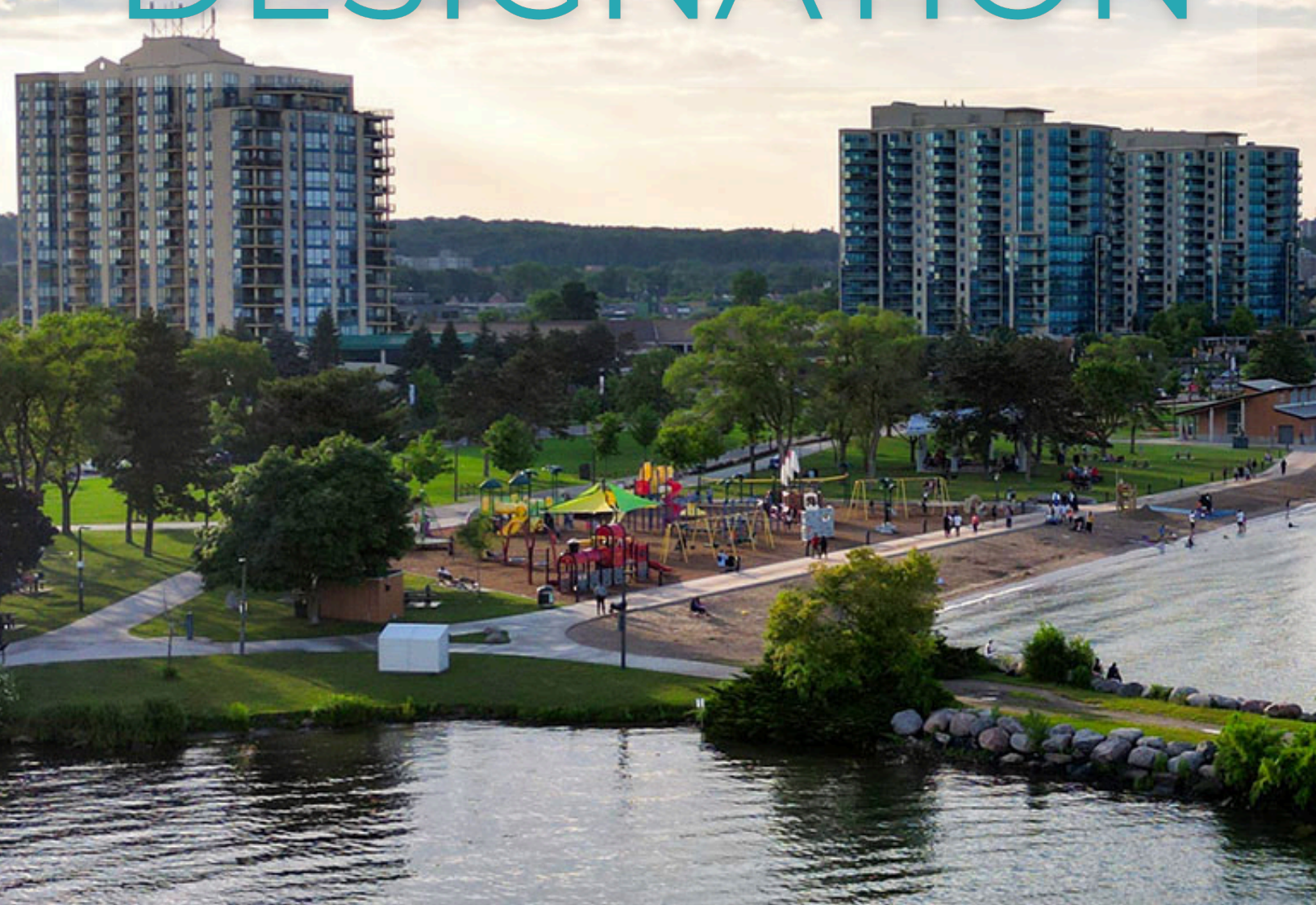


INQUIRY FOR SPECIAL PROGRAM DESIGNATION



FRESH FOOD WEEKLY
A nutrition-based intervention program

October 22, 2024

A Message From Leah

The last 15 years of my life have changed me, defined me, and placed upon me an identity I utterly despise and reject, yet am forced to wear against my will. The exploitation of low-income women in the Province of Ontario has been normalized to such an extent, that any trace of humanity that may have once lived here has since turned to rot. The colonial ambition of the ancient European invaders continues to live-on in the policies, programs and the very fabric that knits this Province together. From its housing policies, to its white-collar workforce, to its criminally-negligent Municipal stakeholders who reinforce their biased and grotesquely discriminatory notions about human commodities. Over the course of generations, the Province of Ontario and the Government of Canada itself has manufactured a product that is most accurately portrayed in the outpouring of screams, cries and desperate pleas from a body of human beings in a worsening state of chronic disease, misery, hopelessness and never-ending torture.

Yet it persists.

It has no bounds.

And it annihilates everything that dares to challenge it.

- Leah Dyck

The contents of this document have been written by myself, Leah Dyck. I've also used a lot of content from other resources, which are linked on the last page.

ONTARIO

Human Rights Code R.S.O. 1990, c. H.19, s. 14

14(1) Special programs

A right under Part I is not infringed by the implementation of a special program designed to relieve hardship or economic disadvantage or to assist disadvantaged persons or groups to achieve or attempt to achieve equal opportunity or that is likely to contribute to the elimination of the infringement of rights under Part I.

14(2) Application to Commission

A person may apply to the Commission for a designation of a program as a special program for the purposes of subsection (1).

14(3) Designation by Commission

Upon receipt of an application, the Commission may,

- a) designate the program as a special program if, in its opinion, the program meets the requirements of subsection (1); or
- b) designate the program as a special program on the condition that the program make such modifications as are specified in the designation in order to meet the requirements of subsection (1).

14(4) Inquiries initiated by Commission

The Commission may, on its own initiative, inquire into one or more programs to determine whether the programs are special programs for the purposes of subsection (1).

14(5) End of inquiry

At the conclusion of an inquiry under subsection (4), the Commission may designate as a special program any of the programs under inquiry if, in its opinion, the programs meet the requirements of subsection (1).

14(6) Expiry of designation

A designation under subsection (3) or (5) expires five years after the day it is issued or at such earlier time as may be specified by the Commission.

14(7) Renewal of designation

If an application for renewal of a designation of a program as a special program is made to the Commission before its expiry under subsection (6), the Commission may,

- a) renew the designation if, in its opinion, the program continues to meet the requirements of subsection (1); or
- b) renew the designation on the condition that the program make such modifications as are specified in the designation in order to meet the requirements of subsection (1).

14(8) Effect of designation, etc.

In a proceeding,

- a) evidence that a program has been designated as a special program under this section is proof, in the absence of evidence to the contrary, that the program is a special program for the purposes of subsection (1); and
- b) evidence that the Commission has considered and refused to designate a program as a special program under this section is proof, in the absence of evidence to the contrary, that the program is not a special program for the purposes of subsection (1).

14(9) Crown programs

Subsections (2) to (8) do not apply to a program implemented by the Crown or an agency of the Crown.

14(10) Tribunal finding

For the purposes of a proceeding before the Tribunal, the Tribunal may make a finding that a program meets the requirements of a special program under subsection (1), even though the program has not been designated as a special program by the Commission under this section, subject to clause (8)(b).

Barriers of Discrimination: Regional Service Managers

Under the Ontario Human Rights Code, organizations are prohibited from treating people unfairly because of Code grounds. Barriers that cause discrimination must be removed, and stopped when it occurs.

Yet in the County of Simcoe, not only is treating people unfairly a common occurrence, treating them with dignity and respect is strictly prohibited. Currently, the Ontario Superior Court of Justice is preparing to silence me and I believe this will happen because I've reached out to +430 lawyers/law firms asking for help and no one has stepped up. The statistical probability of being met by a sympathetic judge towards human suffering at the hands of Municipal powers is unconsciously low.

Targeted Attacks Run Rampant in the County of Simcoe

Special programs can help disadvantaged groups improve their situation of material circumstances forced upon them by both Municipal, Provincial and Federal governments. In 2021, I created a food security program called Fresh Food Weekly, which was operated through my registered charity, The VanDyck Foundation, with charitable status number 77364 5148 RR0001. The Code and the Canadian Charter of Rights and Freedoms both recognize the importance of addressing historical disadvantage by protecting special programs to help marginalized groups. The Supreme Court of Canada has also recognized the need to protect "programs" established by legislation that are designed to address the conditions of a disadvantaged group.

Section 15(2) of the Canadian Charter of Rights and Freedoms outlines the protection of affirmative action programs, to prevent them from being attacked by people who are excluded from the programs' purpose.

When the Fresh Food Weekly program was forced to close down in January 2024, it had grown too big to be managed by one person. It needed resources and funding to hire multiple staff, as well as to pay its founder, myself, a salary since it's impossible to survive without having basic human needs met. Not only was Fresh Food Weekly not supported, it was attacked by the very people who should have embraced it.

Yet in every step of the justice-seeking process so far, I've been met with silence on the adjudicator's side, and demands of dismissal on the public administrator of services' side (the respondents). Furthermore, since the amount of human rights violations is so potent in this Province, the rate in which matters are dealt with and rectified has become criminally negligent. I say this respectfully, as I know the adjudicators within the Human Rights Tribunal of Ontario (HRTO), the Ontario Human Rights Commission (OHRC) and the Human Rights Watch would agree with me on this, since they're witnessing the scope and scale of applications first-hand.

Forms of Protection of Special Programs

The Code allows for programs designed to help people who experience hardship, economic disadvantage, inequality or discrimination. The Code also protects these programs from attack by people who do not experience the same disadvantage. The OHRC encourages the development and use of special programs as effective ways to achieve substantive equality by helping reduce discrimination, or addressing historical prejudice.

Under Section 14 of the Code, it is not discrimination to put in place a program if it is designed to:

- Relieve hardship or economic disadvantage
- Help disadvantaged people or groups to achieve, or try to achieve, equal opportunity or
- Help eliminate discrimination

A program must satisfy at least one of the above bullet points in order to be considered a special program under the Code. The Fresh Food Weekly program was achieving each one of these listed objects, yet the program was rejected by everyone mandated to seek-out these outcomes in the County of Simcoe (please refer to the '3.5 Years of Rejections' PDF previously submitted to the Tribunal):

- The hardship Fresh Food Weekly relieved was starvation due to economic disadvantage. The economic disadvantage is: barricades to a sufficient-paying job market.
- By delivering fresh and nutritious food to the target group on an on-going and reliable basis; weekly, biweekly and monthly, depending on the point in time, the target group was able to slow the pace in which they were dying. This helped put them in a better position to participate in the economy, depending on the point in time they've been surviving under Municipal rule.
- By publicizing the living circumstances in which the target group is forced to endure, the public was being educated of the true reasons for their forced state of severe material deprivation. This helped the public comprehend the true reasons for their mental instability, and physically impoverished appearance.

Why are special programs protected?

In the case of the Ontario Human Rights Commission v. Ontario (Roberts), the Ontario Court of Appeal said that section 14 of the Code has two purposes:

1. Protecting affirmative action programs from challenge by people who do not experience disadvantage.
2. Promoting substantive equality to address disadvantage and discrimination in all its forms.

At one time, "equality" meant that everyone should receive the same or similar treatment. This is often referred to as "formal equality." The problem is that "formal equality" ignores historical and ongoing barriers that some groups face, and it doesn't recognize special needs, which further perpetuates inequality for certain groups.

The first purpose of section 14 is to make sure that special programs are designed to help a disadvantaged group, and that they're not challenged by people who do not face the same disadvantage. In legal terms, section 14 protects special programs from challenges based upon "formal equality" principles.

Promoting substantive equality

The second purpose of section 14 is to promote substantive equality. "Substantive equality" means understanding and meeting the needs of disadvantaged persons or groups using historical, legal and social contexts. It takes into account discriminatory barriers in their many forms, not all of which are obvious. For the Barrie Municipal Non-Profit Housing Corporation (BMNPHC; also known as Barrie Housing), the Simcoe County Housing Corporation (SCHC, also known as Simcoe County Housing), the City of Barrie and the County of Simcoe, discrimination has been built into their behaviour, practices and policies. This has led to a real disadvantage for low-income, single women in its service area; these are all protected Code grounds. **This is called systemic or institutional discrimination.**

The respondents all have an obligation to be aware of these forms of discrimination. Not only does the County of Simcoe, the City of Barrie, the BMNPHC and the SCHC reject all discrimination claims made about them, they harass claimants in an effort to conceal their discriminatory behaviours inflicted upon this entire population group. They did this by lying (I'm referencing the respondents' claim that the Service Manager transfers its responsibilities of performance to a delegate, as well as my written letter posted on the doors of tenants in my building, as well as my email sent to local residents regarding my petition that sought the transfer of the Special Priority Policy to a federal department). Barrie Housing claims in the latter two that I enticed others to fabricate concerns about them, despite the contents revealing no such thing. Furthermore, the Plaintiff first threatened to sue me in October 2022 because I was publicizing the inhumane living conditions of low-income residents within The VanDyck Foundation's service area. Not only did Barrie Housing demand that I remove all social media posts about starving, sick people who they provide housing services to, they demanded that I remove posts about all starving and sick people they didn't provide housing services to. Who do they think they are?

Barrie Housing thinks they own me. Barrie Housing actually told me in their letter from their lawyer, Riley Brooks, that all my posts were false. Based on the information available to me and to the Tribunal, it's impossible for Barrie Housing to have known the veracity of my statements regarding the living circumstances of people they do not provide housing services to. Based on the probable information available to Barrie Housing, it's very likely that Barrie Housing was — and still is, very well aware that all my statements regarding the living conditions of the City of Barrie's poorest residents - regardless of their actual addresses, are indeed true. **When systemic discrimination is found to exist, an organization must change its practices.**

The County of Simcoe, the City of Barrie, Simcoe County Housing and Barrie Housing need to let that last statement above sink-in.

Developing and putting in place special programs is an additional way that organizations can address systemic discrimination and promote substantive equality. The respondents should realize that what they've done blatantly in front of the Tribunal and the Ontario Superior Court of Justice will open the floodgates of scrutiny on themselves, although it's clearly not going to happen in a timely manner at all.

Engaging Those With Lived Experiences

When developing a special program or special measure, engagement with those affected is crucial. Yet when it comes to publicly-funded organizations and institutions in the County of Simcoe, engagement with vulnerable population groups is strictly prohibited. Please refer to my previously submitted PDF document titled, 'Alex Nuttall Prez'.

All the respondents claim to incorporate “consultation” into their policy-development process, generally by inviting comments on a policy or program that have been developed. I first learned of this when I wrote my grant application for the United Way of Simcoe Muskoka in the summer of 2023. It was then when I realized the true value of persons with lived experiences. People like me are not the worthless anecdotes the County of Simcoe, the City of Barrie, Simcoe County Housing and Barrie Housing have forced me to be for the last 15 years-and-counting.

The truth is, the County of Simcoe, the City of Barrie, Simcoe County Housing and Barrie Housing don't engage persons with lived experience at all - at least not when it comes to their service area's most vulnerable population groups. The respondents also don't comprehend the difference between engagement and consultation either.

Engagement is different than consultation because it involves the impacted group for the duration of the project, from initial brainstorming to drafting to implementation and beyond, in whatever capacity they are comfortable. This ongoing process allows the organization to develop lasting and meaningful relationships with the individuals who are most impacted by the initiative. This entire paragraph was copied-and-pasted from page 5 of the linked document titled 'Levelling The Field'.

I designed, established and ran the Fresh Food Weekly program myself, and I was also a recipient of my own program. The respondents failed to see this fact as the most valuable aspect of the Fresh Food Weekly program. On the contrary, the respondents saw my involvement in the program as a deficiency that needed to be 'put down' as soon as possible. Not only did the BMNPHC steal from me from at least 2020 to present, they also used public funds to retain their lawyer, Riley Brooks to harass me between October 2022 and present day. After a joint effort of all the respondents finally succeeded in succumbing the Fresh Food Weekly program in January 2024, Barrie Housing further tormented me in February 2024 by promoting a known thief, Ashley Sutherland, to manage the building I'm forced to “live” in (Summitview at 380 Duckworth Street).

Barrie Housing holds both conscious and unconscious biases of social stereotypes about low-income, single women with disabilities. Whether this ostracized target group of women have children or not, Barrie Housing detests their existence altogether.

At an unconscious level, it is part of Barrie Housing staff's brains to make sense of and categorize the most vulnerable population groups in which they're contracted to provide housing services. The County of Simcoe is the largest County in Ontario and over the last decade at least, the County of Simcoe, the City of Barrie, Simcoe County Housing and Barrie Housing, the Ontario Ministry of Children, Community and Social Services (CCSS) and Employment and Social Development Canada (ESDC) have turned this region into a sex-trafficking hot spot as a result of their discriminatory policies.

Their biases, which are criminal in nature, dispense significant influence on the social assistances made available to — and their treatment of — their service area's most vulnerable persons, especially single women. This fact has led to discriminatory behaviour with devastating consequences on both an individual, community and systemic level.

Institutional and systemic discrimination

Discrimination can result from individual behaviour but also from the consequences of a discriminatory system. Institutional discrimination and systemic discrimination refer to the ways in which our institutions and organizations privilege some groups and perpetuate disadvantage for others. This behaviour is carried out through laws, policies, and practices, based on widespread conscious and unconscious discriminatory beliefs and historical practices that have upheld the privilege of certain groups. Systemic discrimination often appears neutral on the surface but has discriminatory effects on individuals based on one or more prohibited grounds.

By learning about what institutional and systemic discrimination actually is, I've come to see that discriminatory behaviour is engrained in 'the system' and is unnoticeable to those not impacted by it. Still, to this day, I'm having a hard time seeing the Mayor of Barrie, Alex Nuttall, as comprehending the magnitude of what's taking place right in front of him. In all my past interactions with him, I've not witnessed hate within him, but rather someone who doesn't seem to see what's going on all around him. Even on my way out the door of the meeting we had in his Office on Feb. 6, 2024, he said to me, "*I believe in this*" — he was referring to my Food Systems Planning Office proposal he was holding in his hands. When he said that, I believed him, and I still do. This is why I've referred to Alex as a willing participant of foul play (referencing the transcript of Texas Attorney Tony Buzbee). I think he's doing what most people are doing: what they're told.

Even with one of my past ODSP case workers, Ryan Broadsworth — Ryan is a super nice person who's never made me feel hated or even disliked. On the contrary, Ryan has always exemplified a level of compassion towards me that I'll always be grateful for because I know how rare it is to have a case worker in this sector who's nice. My new case worker, though, Ashley Walker, does not share these same characteristics at all. Recognizing when discrimination and violations of human rights is happening is the first step to addressing discriminatory policies or practices in any institution.

When the City of Barrie, the County of Simcoe, the BMNPHC, and the SCHC were informed of their discriminatory behaviours, they denied them, and have been sitting back in silence while watching Barrie Housing destroy my mental state even further than they already have. Even after spelling this out for them in simple and plain language, they refuse to acknowledge the facts laid-out before them. This is compliant criminal negligence.

Domestic Abuse & Climate Change

Low-income, single women with disabilities, both diagnosed and undiagnosed, have lost all confidence in the County of Simcoe's Service Manager's ability to control, function and supervise all portions of the Public Administration of the Special Priority Policy. For greater certainty, this includes but is not limited to, all delegated responsibilities transferred to Mary-Anne Denny-Lusk, Barrie Housing's CEO.

In the County of Simcoe, responsibilities pertaining to the Special Priority Policy have been transferred to a highly discriminatory institution who's failed to manage the living conditions of victims of domestic abuse and trafficking in any kind of reasonable way.

The current delegated Service Managers in the County of Simcoe are not protecting low-income vulnerable women against climate change. Public housing projects in the County of Simcoe lack key infrastructure to protect rent-geared-to-income tenants from the changing and warming climate. For example, low-income individuals and those residing in public housing are less likely to have access to central air conditioning (or any type of AC) due to cost or lack of availability, increasing their risk of heat-related death. Given that increasing global temperatures in coming years are likely to exacerbate heat-related morbidity and mortality, the lack of access to central AC in the County of Simcoe's public housing projects further increases risk of heat-related mortality among low-income and vulnerable population groups, which are mostly women in the County of Simcoe.

As a rent-g geared-to-income (RGI) tenant living in the City of Barrie, not only am I experiencing unprecedented levels of human suffering thanks to the rising costs of living, I am witnessing my neighbours experiencing this same level of intolerable suffering too. In July 2024, during one of the heat waves, my daughter had to get something from the car, and it was raining out. When she came back in, she told me there was an elderly woman in a wheelchair sitting outside in the rain and this woman told my daughter that sitting in the rain was better than sitting in her overheated apartment. This broke my heart. My first thought was; “you can’t even watch TV outside”.

Incidence of domestic abuse worsen during periods of economic downturn. Unable to find affordable alternative housing arrangements, many women choose to stay in or return to an abusive situation rather than becoming homeless or “live” in public housing. A recent study has shown that the rate of women returning to their abusers increases during times of reduced affordable housing availability.

The federal and provincial governments of Canada are not protecting its vulnerable citizens from climate change, which includes increasing overall heat averages, as well as the number and severity of natural disasters. This matters because:

- Climate change is causing operational costs to increase.
- Increasing operational costs is causing economic downturn.
- Economic downturn increases domestic abuse, especially for vulnerable women.

According to the Canadian Real Estate Association (CREA), in the last year and a half, +13,000 full-time jobs have been lost in the City of Barrie alone. Current government officials in charge of setting policies for Canada’s most vulnerable population groups do not comprehend the magnitude of their decisions, or they do, but they just don’t care.

The policies and procedures of the County of Simcoe’s Service Manager do not align with the crisis victims of domestic abuse and trafficking are facing, which is unsafe housing, completely blocked access to reliable employment with sufficient wages, and this has resulted in severe starvation for an entire population group estimated to be +30,000 people (based on Freedom of Information request responses I’ve received from the CCSS and ESDC). This has led to a public health crisis of chronic disease in the entire County of Simcoe, and it is significantly contributing to Canada’s collapsed healthcare system.

The Fresh Food Weekly program was literally reducing healthcare costs for the Government of Canada on a drastic level, and the County of Simcoe’s Service Manager couldn’t stand that.

Request For Inquiry

I, Leah Dyck, who is The VanDyck Foundation, call upon the Human Rights Tribunal of Ontario, and the Canadian Human Rights Commission to issue a joint and immediate order for an emergency housing and homelessness response plan for all low-income, vulnerable women with Special Priority Status in the County of Simcoe, in conjunction with an immediate transfer of the control, functions, and supervision of all portions of the Public Administration of the Special Priority Policy to the Department of Public Safety and Emergency Preparedness Act. I further give the Human Rights Tribunal of Ontario and the Canadian Human Rights Commission notice of my intention to submit an application for special program designation, for a revised program derived from the Fresh Food Weekly program, which will include a Food Systems Planning Office as an extension of the Special Priority Policy.

This program seeks Special Program Designation under the Ontario Human Rights Code R.S.O. 1990, c. H.19, s. 14. This program is and always was an emergency response to the murders and anticipated murders of — and torture of, and anticipated torture of the target group. The target group is low-income women who are not married and who do not live with a common law partner, who have or don't have children, and who have or don't have a diagnosed disability (mental, intellectual or physical). This program shall also place a greater preference on Indigenous women, with or without Indigenous status. For every four program participants, at least one shall be reserved for women of Indigenous heritage. For every two women regardless of their ethnic heritage, at least one shall reside in a rent-gear-to-income household. This program is necessary for low-income vulnerable women in the County of Simcoe to survive. This program is also necessary to remedy the policies and executive measures currently being taken by the CCSS, ESDC, the County of Simcoe, the City of Barrie, the BMNPHC and the SCHC.

Resources used to develop this document:

1. Levelling the Field: Developing a Special Program or Special Measure under the Canadian Human Rights Act or the Employment Equity Act: https://www.chrc-ccdp.gc.ca/sites/default/files/2022-01/levelling_the_field_guide.pdf
2. Your guide to Special programs and the Human Rights Code: https://www.ohrc.on.ca/sites/default/files/Your%20guide%20to%20Special%20programs%20and%20the%20Human%20Rights%20Code_2013.pdf
3. Legal Basis for Special Equity Programs: <https://www.caut.ca/content/legal-basis-special-equity-programs>
4. The Ontario Human Rights Code: <https://www.ontario.ca/laws/statute/90h19>
5. Building Vulnerability in a Changing Climate: Indoor Temperature Exposures and Health Outcomes in Older Adults Living in Public Housing during an Extreme Heat Event in Cambridge, MA: <https://pubmed.ncbi.nlm.nih.gov/31277359/>
6. Extreme Heat Vulnerability of Subsidized Housing Residents in California: https://nlihc.org/sites/default/files/Heat_Vulnerability_2020.pdf
7. How the twin crises of climate change and poor public housing are harming people's health: <https://www.statnews.com/2023/08/29/climate-change-public-housing-health-consequences/>
8. The Canadian Real Estate Association: Barrie Employment Trends: <https://stats.crea.ca/board/barr-employment-trends>