



Yukon Substance Abuse Action Plan



SAFER COMMUNITIES AND NEIGHBOURHOODS LEGISLATION

Background

Exploring the development of safer communities and neighbourhoods legislation is one of the action items listed in the draft Yukon Substance Abuse Action Plan. This new legislation would establish a way for a government agency to respond to complaints and put an end to activity that adversely affects or harms a neighbourhood.

Safer communities legislation is currently used in Saskatchewan and Manitoba. On November 14, 2005, all Members of the Legislative Assembly agreed to bring forward a Yukon version of safer communities legislation for the spring 2006 session of the Legislature.

What is Safer Communities and Neighbourhoods Legislation?

Safer communities and neighbourhoods legislation would promote community safety by providing a way for the territorial government to respond to public complaints about properties that:

- Negatively affect the health, safety, or security of one or more persons in a neighbourhood; and/or
- Interfere with the peaceful enjoyment of one or more properties in a community or neighbourhood.

If a neighbour makes a complaint about a property, the territorial government may undertake an investigation that could lead to tenants being evicted, or a community safety order issued to stop the unsafe use of property, such as liquor, drug, and prostitution activities. The investigation would need to show a reasonable belief that the illegal activities are frequently occurring on or near the property, and that those activities negatively affect the neighbourhood. Investigators and the court will have to be satisfied that the property is being used for unsafe activities on a “balance of probabilities” which is much less than the criminal standard of “beyond a reasonable doubt”.

How Does Safer Communities Legislation Work?

Under the legislation, one or more individuals would be able to file a complaint with a government official if a community or neighbourhood is being adversely affected by activities on or near a property in the area.

Activities that may be covered in the legislation could include any of the following:

- sale or production of illegal drugs;
- illegal alcohol sales;
- the use of inhalants; and
- prostitution.

Under the legislation, the Yukon Department of Justice would receive complaints through a government official. Experienced investigators would review the complaints to determine whether there are persistent activities taking place that are making the neighbourhood unsafe. If it is determined that there is enough evidence to support the complaint, the agency can proceed by:

- issuing a warning letter to the property owner or its occupant;

- attempting to resolve the complaint by informal action or an eviction notice (resolving the problem out of court);
- applying for a court order to prohibit the illegal activity from continuing;
- applying for an immediate closure order; or
- taking other action that the government agency considers appropriate.

The territorial government becomes the complainant if the matter goes to court.

When one or more citizens believe their neighbourhood is adversely affected by unsafe activities on a property, they can make a complaint to a government agency. This will save complainants from having to seek a remedy through court action at their own expense. It will also save complainants from becoming vulnerable to being targets of intimidation and revenge.

One important aspect of the legislation is that it would provide for a confidential complaint-driven process. The complaint will be kept confidential and the identity of those who file it will not be revealed at any time. No person, without their written consent, will be identified to another person, court, government institution, local authority, or law enforcement agency.

What is a Community Safety Order?

A community safety order would prohibit the activities that are causing the disturbance from continuing. As well, it would require the owner to do everything reasonably possible to prevent the activities from continuing or recurring. These can include:

- terminating a lease at the property;
- closing the property; and

- requiring that individuals leave the property and prohibit them from returning.

Who Will Benefit From This Legislation?

Community members who reside in neighbourhoods with properties where unsafe activities are taking place will benefit from this legislation. With the closure of these properties, community members will be more likely to feel safe in their homes and on their neighbourhood streets.

What Will Safer Communities Legislation Achieve?

This legislation will provide a mechanism for the territorial government to respond appropriately to complaints about crime and disorder in a neighbourhood. Cleaning up these properties is an effective way to reduce crime in a neighbourhood.

Some of what this legislation would achieve is to:

- Create safer communities.
- Be responsive to identified concerns of communities.
- Encourage community members, governments and police to work together to address the occurrence of unsafe activities.

The government would be prepared to respond not only to concerns related to the closure of a residence, but also the possibility of more drug houses opening down the block or in other neighbourhoods. Dislocation is a possibility, but not a certainty. The legislation is intended to deal with one house at a time. If the illegal activity moves to a new location, officials will respond to any new complaints that are filed.

How Can I Participate?

Attached is additional information relating to this legislation for you to review.

The Government of Yukon welcomes questions and comments by phone, fax or via the website. Please contact:

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Additional Information: [The Safer Communities and Neighbourhoods Act for Saskatchewan](#)