

# RENOVATE THE PUBLIC HEARING

Innovators Forum Report  
March 2023



## ACKNOWLEDGEMENTS

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This report was prepared by the SFU Morris J. Wosk Centre for Dialogue's Renovate the Public Hearing Initiative (RPHI) to encompass the opinions shared at the Innovators Forum held via Zoom on March 30 and 31, 2023.

This publication does not necessarily reflect the opinions of the Centre for Dialogue. Any works referring to this material should cite:

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This report was authored by Amina Yasin, Ayaan Ismail, Jocelyn Wong and Trudi Goels.

Illustrations were created by Trevar Fox.

The report layout was completed by Karis Chitty.

We also acknowledge the x<sup>w</sup>məθk<sup>w</sup>əyəm (Musqueam), Skuwxwú7mesh Úxwumixw (Squamish), səliwətaʔt (Tsleil-Waututh), áíćáý (Katzie), k<sup>w</sup>ik<sup>w</sup>əłəm (Kwikwetlem), Qayqayt, Kwantlen, Semiahmoo, and Tsawwassen peoples, on whose unceded traditional territories Simon Fraser University's campuses are located. By acknowledging the historical and ongoing presence, displacement and dispossession of these Nations, we are reminded of the inherent relationship between land and the decisions we make regarding its use. We acknowledge that the process of enhancing land use decision making processes requires a collective effort and a commitment to respectful and equitable engagement.

## INTRODUCTION

# RENOVATE THE PUBLIC HEARING INITIATIVE

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The Renovate the Public Hearing Initiative (RPHI) is a \$2.5 million CMHC-funded program led by Simon Fraser University's Morris J. Wosk Centre for Dialogue (the Centre). This initiative is a response to the national and provincial housing crisis as part of CMHC's Housing Supply Challenge and provincial calls for systems change. The goal is to create a scalable community-involved and policy-informed process to pilot and evaluate reforms to the British Columbia Local Government Act's public hearing requirements, legislated under Section 464-470. In addition to this, we aim to enhance social equity and community-building, and to strengthen democratic culture. The Renovate the Public Hearing Initiative completed an exploratory phase of work in spring 2022 with major outputs now available. The current phase of work includes providing resources to support local governments that wish to experiment with new solutions that could augment, replace or streamline land use public hearings. In parallel, the initiative's collaborative partner, the British Columbia Law Institute (BCLI), is leading a legal reform study to support potential legislative change to enable these reforms.



*RPHI partners (from left to right): Morris J. Wosk Centre for Dialogue, BCLI, CMHC's Housing Supply Challenge*

## INNOVATORS FORUM SUMMARY

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On Thursday, March 30th and Friday, March 31st, 2023, the Renovate the Public Hearing Initiative virtually hosted an Innovators Forum to bring together people and organizations most impacted by the public hearing process to discuss what works, what doesn't and, more importantly, what can be done to reform elements of the public hearing process. The intention of the event was to convene folks for a dialogue about their experiences and points of view on the public hearing process across municipalities in BC. Each day focused on a specific target audience, taking into consideration conditions that support a successful dialogue, including power dynamics, virtual accessibility (including closed captioning), a focus on learning, and balancing inquiry and advocacy. The two separate forums served slightly different purposes. The first included 39 individuals from local governments, industry, urban planners, architects, social and co-operative housing providers, and academia, who discussed policy and legal decisions and identified local solutions to public hearings and alternative outcomes. The second forum was comprised of 28 community organizers, non-profit social service providers, tenants' unions, youth-based organizations, active transportation coalitions, and other city and rural-based advocates to raise awareness about the local government public hearing process and discuss the impacts, barriers and solutions that could be tested and developed.

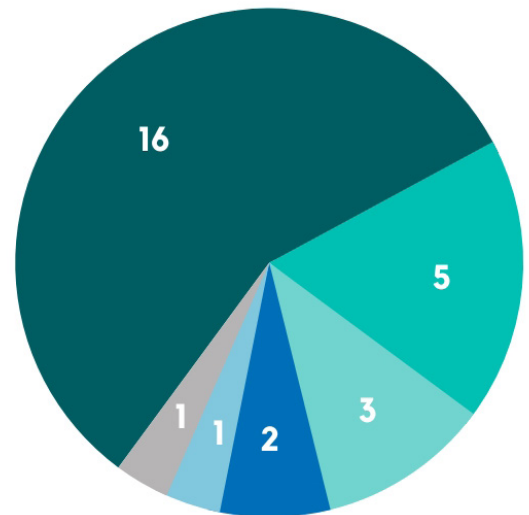
# Participant Demographics

## FORUM PARTICIPANTS | DAY 1



Number of participants from each demographic

## FORUM PARTICIPANTS | DAY 2



Number of participants from each demographic

# INTRODUCTION

On March 30 and 31, 2023, discussions were held in four or five breakout sessions with six to eight attendees in each room. These participants were led through discussion questions relating to the public hearing process to identify common issues and potential solutions for reform. Five trained forum facilitators and notetakers from the Centre guided the discussions using a dialogue-based format, supporting participants in talking about the public hearing process as it procedurally takes place across municipalities in British Columbia and how it is currently legislated under Section 464-470 of the provincial Local Government Act.

The dialogue-based format was established with participant agreements that were sent out to attendees prior to the Innovators Forum. Other frameworks and prompts included in the workbook that helped set the tone for the dialogue included having participants focus on the following methods of dialogue:

- 1. Dialogue not debate:** Dialogue is to be distinguished from debate. Dialogue is a collaborative vehicle that runs on curiosity, transparency and equity. Dialogue encourages inquiry, outlines a path toward awareness, engages in an exchange of perspectives, seeks understanding and knowledge, and investigates shared connection toward the goal of identifying potential solutions. In contrast, debate is about power over the other, and takes on a combative and victory-seeking method of exchange that may bulldoze through discussions to get to the finish line.
- 2. Story Telling:** Attendees were encouraged to talk about their personal and professional experiences, and how they shape their thoughts and actions.
- 3. Ask follow-up questions:** Attendees were encouraged to participate during the entirety of the forum workshop, and facilitators led discussions in a way that encouraged participants to help everyone feel heard. One method was encouraging participants to ask a follow-up question before sharing an immediate response; for example, "I think you said [insert your summary of what you heard] – did I get that right?"
- 4. Identify shared values:** Facilitators encouraged participants to inject shared values into the conversation if they found the conversation stalling; for example, "It sounds like we disagree on X but can we confirm we both believe Y is valuable?"

The objectives for the forum included having participants share their experiences about the public hearing process in BC, including urban and rural distinctions. Other objectives were to identify current local government practices, as well as common challenges and issues, and to brainstorm and discuss potential solutions that would inform the RPHI demonstration pilots. These breakout session dialogues also served to inform the demonstration pilot portion of the Renovate the Public Hearing Initiative, where the project will work with municipalities, academics, tenants' unions, non-profit organizations, and other groups marginalized by the process as it currently exists to pilot some of the suggested solutions and evaluate their effectiveness in raising awareness about the public hearing process and working toward reforming it.

# INNOVATORS FORUM: WHAT WE HEARD

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**Below is a summary of the discussions at the Innovators Forum, categorized into main themes:**

## 1. Moving Toward a Culture of Care

Participants shared that they often perceive public hearings as a means for people with ties to private and personal property interests, including elected officials and others within communities who often hold immense societal and material power, to further marginalize and disempower equity-denied and minoritized communities. Colonialism, structural ableism, racism and classism are identified as issues that intersect with the public hearing process and contribute to exclusion and inequity.

Accordingly, public hearing processes need to be more broadly accessible, transparent and equitable. Flexibility and customization in current and future processes is required to accommodate marginalized voices and diverse perspectives, particularly those of Indigenous peoples, disabled people, renters, and those from historically and presently systemically marginalized racialized communities, who are disproportionately impacted by land use decisions, housing issues and discrimination premised on race and further compounded by income status.

Colonial and racial trauma and the impacts of land use decision-making on structurally neglected communities needs to be acknowledged and addressed. Participants highlighted the overlays of different forms of oppression, including disability, race, class and immigration status, as a crucial lens through which to approach considerations for reconsidering the public hearing process. Many participants shared experiences where classism was on display at public hearings, particularly when it comes to unhoused residents, renters, and those living with disabilities. An “undeserving poor” rhetoric was referenced as well as the role these sentiments play in preventing the delivery of housing solutions.

There are calls for a multi-human rights lens that intentionally considers the diverse needs and experiences of participants in public hearings. It was also mentioned that currently the B.C. Human Rights Code does not cover social condition or class as a code for protection – instead, in British Columbia, protection against discrimination in housing extends only to source of income during tenancies. There are also calls for creating a culture of care in decision-making processes, where all voices are prioritized and weighed equitably, and where support and inclusion are fundamental principles. The main question that came up was how can we better design public hearings and land-use legislation based on models of community support?

## 2. Inaccessibility and Privacy Concerns

Participants described public hearings as difficult to access for many people, including those who do not have the time, cultural familiarity or physical accessibility required to participate effectively. Inaccessible venues, debate-oriented formal settings, the requirement to disclose personal information such as full name and address, and the lack of advance notice, preparation time, and supports during the process were identified as barriers to participation.

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Additional accessibility and privacy barriers include citizenship status concerns, access to legible and accessible resources, including notifications such as development notification signage and mailouts, transit inaccessibility, lack of caregiving supports, internet access for online participation, lack of familiarity with the process and both lack of and excess amounts of anonymity (that either makes participants susceptible to exposure or allows for them to incite potential harm with the protection of anonymity). This creates increased risks to participants and inequities in participation, and limits the ability of individuals to speak up confidently.

Power dynamics and imbalances were identified as significant issues in public hearings, with concerns about unequal opportunities for participation and decision-making. There is a recognition of power imbalances in decision-making processes, with specific characteristics that reference historic and systemic privileges identified, such as older homeowners with greater access to wealth, predominantly racialized as white, who understand how to navigate local government processes and other systems having more influence and greater societal power compared to others.

This can result in marginalized voices being ignored or dismissed, and decision-makers prioritizing certain perspectives over others. Consequently, a recognition of the need for nuance and a deeper understanding of complex issues beyond simplistic binary categories of 'for or against' is required. Decision-makers and other participants should be more willing to engage in dialogue, engage with diverse perspectives, and remain curious while being open to learning and growth. The debate style of the public hearing process was also mentioned as a barrier to participation, with Mayor and Councilors in some municipalities being able to challenge public speakers and inundate them with questions.

The role of social media and its wider cultural context in shaping conversations around democracy, land-use and planning decisions, particularly in relation to public hearing experiences was also mentioned, with concerns about live streaming, fear-mongering, racist and other offensive coded speech, and "poor bashing."

### 3. Trust, Legitimacy and Accountability

The issue of trust in public hearings was brought up by participants, with concerns about the perceived lack of legitimacy and fairness in the process. There are calls for trust building between participants and decision-makers to ensure that public hearings are perceived as legitimate and meaningful avenues for public input. There are also concerns that decisions in public hearings are often made beforehand, and that the solutions to concerns and issues up for discussion are predetermined. Lack of transparency and meaningful opportunities for input were identified as issues, and calls for greater facilitation and respectful dialogue were suggested.

Additionally, there are concerns about the lack of consequences for decision-makers who do not adequately address public input, or permit targeted and/or coded speech that would be in contravention of the Human Rights Code, hence, calls for ensuring that decision-makers are accountable for their actions or inactions and decisions based on public hearing feedback were reiterated during the forum.

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### 4. Safety Concerns and Trauma-informed Processes

Participants critiqued the concept of “safety” and mentioned that it can be viewed as a source of surveillance and enforcement against marginalized people, specifically against disabled people with mental illness, as well as poor people and racialized people. The use of personal information in public hearings, including full name and image, is seen as violating and potentially harmful. There are calls for greater protection of identity and privacy for participants in public hearings, and concerns about vitriolic language and disrespectful behavior against already targeted and vulnerable groups.

Participants shared that there is a need for more trauma-informed processes in public hearings to create a supportive environment for all people involved, from staff to participants. This may involve the use of third-party facilitators or capacity building among council and existing staff. Additionally, Council and staff should receive trauma-informed and human rights-centered training to be better equipped for public hearings, but also for their own care and wellness throughout the process.

The current public hearing process can be trauma-inducing, with high levels of stress and emotional tolls on individuals – particularly those who have experienced trauma in the past. Participants shared that the lack of trauma-informed approaches in land-use decision-making processes exacerbates the negative impacts on community well-being.

### 5. Repeal Versus “Renovation” of the Public Hearing Process

Participants questioned if “renovation” is the appropriate term to use if systemic change is the outcome required to effectively tackle the concerns identified within the public hearing process. They noted that current processes can be contentious, but it ranges depending on what the public hearing is for. Therefore, they suggested that reforms should include changes in norms, notifications, civic education, more streamlined engagements and accessible resources and timelines before hearings.

The role of courts and litigation in shaping public hearings should also be examined further. Participants also mentioned that there is confusion regarding the difference between a local government public hearing and a regular council meeting. Additional clarity and awareness should be provided by local governments to better differentiate between regular council meetings and the public hearing process with an emphasis on public hearings as an opportunity to gather public input on a particular land-use proposal, decision or update.

Comments were also shared regarding public hearing reform focusing on matters that mostly deal with the housing crisis. Participants suggested dialogue and recommendations should be expanded to consider impacts to other land-use decisions including commercial and industrial land-uses.



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### 6. Structural and Systemic Change

Suggestions were made for addressing the structural and systemic issues that contribute to difficulties in public hearings, including addressing colonialism and reconciliation attempts, broader societal inequities, power imbalances, and oppressive systems that impact marginalized communities. There is a recognition of the need for collective action to challenge the status quo and advocate for more transparent, equitable, and inclusive public planning processes that prioritize the needs and interests of rightsholders and stakeholders, including marginalized communities.

### 7. Structural Complicity and Collusion

Participants shared that there is a perception that local government institutions along with elected officials, city staff, and other decision-makers conspire to push for predetermined outcomes and limit meaningful, transparent and accountable dialogue with the public. This perception can continue to lead to a lack of faith in democratic processes, particularly the public hearing process, as some participants noted that they viewed decision-makers as operating in their own interests or to serve the powerful in society, rather than the public interest and the needs of the larger community.

### 8. Human Rights-Centered Approach

Participants noted that enhanced and streamlined engagement through localized interactions or small group dialogues would be beneficial. The impact of public hearings on people, including the human rights dynamics need to be further considered and evaluated.

Participants made it clear that it is important to focus on policy and systemic concerns rather than personal judgment. For example, public hearings that apply to residential uses should not permit remarks regarding who deserves access to a neighborhood and dignified housing, but rather about the land-use components and an understanding of the role that a human rights-centered approach can play in finding short-term and long-term solutions toward addressing the historic and present-day inequities in participating in land-use decision making processes, including the public hearing process.

### 9. Community Engagement

There was an initial sense of despair and disillusionment with the current state of the public hearing process as shared by participants, with perceived predetermined outcomes, lack of genuine consultation, and limited opportunities for meaningful engagement.

The importance of community engagement in the public hearing process was emphasized, with suggestions for fostering meaningful community participation, advancing dialogue, building and sustaining relationships with marginalized communities, and incorporating local, place-based knowledge and perspectives into decision-making. This includes acknowledging regional inequities across the province, considering the diversity among municipalities and communities as well as the need for emphasis on customization and flexibility in the process to better accommodate local contexts.

## SUMMARY

Furthermore, with regards to the timeline of the process, data collection and advocacy, participants stated that there is need for more open data and data collection before, during and after the public hearing process to better understand representation in public hearings in order to advocate for appropriate changes.

### 10. Role of Education

Lack of education and awareness about the public hearing process, including how to participate, was identified as a barrier to meaningful engagement by participants. There is a need for earlier and advanced civic education, including how input will be used, and addressing the role of legal systems. The burden of educating others should be recognized, with community support highlighted in the process.

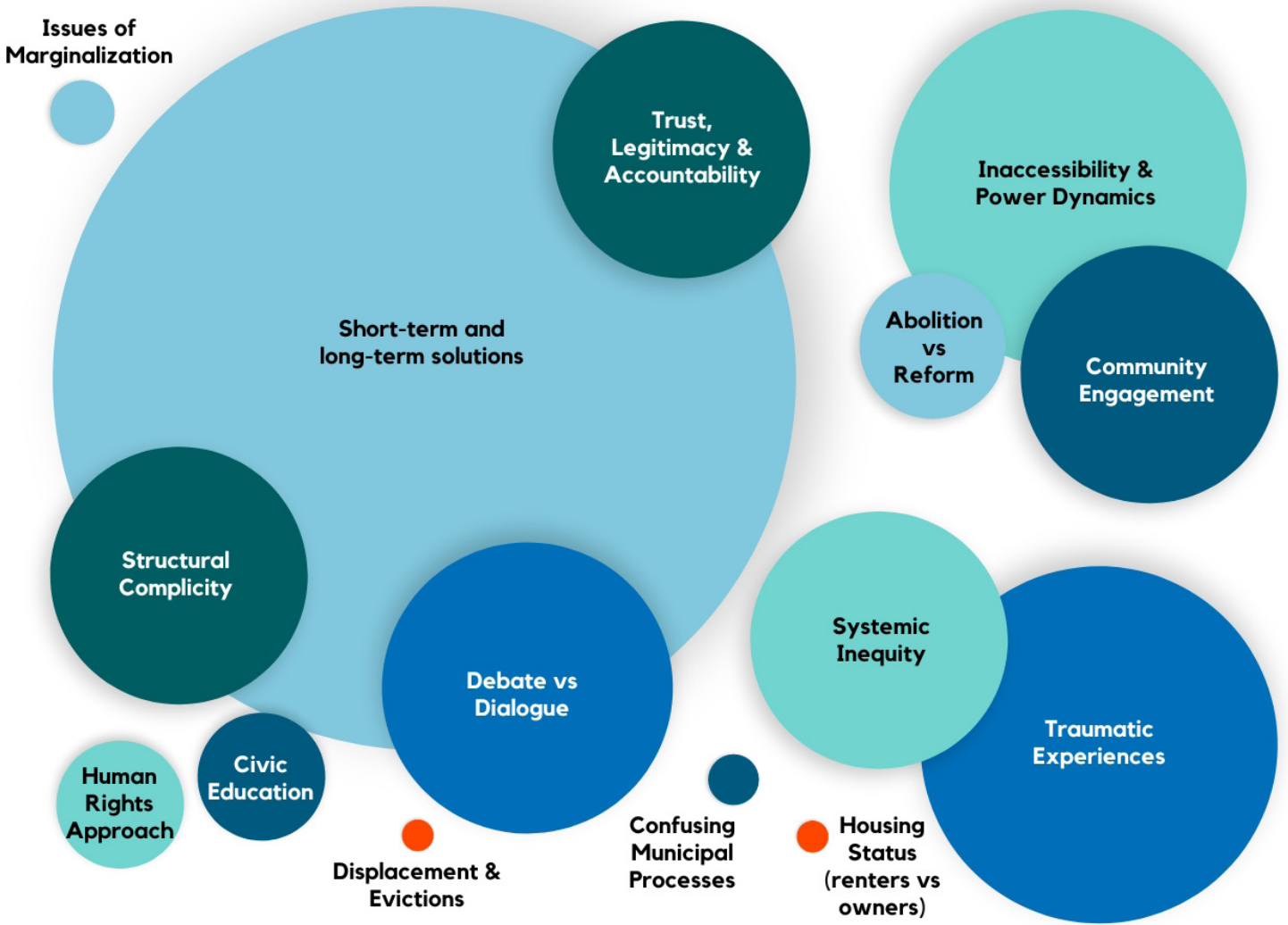
Participants made suggestions for providing education, resources and support to participants to ensure they are better equipped to engage in the public hearing process, given the limitations on access to information, such as legal, financial, and real estate departments, which may have significant input into decision-making processes. This lack of access can hinder meaningful participation and result in one-sided debates or limited understanding of the issues at hand.

### 11. Short-term and Long-term Solutions

Participants shared that improvements and reforms can be made in the public hearing process at the local government level even before a full process of reforming legislation is achieved. Short-term solutions can be implemented to address some of the barriers and challenges, while also working towards long-term provincial legislative reforms.

# SUMMARY

## SUMMARY OF KEY THEMES



Key themes that emerged through forum discussions; the size of each circle represents the number of times a theme was mentioned

## SELECTED QUOTES FROM FORUM DISCUSSIONS

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"Outreach groups doing canvassing in the affected communities could help better the public hearing process. Go to the people rather than ask them to come to you. Having one-on-one conversations would be more beneficial."

"You can't help but carry your hope with you when you enter a public hearing."

"Engagement fatigue is a huge phenomenon when we require it for everything."

"We are requiring that people who are in acute situations have to come and beg for these kinds of projects to be able to go through...it's not fair, it's not accessible, and it becomes a kind of an arbitration on their life, and their life decisions. So, it's no wonder that they don't show up."

"I'm very suited to the public hearing process - middle aged, white, educated, former lawyer, lots of flexible time - but I still don't like public hearings. If I feel intimidated/uncomfortable, I can't imagine what it's like for others."

## QUOTES

“Public hearings are being used to deny people their right to housing. Every single person has that right, and yet we’re doing nothing to activate it.”

“Public hearings are polarization by design.”

“When we are designing solutions, we need to be cognizant of the reality of our municipal politics. A lot of people don’t do the job to do what’s right, but to get re-elected. Even for those who don’t as often privilege re-election.”



# NEXT STEPS

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The Morris J. Wosk Center for Dialogue's Renovate the Public Hearing Initiative of Simon Fraser University is committed to furthering the results of this innovators forum and workshop by sharing all materials with the Province, our partner organizations and other interested parties.

The outcomes of the innovators forum and related materials will also inform the next stages of the project which include awareness raising, demonstration projects, visioning dialogues with community organizations and a financial analysis of the impacts of public hearings.

# APPENDICES

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The province-wide forum convened a combined total of 47 British Columbia elected officials, local government staff, tenants unions, community organizations and housing and land use policy/industry experts associated with the following organizations or consultants:

## List of Participating Organizations

- Aboriginal Housing Management Association
- Abundant Housing
- Atira Women's Resource Society
- BC Non-Profit Housing Association
- Brightside Community Homes Foundation
- British Columbia Law Institute
- Century Group
- City Hive
- City of Burnaby
- City of Kimberly
- City of New Westminster
- City of North Vancouver
- City of Powell River
- City of Terrace
- City of Vancouver
- Co-operative Housing Federation of BC
- Domus Homes Group
- Douglas College
- Entre Nous Femmes Housing Society
- Gabrielle Peters Consultant
- Government of British Columbia
- HUB Cycling
- JTA Development Consultants
- Luna Aixin Consultant
- Municipality of North Cowichan
- New Westminster Tenants Union
- Nisa Homes
- Metro Vancouver
- Municipality of North Cowichan
- Parker Johnson, Organizational Change Consultant
- Regional District of Okanagan-Similkameen
- Rent Strike Bargain
- Sacha Investments
- Salt Spring Housing Council / Salt Spring Solutions
- Simon Fraser University
- Shagufta Pasta Consultant
- Terra Housing
- Town of Gibsons
- University of British Columbia
- UBC Peter A. Allard School of Law
- University of Northern British Columbia
- Urban Strategy
- Vancouver Tenants Union
- Victoria Tenant Action Group
- Women Transforming Cities
- Young Anderson Barristers & Solicitors
- YWCA - City Shift



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For more information, email us at [rphi@sfu.ca](mailto:rphi@sfu.ca), or use this QR code to visit our website and socials

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