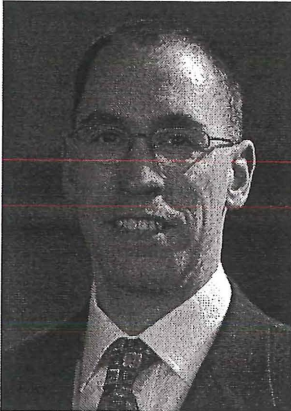




# Safer Communities and Neighbourhoods Legislation:

A consultation paper about a proposed new  
way to make your community safer

## Message from the Minister



Drug houses and bootlegging operations are very disruptive to the well-being of residents in NWT communities. The proposed *Safer Communities and Neighbourhoods Act* would create a new civil process that would be quicker, easier and focused on stopping the activities rather than on arresting individuals. This would be a new tool that would be used in partnership with the RCMP.

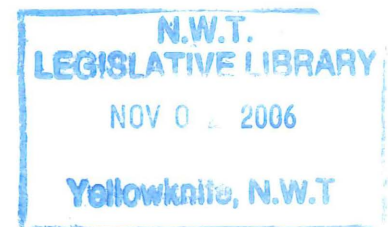
If approved, investigators would take complaints from anyone who is affected by properties where certain types of illegal activities are taking place. Each complaint would be investigated, often with surveillance of the property. If the investigation shows evidence of illegal activities that disturb the neighbourhood, the property can be closed within days. If the problem property is a rented home, the tenants will be evicted by the landlord or by court order. The evidence can be turned over to the RCMP for use in a criminal investigation that could send people to jail.

This type of enforcement is not possible under existing NWT laws. The criminal process focuses on individuals, and landlords often feel powerless to evict problem tenants. We know that illegal activities are having an effect on our communities, and we need to take action immediately against these properties. If the people who are causing the problem move to another house, we will gather evidence and evict them again. We will follow them wherever they go until they stop their illegal activities or leave the NWT.

Please join me in sending a strong signal to drug dealers and bootleggers that we do not support their activities. To learn more about this proposed legislation, go to [www.justice.gov.nt.ca](http://www.justice.gov.nt.ca). I welcome your comments and ideas about how it could work in your community.

A handwritten signature in black ink, appearing to read 'B. Bell', written in a cursive style.

Honourable Brendan Bell  
Minister of Justice



## Identifying the Issue

Some residents of the Northwest Territories (NWT) feel unsafe in their homes and communities because they know that illegal activities are taking place near their homes. Police and community members either know or suspect that some properties are used for selling drugs, bootlegging and other activities that disturb the neighbourhood.

The provisions in the *Criminal Code*, *Controlled Drugs and Substances Act* and *Liquor Act* target individuals rather than the activities taking place at a property. It can sometimes be hard to get enough evidence for a criminal conviction, and the arrest of an individual does not always stop the illegal activities at a property. A new way to stop or prevent this kind of unlawful behaviour could help the RCMP in their work in the communities.

## What is proposed?

Safer Communities and Neighbourhoods (SCAN) legislation is a new way to promote community safety. It would give the territorial government the authority to respond to public complaints about properties where illegal activities are believed to be taking place.

The GNWT Department of Justice is considering the legislation as a way to stop or reduce the use of properties for activities such as:

- Illegal use or sale of alcohol;
- Drug use or trafficking;
- Illegal use or sale of intoxicating substances;
- Prostitution; and
- Illegal gambling.

If a complaint is made about illegal activities at a property, the legislation allows the territorial government to investigate. The Department of Justice would hire experienced investigators to review complaints. An investigation would show the nature and extent of the activities, and the effects these have on the community.

Every reasonable effort is first made to resolve the complaint informally through a warning and eviction process. This means the investigator will talk to the landlord and describe the evidence that identifies the people involved in the

illegal activities. The landlord can then choose to sign an order evicting the problem tenants from the property. Once the landlord has agreed to sign the order, the investigator, using police and other resources as necessary, serves the eviction order.

Experiences in other provinces show that almost all incidents are resolved through this informal eviction process.

If the owner or tenants do not agree to use the informal process, the court may issue a Community Safety Order to stop the unsafe use of properties. A Community Safety Order is a formal court order that recognizes the activities taking place at a property – it requires a property owner to take action to stop the activities. The order may include the eviction of tenants and closure of the property. The evidence can also be turned over to the RCMP for use in a criminal investigation.

If a matter goes to court, the SCAN investigator acts as the complainant. Any evidence that may identify the person who made the original complaint is kept confidential – it is never released to any person or agency. The investigation would need to show a reasonable belief that the illegal activities negatively affect the neighbourhood and are frequently occurring on or near the property. Investigators and the court must be satisfied that the property is being used for illegal activities.

The program would involve cooperation from government departments and agencies, including:

- Education, Culture and Employment:
- Health and Social Services;
- The NWT Housing Corporation; and
- Municipal and Community Affairs.

Information-sharing agreements would be signed with the RCMP.

This type of legislation has been successfully implemented in Manitoba and Saskatchewan. Yukon and Nova Scotia will have SCAN investigation units in late 2006 or early 2007.

## **How is the illegal activity stopped?**

Once an eviction notice is obtained, or a Community Safety Order granted, the tenants are given a short amount of time to move out (usually three to five days). During this time, SCAN investigators will ensure the individual(s) are leaving the property and remind them that their activities are not tolerated.

In serving the eviction order, the SCAN investigator will make efforts to identify the emergency needs of children and other people who live in the property who are not involved in the illegal activities. The legislation promotes cooperation among government and non-government agencies that can assist where necessary.

Efforts are made to ensure the individuals being evicted cannot begin similar activities in a new property. SCAN investigators track these people to make sure they do not continue their activities in a new location.

## **What will be accomplished?**

The legislation is another way to reduce activities that hurt northern residents. SCAN investigators will work with RCMP and community efforts to reduce or eliminate illegal activities in communities. The legislation provides a way to end illegal activities at a property – it is not a social program intended to rehabilitate the individuals engaged in these activities.

The legislation allows community members to make a complaint about illegal activities in their neighbourhoods. The Act is written in a way that keeps complaints confidential – the identity of the complainant is never released, even if the case goes to court.

The complaints-driven process is much different than the current structure of law enforcement through the *Criminal Code* and other legislation. SCAN investigators will only respond to an incident in a community if a complaint is filed and an investigation is required.



## What do you think?

The Department of Justice has consulted with other parts of Canada that have Safer Communities and Neighbourhoods legislation. It may be a useful tool to reduce or eliminate illegal activities taking place on properties in the NWT.

As part of the process to evaluate the legislative initiative, the Department of Justice is interested in hearing what you think. The following questions are meant to encourage you to think about how the legislation could be implemented in the NWT.

1. Based on the information you have seen, do you believe this is an initiative the government should pursue? Why or why not?
2. Will this work in your community? Why or why not?
3. What advantages do you see in having this proposed Act?
4. What challenges do you see with the proposed Act?
5. Is this the right way for the government to deal with these illegal activities in communities? Why or why not?

6. Would you feel empowered to make your community safer if this Act was in place?
  
7. Would you provide information to investigators or place a complaint if illegal activities were affecting your neighbourhood? Why or why not?
  
8. What would you expect to happen if you placed a complaint?
  
9. Are there any other situations where you think this legislation could apply?

## **Anything else?**

Do you have any other comments on what should be included in the evaluation of Safer Communities and Neighbourhoods legislation?

You can contact us in three ways:

1. Come to a public meeting and tell us what you think.
2. Send an e-mail to the Department of Justice at:  
[communications\\_advisor@gov.nt.ca](mailto:communications_advisor@gov.nt.ca).
3. Send a letter to:

Safer Communities and Neighbourhoods Consultation  
Policy and Planning  
Department of Justice  
Government of the NWT  
PO Box 1320  
Yellowknife, NT X1A 2L9

This paper is available on the Internet at [www.justice.gov.nt.ca](http://www.justice.gov.nt.ca). You can also call 920-6418 to learn more.

**Please provide comments by January 19, 2007.**

**Thank you!**