



Public Interest Law Participation Fund Terms of Reference

Purpose

The purpose of the Law Foundation of British Columbia's ("the Foundation") Public Interest Law Participation Fund ("PILP Fund") is to support the ability of organizations, First Nations, and individuals based in BC to participate in public proceedings that raise public interest law issues, by providing funding to eligible individuals and organizations to assist with costs related to their participation. PILP Fund grants are not intended to cover all participation costs.

Budget and Administration

The Foundation's Board of Governors sets the budget for the PILP Fund annually.

The Foundation's Capacity and Access Funds Committee ("the Committee") monitors the management of the PILP Fund by Foundation staff; assesses and adjudicates PILP Fund grant applications; and oversees evaluation of the effectiveness of the PILP Fund.

Eligibility Guidelines

Who Can Apply for PILP Fund Grants

The following individuals and groups can apply for PILP Fund grants:

- Non-profit organizations and unincorporated associations based in BC;

- First Nations based in BC; and
- Individuals who reside in BC.

The following groups are not eligible for PILP Fund grants:

- Foundation ongoing grantee organizations;
- Federal, provincial, and municipal governments and public service agencies and associations;
- Organizations and individuals that solely represent their own business, financial, or personal interests;
- Organizations and individuals who have initiated and/or are parties to the case, complaint, or proceeding at issue; and
- For-profit companies and organizations, except for lawyers and law firms representing a PILP Fund applicant or recipient.

Eligible Public Proceedings

Participation in a Public Proceeding, for the purpose of the PILP Fund, includes:

- Intervention in:
 - A case before any level of court, with preference given to cases being heard by an appellate court or the Supreme Court of Canada;
 - A human rights case either at the BC Human Rights Tribunal or the Canadian Human Rights Tribunal;
 - A public inquest, hearing, or inquiry, including but not limited to a Coroner's Inquest, public inquiry established by an order of the governments of BC or Canada, or a public hearing under BC's Police Act; or
 - Any other provincial or federal tribunal hearing that raises public interest law issues in BC and allows interventions.

- Presenting submissions at:
 - A regulatory hearing where the applicant to the PILP Fund is not the proponent of a project under review and does not have a direct financial interest in the outcome of the proceeding. Examples of such processes include but are not limited to interventions before the BC Utilities Commission, the [Environmental Assessment Process for BC](#), or Canada Energy Regulator hearings; or
 - A [public hearing held under section 464 of BC's Local Government Act](#) or section 559.02 of the [Vancouver Charter](#) that will consider an official development plan bylaw or zoning bylaw, where the applicant to the PILP Fund is not the proponent of a project under review and does not have a direct financial interest in the outcome of the proceeding. The PILP Fund is not available for submissions to local governments in BC, including the City of Vancouver, that are not public hearings.

The PILP Fund is not available for submissions to parliamentary or legislative committees.

Other Considerations

The Committee does not adjudicate PILP Fund applications based on the merits of applicants' proposed arguments in Public Proceedings, but will consider whether applicants':

- Perspectives are rationally connected to the issues in the Public Proceeding;
- Participation will broaden the diversity, inclusiveness, and balance of views being discussed;
- Proposed submissions are consistent with the rule of law;

- Have not submitted any other PILP Fund applications in the preceding 12 months; and
- Would be unable to participate effectively in the Public Proceeding without financial assistance.

Amounts of PILP Fund Grants

The Committee may award PILP Fund grants to applicants in order to participate in Public Proceedings and may determine the amount granted to applicants.

The maximum amount of a PILP Fund grant is determined as follows:

- Up to \$15,000 for interventions in court cases, human rights complaints, public inquiries and inquests, and any other eligible Public Proceeding that requires applications to intervene. PILP Fund grantees will manage the expenditure of the grant appropriately between the application to intervene and the intervention itself;
- Up to \$10,000 for interventions and submissions in Public Proceedings that do not require applications to intervene; and
- Up to \$5,000 in additional funding for interventions and submissions in complex and/or lengthy Public Proceedings.

PILP fund grants can be used to pay for eligible expenses, described below.

Applicants who receive a PILP Fund grant to participate in one level of a Public Proceeding can apply for PILP Fund grants to participate in judicial reviews, appeals, or reviews of the decisions in the Public Proceeding. Foundation approval of a PILP Fund grant for one level of the Public Proceeding does not guarantee funding for intervention in judicial reviews, appeals, or reviews of decisions.

Eligible Expenses

The following categories of expenses are allowable uses of PILP Fund grants:

- Lawyers' fees, disbursements, and applicable taxes for the purposes of preparation and representation in a Public Proceeding;
- Social science, Indigenous or other technical experts' fees, disbursements, and applicable taxes for the purpose of preparing for and/or providing evidence in a Public Proceeding;
- Out-of-pocket expenses incurred for the purpose of participating in a Public Proceeding, including, travel, accommodation, meals, disability accessibility including but not limited to ASL interpreters, and reasonable childcare expenses.

PILP Fund grants cannot be used to cover salary costs of staff working at organizations who are receiving ongoing Foundation grants.

The Foundation's Executive Director may periodically update eligible expense rates.

Application Deadlines and Funding Decisions

The Committee will review applications during regularly scheduled meetings. The Foundation will advise applicants of funding decisions within two weeks of the Committee's decision.

The Committee may consider applications on an emergency basis where an applicant indicates that it is facing urgent timelines.

Reimbursement to the Foundation

The Foundation reserves the right to require that if a PILP Fund Grantee receives a cost award in the Public Proceeding, PILP Fund grants used to cover expenses subsequently reimbursed by that cost award be returned to the Foundation.