

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

2014 is discriminatory and a violation of s. 5(1) (a) access to services, (o) disability and/or (t) source of income of the *Human Rights Act*. (the “Act”). Ms McCain complains, furthermore, citing the same provisions of the *Act*, that the Province, when it did place her at Harbourside Lodge in Yarmouth, continued the discrimination because Harbourside was far from Truro where her sister lived.²⁰

The complaint compares Ms Livingstone with people without disabilities who, with income assistance, may live in a community of their own choice and submits that it is discriminatory not to provide her with the support to obtain the same for her as a disabled person.²¹ The complaint says that Ms Livingstone was entitled, immediately and as of right, to the supports she needed to live in the community in the same way that able-bodied poor people are entitled immediately and as of right to the income assistance they need to live in the community of their own choosing.²²

Ms Cain requested this Board of Inquiry to:²³

Tell the Province that it discriminated against Ms Livingstone from July 2004 to January, 2014 contrary to s. 5(1)(a), (o) and/or (t) by placing her in Emerald Hall

Tell the Province it also discriminated against her by placing her in Yarmouth far from Halifax

[although it is now moot because of her death], to tell the Province to give her right away “...the supports that she needs to live in a community-based home in the Halifax Metro area of the Province, as it has and does for other people who need social assistance but who do not have disabilities”.

To order the Province to pay compensation for all the years it has discriminated against her.

²⁰Sheila Livingstone Complaint, para. 73

²¹Sheila Livingstone Complaint, para. 77

²²Sheila Livingstone Complaint, para. 78

²³Sheila Livingstone Complaint, para. 88