

RECEIVED JUL 24 2020

Martin Breuhan

Lake Cowichan, B.C.
VOR 2G0

To

Mayor and Council of the Town of Lake Cowichan
c/o Mr. Joseph A. Fernandez
39 South Shore Road
Lake Cowichan, BC VOR 2G0

- By registered mail -

July 17, 2020

Re: Seeking clarification about Town of Lake Cowichan policy regarding lake access at Lakeview Park

The Town of Lake Cowichan is currently restricting access to the lower parking area at Lakeview Park.

Community members have raised concerns about this decision. In response, the Town appears to have implemented an access system for persons living with disabilities who are in possession of a cell phone. Lakeview Park staff is courteous and helpful when assistance is requested. For community-based and out-of-town visitors living with disabilities alike, however, this approach of having to request assistance to gain access to the lower parking lot reflects an embarrassing lack of understanding of accessibility rights and respect and dignity for all. Equity and inclusion are no longer by permission only. Please refer to:

- The United Nations Convention on the Rights of Persons with Disabilities
- The Canadian Charter of Rights and Freedoms
- https://bcombudsperson.ca/assets/media/Fairness-by-Design_web_1.pdf
- BC Accessibility Secretariat
- BC Human Rights Code
- Bill C-81, The Accessible Canada Act
- British Columbia Framework for Accessibility Legislation
- HelloBC- Accessibility
- AccessBC - Accessibility Audit
- BC Union of Municipalities

The Town of Lake Cowichan Official Community Plan states:

The Town is defined by Cowichan Lake and the Cowichan River. Public access for the Town's residents to these important bodies of water is critical for maintaining quality of life. Over the

years much of the public access to the lake and the river has been transferred into private ownership, thereby eroding public access. It is the intent of this plan to regain lost access where possible and to seek new public access opportunities in areas of existing private development and in areas that may be redeveloped. The goal, objectives and policies of this section apply to all lands adjacent to the lake and the river.

3.4 Waterfront and Blueways Goal Public access to Cowichan Lake and the Cowichan River is permanently protected and enhanced.

3.4.1 Objectives

1) Protect existing public access.

...

5.3 Goal for Recreation, Parks and Institutions A diverse range of recreational opportunities and institutional facilities and services is available for the enjoyment and needs of residents and visitors.

5.3.1 Objectives

1) Provide active and passive recreational opportunities for people of all ages and capabilities.

...

5) Ensure all properties and facilities zoned as public use remain available for recreational and cultural activities, educational programmes, and community gardens.

...

7) Provide residential and support services for an aging population

5.3.1.1 General Policies

1) Improve access for those with physical and mobility challenges.

...

6) All lands zoned as public use shall not be converted to other uses.

5.3.1.2 Park Policies

4) All facilities and amenities provided by the Town must take into consideration the ability of all members of the community to access and enjoy them.

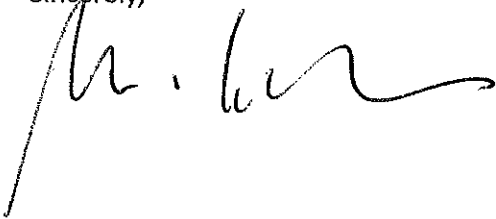
I imagine that your policy regarding your decision to restrict access to the lower parking lot at Lakeview Park reflects the goals and objectives of the Official Community Plan. I am requesting a copy of your policy, including purpose, rationale and guidelines.

In addition, please clarify:

- how and when the Town has sought input into this policy from the community and persons living with disabilities?
- whether the policy applies year-round
- how do you guide your staff in establishing who is allowed (criteria) to access the lower parking lot?
- how do you communicate this policy to community and visitors?

I count on administrative fairness as defined by the BC Ombudsperson (<https://bcombudsperson.ca/>) and ask for a timely response in writing.

Sincerely,

A handwritten signature in black ink, appearing to be 'M. L. ...', written over the word 'Sincerely,'.