



# The Advocates' Society La Société des plaideurs

January 25, 2023

VIA EMAIL

The Honourable Brad Johns, M.L.A.  
Attorney General and Minister of Justice of Nova Scotia  
Department of Justice  
1690 Hollis Street, P.O. Box 7  
Halifax, Nova Scotia B3J 2L6

The Honourable Kim Masland, M.L.A.  
Minister of Public Works of Nova Scotia  
Department of Public Works  
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1672 Granville Street, P.O. Box 186  
Halifax, Nova Scotia B3J 2N2

The Honourable David Lametti, P.C., M.P.  
Minister of Justice and Attorney General of Canada  
House of Commons  
Ottawa, Ontario K1A 0A6

Dear Ministers:

## **RE: Accessibility of the Halifax Law Courts**

The Advocates' Society writes to express our serious concerns about the accessibility of the Halifax Law Courts and to urge the provincial and federal governments to take immediate steps to ensure all court participants can physically access the Law Courts with safety and ease.

Established in 1963, The Advocates' Society is a not-for-profit organization representing approximately 5,500 diverse lawyers and students across the country—unified in their calling as advocates. As the leading national association of litigation counsel in Canada, The Advocates' Society and its members are dedicated to promoting a fair and accessible system of justice. A core part of our mission is to provide policymakers with the views of legal advocates on matters that affect access to justice, the administration of justice, the practice of law by advocates, and equity, diversity, and inclusion in the justice system and legal profession.

The Halifax Law Courts located at 1815 Upper Water Street in Halifax are the regional seat of justice for the province of Nova Scotia. The Law Courts house both provincial and federal courts, including the Nova Scotia Court of Appeal, the Supreme Court of Nova Scotia, the Nova Scotia Probate Court and Bankruptcy Court, the Federal Court, and the Tax Court of Canada. It is imperative that all participants in the justice system be able to safely and easily access the Law Courts.

On September 16, 2022, the Law Courts' parkade was closed indefinitely due to concerns with the structural integrity of the parkade. The parkade contains the only accessible entrance to the Law Courts. The Advocates' Society is very concerned that the closure of the parkade means that court participants or attendees with physical disabilities (including parties, witnesses, lawyers, court staff, media, and others) will not be able to access the Law Courts, negatively impacting access to justice for residents of the province.

The other entrances to the Law Courts are not accessible. The main entrance to the Law Courts is one level above street level. The most direct means of accessing the main entrance requires the navigation of a long outdoor flight of concrete stairs, which can be dangerous in the winter. The alternate means of accessing the main entrance, which visitors with accessibility issues are being encouraged to use while the parkade is closed,<sup>1</sup> involves walking away from the Law Courts to the intersection of Upper Water Street and George Street, then crossing an approximately 50-meter pedestrian bridge over Upper Water Street. However, the pedestrian bridge is steep and not traversable by wheelchair.

The parkade entrance is a ground-floor entrance with elevator access to the 2<sup>nd</sup>-floor lobby of the Law Courts. The Advocates' Society notes that as an accessible entrance, the parkade entrance was already suboptimal. The door was sometimes locked and entrants needed to be buzzed in by security. Moreover, during the COVID-19 pandemic when access to the courthouse at large was limited, access to this entrance was extremely restricted – entrants required prior authorization of the Sheriff, which was not guaranteed, and entrants were not permitted to be accompanied by any other person, such as counsel or a support person. As such, the accessibility of the Halifax Law Courts was already deficient. Now, with the parkade being closed entirely for structural repair, the accessibility of the Halifax Law Courts is in a crisis situation.

It must be noted that among the people who need to attend the courthouse are individuals who have been injured (in some cases catastrophically) and are seeking compensation for their injuries via the legal process. Plaintiffs seeking legal redress for injury must be able to physically access the courts in order to access justice.

The Advocates' Society strongly urges the provincial and federal governments to work together and take immediate steps to ensure that individuals with physical disabilities can access the Halifax Law Courts. We note that Nova Scotia's *Human Rights Act* prohibits discrimination in respect of access to services or facilities on account of physical disability;<sup>2</sup> and the *Canadian Human Rights Act* similarly prohibits the discriminatory denial of access to services and facilities on the basis of disability.<sup>3</sup> We encourage you to work towards ensuring individuals with physical disabilities are afforded equal access to justice at the regional seat of justice in Nova Scotia.

We would be pleased to discuss this issue with you further, or answer any questions you may have.

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<sup>1</sup> Executive Office of the Nova Scotia Judiciary, "[Underground Parking Lot at the Law Courts Closed](#)" (September 20, 2022).

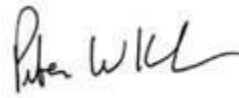
<sup>2</sup> [Human Rights Act](#), R.S.N.S. 1989, c. 214, s. 5(1)(a).

<sup>3</sup> [Canadian Human Rights Act](#), R.S.C. 1985, c. H-6, s. 5.

Yours sincerely,



Michelle M. Kelly, K.C.  
Chair, Atlantic Advisory Committee



Peter W. Kryworuk  
President, The Advocates' Society

**CC:** Lauren Scaravelli, Executive Director of Court Services, Nova Scotia Department of Justice  
Government of Nova Scotia Accessibility Directorate  
Darlene Carreau, Chief Administrator, Courts Administration Service, Government of Canada  
Vicki White, Chief Executive Officer, The Advocates' Society