalition’s complaint on July 30, 2014. The Coalition says that it is an aggrieved person as a representative of people vulnerable to discrimination on the basis of disability.<sup>32</sup> The Coalition says it joins this complaint “to raise the systemic nature of the discrimination typified by the three individual complainants.”<sup>33</sup> The Coalition says with respect to the individual Complainants and many other disabled people that:

(168) Instead of being provided with the necessary and appropriate services, they have been denied meaningful access to supports and services that will allow them to live in the community, and/or have been placed on waitlists while they are unnecessarily institutionalized and/or held in care facilities that do not accommodate their needs.

Or, as the Coalition puts it later:<sup>34</sup>

The provision of social services to “persons in need” discriminates between the disabled and the non-disabled by enabling the latter, but frequently not the former, to live in the community.

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<sup>31</sup>Disability Rights Coalition (DRC) Complaint, para. 129

<sup>32</sup>DRC Complaint, para. 128

<sup>33</sup>DRC Complaint, para. 139

<sup>34</sup>DRC Complaint, para. 172

The Coalition says that the denial:<sup>35</sup>

...of supportive housing and other services in the community is a failure to accommodate the needs of persons with disabilities and violates the protections in s.5(1)(a), (o), and/or (t) of the Nova Scotia *Human Rights Act* as informed by: (i) article 19 of the United Nations CRPD (*Convention on the Rights of Persons with Disabilities* ), (ii) articles 2, 9 and 26 of the *International Covenant on Civil and Political Rights* (ICCPR), (iii) the Equality Rights guarantee in s. 15 of the *Canadian Charter Rights and Freedoms* and (iv) by the constitutional commitment to providing essential public services of reasonable quality to all Canadians in s. 36(1)( c ) of the *Constitution Act, 1982*.

The Coalition seeks a remedy that will compel the Province to develop and implement a plan to enable people with disabilities to access supports that will enable them to live in the community. The plan, the Coalition says, must include the ongoing supervision of the Nova Scotia Human Rights Commission and representatives for those needing the supports.<sup>36</sup>

### **A Note about the Evidence**

I have chosen to review of the evidence based on my own notes. I appreciate that my recapitulation may be somewhat repetitive and tedious for the reader, but we had over 25 days of actual testimony and I feel compelled to report the stories told by most, but not all, of the witnesses.

I have also received over 9,000 pages of documents, or at least the page numbers say that I did. I would not pretend to have digested them all, but I can say the oral evidence accurately reflects the contents of the documents. The stories witnesses and the documents tell highlight the difficult and sometimes tragic circumstances in which some of our fellow citizens found themselves and the indifference of the people who, in the final analysis, have the power to change those circumstances.

### **Oral Evidence**

The evidence as it relates to Beth MacLean, Joey Delaney and Sheila Livingstone

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<sup>35</sup>DRC Complaint, para. 171

<sup>36</sup>DRC Complaint, para. 179