

Dear Mr./Madam Mayor,

On behalf of Pathways Serious Mental Illness Society and our members, we express our concerns to all Mayors across the province regarding the BC Charter Challenge to the Mental Health Act. The Charter Challenge to the Mental Health Act trial phase has concluded; final arguments will begin October 27, 2025. The consequences of untreated mental illness in our communities' affect everyone and we implore you to take action with a public joint statement below.

The BC Mental Health Act provides mentally ill involuntary patients the right to potentially life-saving treatment and care. Of grave concern is that if the Charter Challenge is lost by the Attorney General, patients under the Mental Health Act will be able to refuse medical treatment necessary for recovery and release.

If an involuntary patient refuses treatment and is not deemed to be dangerous, they will be discharged untreated and psychotic, to ill-equipped families or to homelessness in our communities. Doctors don't want to imprison patients they are not allowed to treat, however, if involuntary patients are deemed dangerous, they will be detained in hospital without treatment (imprisoned), ultimately blocking others with serious mental illness to access to treatment.

We urge you, the Mayors of BC, to release a joint statement to Premier Eby and the BC Government affirming your concerns over this threat to our mental health care system, and the negative impacts it will have on the welfare of all residents in your communities.

We have provided a Public Statement template to use as you see fit. We also encourage you to reach out to Pathways' member, Dr. John Gray, who was an expert witness for the Attorney General in this trial. He is available anytime for more information on this matter, please contact him at 236-562-6740.

Thank you for your attention and assistance in ensuring adequate treatment and resources are available for those experiencing the effects of serious mental illness.

Sincerely,

Liz Charyna, Executive Director, Pathways SMIS

Don Pavlovich, President, Pathways SMIS

Nancy Ford, Co-Chair Advocacy Committee, Pathways SMIS

Janet Burgess, Co-Chair Advocacy Committee, Pathways SMIS

**Public Statement regarding BC Charter Challenge to BC Mental Health Act**

As mayors across British Columbia, we are increasingly concerned with the growing number of people in our communities living with serious mental illness who are not receiving the treatment they need. We write to express our support for the Attorney General in defending the Charter Challenge to the current Mental Health Act, which rightly ensures treatment is provided to a person who has been admitted involuntarily to receive treatment.

We do not support any change that would allow involuntarily admitted patients to refuse necessary medical treatment. Denial of treatment leads to longer periods of detention, increased use of physical or chemical restraints, violence toward nurses and fellow patients, and great distress for families. These are not outcomes we can accept.

From a municipal perspective, the consequences are also deeply concerning. When individuals are detained but refuse treatment and remain dangerous, they occupy scarce psychiatric beds for extended periods. This blocks access to care for other residents in urgent need. Conversely, if a person is not acutely dangerous but remains untreated, they may be discharged while still psychotic – leading to homelessness, repeated police involvement, family and community disruption.

If the current Charter challenge succeeds, then the government will be required to detain patients without the ability to treat them. We believe this is illogical and inhumane since patients become prisoners in hospitals. Should changes to the legislation become necessary, we urge the province to adopt the least restrictive and most effective measures to ensure timely treatment, safety and dignity for all.