

**British Columbia Institutional Legacy Trust Fund  
Trust Advisory Committee**

**c/o Suite 820, 999 West Broadway, Vancouver BC V5Z 1K5 Tel. 604-775-1238**

**BC INSTITUTIONAL LEGACY TRUST FUND UPDATE – August 16, 2006**

**BACKGROUND**

In our July 31 update, we announced that the distribution of the BC Institutional Legacy Fund to former residents of Woodlands, Glendale, Tranquille and Endicott Centre had begun. All eligible recipients will receive a \$510 one-time payment from the LTF fund.

**UPDATE**

**LTF Cheque Distribution**

The Victoria Foundation has been hard at work in an effort to distribute the LTF cheques and letters to former residents as quickly as possible. So far, about half of the cheques have been distributed, with the remainder to be distributed by the end of August. As noted last month, a process is in place for identifying and sending cheques to any former residents who do not receive a cheque by the end of August.

**Responses to the Distribution of LTF Funds**

There have been many reactions to the distribution of the LTF funds.

Many former residents have contacted the Victoria Foundation, the Advocate for Service Quality and others in the community to express that they are very pleased to receive these funds. There have also been many news items which contain misinformation about the purpose of the fund and the work of the Advisory Committee. The most common error in these articles identifies LTF funds as compensation for abuse.

The issues of institutional abuse and compensation for abuse are matters that our committee members take very seriously. As former residents and family members, we fully support the rights of former residents to take whatever actions are available to them to seek restitution for any wrong-doing they have experienced. We also feel that it is very important – especially for those who are seeking compensation - that the issue and process for compensation are not confused with the LTF payments.

**Toll Free Number Now Activated**

The Legacy Trust Fund information line has now been activated. The primary purpose of this line is to identify former residents who have not received a cheque by August 31, 2006. Callers may also ask questions about the Legacy Trust Fund. To reach the toll-free information line, call 1-888-387-3354 and leave a message with your question and/or information about a former resident and your name and phone number. Your call will be returned within 3 business days.

## **Background Information and Questions and Answers about the LTF**

The following background information and questions and answer address some of the key questions that people have about the Legacy Trust Fund:

### **What is the BC Institutional Legacy Trust Fund?**

The BC Institutional Legacy Trust Fund is:

- A 2 million dollar fund to benefit former residents of Woodlands, Glendale, Tranquille and Endicott Centre.
- A goodwill gesture by the province to recognize the difficulties people experienced in the institutions.
- A legal agreement between Victoria Foundation and the Province/Ministry of Children and Family Development (MCFD).
- A process separate from the Woodlands class action lawsuit (the LTF is NOT compensation and is not related to the class action).

### **Who is Responsible for the BC Institutional Legacy Trust Fund?**

- The Victoria Foundation and the Province/MCFD are the parties to the Trust Agreement; they are responsible to make sure the Fund is used as intended; they must agree to all decisions about the LTF.
- The LTF Selection Committee (made up of former residents and family members of former residents) reviewed applications for the Advisory Committee and selected Advisory Committee members.
- The LTF Advisory Committee (made up of former residents and family members of former residents) is responsible to make recommendations about how the LTF fund should be distributed.

## **Legacy Trust Fund Timeline**

### **2003**

- The BC Institutional Legacy Trust Fund (LTF) created on March 31, 2003
- MCFD, Victoria Foundation and community representatives review terms of Trust Agreement
- Call for LTF Advisory Committee Applications

### **2004**

- LTF Advisory Committee selected
- Legal petition filed by a lawyer representing 14 former residents, objecting to the way the Advisory Committee was selected
- Lawyers discuss selection process and what should happen next

### **2005**

- Lawyers for both sides agree that Selection and Advisory Committee selection process will be re-done and that community consultations on the process must take place
- Community consultations on LTF process
- Selection of new LTF Advisory Committee and first Advisory Committee meetings
- LTF Advisory Committee selects option for distributing LTF funds

### **2006**

- LTF Advisory Committee advocates for equal distribution of funds among all surviving former residents
- VF and MCFD agree to distribute LTF funds equally among all surviving former residents
- Lists of former residents compiled by MCFD
- Ministry of Employment and Income Assistance agrees to exemption for LTF payments
- Victoria Foundation begins distribution of cheques to former residents (beginning July 31)
- Identification of and payments to former residents missed in initial distribution (Aug. 31-Dec. 31/06)

## **Questions and Answers about the BC Institutional Legacy Trust Fund (LTF)**

### **1. What is the Legacy Trust Fund?**

**Answer:** The LTF is a 2 million dollar fund created by the Province. It is intended to benefit former residents of Woodlands, Glendale, Tranquille and Endicott Centre. The Minister who established the fund said it was a goodwill gesture by the province to recognize the difficulties people experienced in the institutions.

### **2. Is the Legacy Trust Fund compensation for institutional abuse?**

**Answer:** No. Some former residents of one of the four institutions (Woodlands) are involved in a lawsuit for abuse. The Legacy Trust Fund is not connected to the lawsuit. It is a completely separate process and LTF funds are not compensation.

### **3. Who is eligible to receive a cheque from the LTF?**

**Answer:** Anyone identified as a former resident of Woodlands, Glendale, Tranquille or Endicott Centre is eligible to receive LTF funds.

### **4. What should LTF funds be used for?**

**Answer:** The LTF funds are to be used according to the wishes of the former resident, for their pleasure and enjoyment. The LTF cheques are for a modest amount of money, but for many former residents of the institutions, this represents a rare opportunity to afford some extras that might not normally be afforded. The LTF Advisory Committee urges everyone to work to ensure that the LTF funds are used according to the wishes of the former resident.

### **5. Will people who only attended the institutions briefly or for assessments receive a cheque from the Legacy Trust Fund?**

**Answer:** All individuals identified by the institution and/or the MCFD records officer as a former resident will receive an LTF cheque. This will include some individuals who may have been in the institution only for a short time or only for an assessment. Some individuals who attended the institutions briefly or for assessments only do not regard themselves as former residents. These individuals are free to choose whether to keep their cheque or to return the cheque to the Victoria Foundation.

### **6. How much money will former residents receive from the LTF fund?**

**Answer:** Former residents will each receive a cheque (a one-time payment) for \$510.

### **7. When will former residents receive LTF funds?**

**Answer:** Most former residents will receive a cheque during August, 2006.

**8. Why won't all former residents receive a cheque during August, 2006?**

**Answer:** Each institution had its own ways of keeping records of residents. There are some inconsistencies in these records. Some names were spelled incorrectly. Some records may be incomplete or missing. Some people have similar names or even the same name. It is expected that there will be some errors and some former residents may be missing from the initial list.

**9. What should former residents or their representatives do if a former resident does not receive a cheque by August 31, 2006 (or if they have questions about the Legacy Trust Fund)?**

**Answer:** If a former resident has not received a cheque by August 31, 2006, they, or a person acting on behalf of the former resident may call a toll free line or send an e-mail to provide information about the person (the former resident's name, phone number, current address, which institution they lived at and when they lived there). If you know of a former resident who has not received a cheque, please call or write to ensure that this person is included in the LTF fund. The contact information is:

**Toll-free number: 1-888-387-3354 - this line is for leaving a message; calls will be returned within 2-3 business days**

**Email address: [anita.nevistic@gov.bc.ca](mailto:anita.nevistic@gov.bc.ca)**

**10. What if I need to talk to someone about the Legacy Trust Fund right away?**

**Answer:** For more urgent matters, please call the Advocate for Service Quality in Vancouver at **(604) 775-1238**. In Victoria call, Enquiry B.C. at **(250) 387-6121**, and ask for the Office of the Advocate for Service Quality. Anywhere else in B.C., please call toll-free to Enquiry B.C. **1-800-663-7867** and ask for the Office of the Advocate for Service Quality.

**11. When will cheques be sent to former residents who are identified after August, 2006?**

**Answer:** The cheques to these former residents will be sent as soon as their information is verified and the Victoria Foundation processes their cheque. When the information about the former resident has been received by email or phone:

1. MCFD records staff will confirm that the person is a former resident of one of the 4 institutions.
2. Once confirmed, the former resident's name and contact information will be sent to the Victoria Foundation.
3. The Victoria Foundation will mail a cheque for \$510 to the person.

**12. When is the final timeline for identifying eligible recipients for the Legacy Trust Fund?**

**Answer:** The timeline for identifying eligible recipients for the Legacy Trust Fund is **December 31, 2006**

**13. Will receiving LTF funds affect my BC Benefits?**

**Answer:** No. The Ministry of Employment and Income Assistance (MEIA) has clearly stated that LTF funds are exempt as income and exempt as an asset for the purpose of BC Benefits. A letter from MEIA announcing this exemption is included with the LTF cheques. Anyone experiencing problems or misunderstandings related to LTF funds and their BC Benefits should call Lori Seay at the BC Association for Community Living (BCACL) at 604-875-1119 (collect calls accepted).

**14. Do I have to claim LTF funds as income?**

**Answer:** Yes. The LTF funds must be included as income for the purpose of income taxes. Many former residents have incomes which are below the income level for having to pay income tax and the LTF cheque will likely not affect that status.

**15. What will be done with money that may be left over after December 31, 2006?**

**Answer:** As with all Trust Funds administered by the Victoria Foundation, some funds are held back to cover administrative costs and taxes related to the fund. With the Legacy Trust Fund, additional funds have been held back so that people missing from the initial list can also receive funds. The Advisory Committee will be asked by the Victoria Foundation to make a recommendation for any leftover funds to be donated to a non-profit agency in mid-2007 (after the tax season) for activities consistent with the intended purpose of the LTF fund.

On behalf of the Advisory Committee, we wish to thank everyone who has worked to ensure that the Legacy Trust Fund is used in a way that respects the rights, self-determination and choices of the former residents.

The Advisory Committee will distribute another Legacy Trust Fund update by early September.

*Sharron Billey and Len Zimmer, Co-Chairs  
Trust Advisory Committee  
BC Institutional Legacy Trust Fund*