

BC Human Rights Tribunal
1170 – 605 Robson Street
Vancouver BC V6B 5J3

Filed via Email: BCHumanRightsTribunal@gov.bc.ca

COMPLAINANT INFORMATION

Name: Kari Simpson (Self-Represented)
Mailing Address: Suite #201 – 22314 Fraser Highway
Langley, BC V3A 8M6
Tel: (778) 277-2201

NAME THE RESPONDENTS

Respondent 1: Langley City Mayor & Council
Relationship: Civic/Municipal Government
Mailing Address: 20399 Douglas Crescent
Langley, BC V3A 4B3
Tel: (604) 514-2800
Email: mayorandcitycouncil@langleycity.ca

Respondent 2: Nathan Pachal
Relationship: Langley City Councillor
Mailing Address: 20399 Douglas Crescent
Langley, BC V3A 4B3
Tel: (604) 514-2800
Email: npachal@langleycity.ca

All known Respondents at this time are listed.

Tribunal Case No. _____

IN THE MATTTTER of the *BC HUMAN RIGHTS CODE*,
RSBC 1996, c 210 (as amended)

BETWEEN:

KARI SIMPSON

COMPLAINANT

AND:

**THE CITY OF LANGLEY and
NATHAN PACHAL**

RESPONDENTS

Form 1.1 INDIVIDUAL COMPLAINT

I. INTRODUCTION

Langley City Flag Policy Background

1. Langley City is an incorporated city in British Columbia, as such Langley City must conduct itself in compliance with the BC Human Rights Code. Langley City has a developed policy for the display of flags titled: "[Flag Raising Policy](#)", also known as "Policy No: CO – 33". The stipulated purpose according to the policy is:
To ensure that all flags at City Hall and other City of Langley operated municipal properties and buildings are flown and displayed in a consistent and appropriate manner.

2. This policy governs flag-poles on public property within Langley City boundaries and includes the use of what is referred to as the “courtesy pole” that stands alongside two other flag-poles that facilitate the flying of the Canadian flag—a flag that unifies and represents all Canadians—the Provincial flag and the Township flag.
3. This policy recognizes the power of symbolism associated with flags and governs the display of such symbols in public spaces. Section 4 of the policy deals specifically with the use of the “Courtesy Flag Pole”. Section 4 sets out the requirements and restrictions for use. Section 4, subsection (5) reserves the right of the City of Langley to reject any application associated with a flag that espouses racism, personal discrimination, violence or hatred. Further, flags that are associated with an organization that is political, ethical, or of a religious nature are not acceptable.
4. Section 4 (5) states:

The City reserves the right to reject any application and/or flag that does not comply with the City of Langley policies or bylaw, espouses racism, personal discrimination, violence or hatred.

Flags shall not promote a point of view or organization of a political, ethical, religious nature or directly encourage, or exhibit obvious indifference to unlawful behavior.
5. The result of the flag policy, prior to its amendment in 2016, fostered a position of neutrality, harmony, respect and equality on issues of potential division. The policy prior to amendment in 2016 wisely prohibited the granting of special rights or privilege to one group over another.
6. On July 25, 2016, without any individual or group request, Langley City council member and sex activist Nathan Pachal moved a motion during the regular Council meeting to amend the Flag Raising Policy.
7. Motion 16/146 falsely and fraudulently characterized the politically and religiously identified “Rainbow Flag” as a symbol of inclusiveness and diversity.

8. The amendment to the Langley flag policy, now identified in section 7, stated:
Supplemental to section 4, City Council may direct a Rainbow Flag be flown for a period of seven (7) days to coincide with the beginning of the Vancouver annual Pride Week. The City will not be responsible for providing the flag. In the event the Rainbow Flag cannot be flown due to a half-masting requirement, the Rainbow Flag will be flown for 7 days immediately following the half-masting.
9. The [minutes](#) from that meeting are void of any discussion concerning the BC Human Rights Code's requirement that all protected groups are deserving of equal accommodation in providing services, including religious groups, heterosexuals and biologically based gender identities—specifically the only two genders that are Constitutionally protected, Male and Female (Section 28 Canadian Charter of Rights and Freedoms). The motion was seconded by then-Councillor van den Broek, now Langley City's newly-elected mayor.
10. The policy was designed with the intent to elevate and provide special privilege to one group while deliberately discriminating against others, contrary to good governance and in direct violation of the BC Human Right Code.

THE PARTIES

11. **Respondents Langley City Mayor and Council** Langley City is currently governed by Mayor Val ven den Broek and six councilors: Councillors Paul Albrecht, Teri James, Gayle Martin, Nathan Pachal, Rudy Storteboom and Rosemary Wallace.
12. The Mission Statement for Langley City states that Langley City is “A Vibrant, Healthy & Safe Community.” The stated “values” claim Langley City will demonstrate and respect diversity.
13. **Respondent Nathan Pachal** Respondent Pachal was the initiator of the supplemental policy that gave special rights to the rainbow flag. Respondent Pachal has made numerous public statement that are blatantly discriminatory and offensive. The

statement equating the rainbow flag as being ‘inclusive’ and ‘diverse’ is like equating the Nazi flag as being inclusive of the Jews. Like the Nazi flag, the rainbow flag is a symbol for a militant political movement. It was created to declare power and victory, and represents a political movement; and it identifies with political propaganda that is hostile and threatening towards other protected groups.

14. **Complainant Kari Simpson, President of Culture Guard** is a Canadian, a Christian, a local business owner, President of a non-profit organization called Culture Guard, and a local resident who is often in the vicinity of the Langley City flag poles. The Complainant is also the head organizer for the Langley Christian Flag committee and organizer for the *National Day of Blessing* and was responsible for the obtaining approval for the raising of the Christian Flag from Langley City.

II DISCRIMINATION

15. Respondents Mayor and Council violated the *BC Human Rights Code (Code)* by providing “services” to only a few select “Code” protected groups, and deliberately excluding others when the 2016 amendment to the Langley Flag Policy was made. Specifically, the Respondents violated Sections 8(1)(a) and 8(1)(b).
16. Respondents Mayor and Council discriminated against the Complainant when they refused to act as neutral agents and instead permitted the rainbow flag to be raised, knowing that the flag being given special rights in this situation was offensive, disrespectful, divisive and discriminatory. Specifically, the Respondents violated Sections 8(1)(a) and 8(1)(b).
17. Respondents Mayor and Council and Pachal have engaged in Discriminatory Publication(s); specifically, the Respondents violated section 7(1)(a).

GROUNDS OF DISCRIMINATION

18. **Grounds:** Respondents Mayor and Council discriminated against the Complainant, who was acting on behalf of Culture Guard, based on her religion, sexual orientation

and gender identity. Complainant is a Christian, heterosexual and biologically provable woman.

19. **Details:** The Respondents refused to permit the Complainant the use of the courtesy flag pole and the opportunity to have raised and flown a Christian flag to commemorate and celebrate the National Day of Blessing. This request is comparable to the raising and flying of the Rainbow Flag—a request that was approved and further supported by the Respondents, by the assignment of a spokesman to their event!
20. The Respondents’ media spokesman, Respondent Pachal, made numerous comments in the media that were directed to the Complainant, and that were used to fraudulently bolster the position of Respondent Pachal, the mayor and other council members. These comments were highly discriminatory, hurtful, toxic and offensive.

III RESPONDENTS’ CONDUCT

21. **Respondent Mayor and Council** - On July 26, 2018, the Complainant wrote to Langley City Mayor and Council requesting they reconsider their approval of flying the rainbow flag. Notice of the event to fly the rainbow flag had been publicized in the local newspaper. In her [correspondence](#) the Complainant detailed a more enlightened and accurate depiction of what the rainbow flag symbolizes, and how politically offensive and divisive the rainbow flag is to other protected groups.
22. The Complainant’s correspondence informed the mayor and council of their lawful duty to be both neutral and non-discriminatory. The Complainant requested that they revoke the approval given to fly the rainbow flag. The Complainant also informed them that their flag policy is discriminatory, and that they should repeal section 5, the supplemental provision that unlawfully grants special privilege to the sex activists’ political symbol, but no other protected group.

23. The mayor and council refused to comply with the law and permitted the rainbow flag to be raised. On July 30, 2018, Deputy Mayor Rudy Storteboom, according to media reports, officiated at this event and was quoted as saying:

“This is not the place to be afraid, this is the place to feel included.

“This is the place to be who you are.”

24. Contrary to Councillor Storteboom’s comments, Langley City does *not* make everyone feel included; in fact, he and other council members decidedly excluded and discriminated against members of the Christian community and other religious and political groups from having equal use of the flag-pole.

25. On August 28, 2018 the Complainant wrote again to the mayor and council, this time to make a formal [application](#), as per the requirements of the flag policy, to fly the Christian flag in conjunction with the National Day of Blessing and Thanksgiving.

26. On September 5, 2018 the Complainant received, via email, [notice](#) from Francis Cheung, Langley City’s Chief Administrator Officer, writing on behalf of council, informing the Complainant that her request to fly the Canadian Christian flag did not meet the provisions of the City’s Flag Raising Policy CO-33 and was denied.

27. Respondent Pachal’s conduct — In response to the media interest, Respondent Pachal made himself available and with total disregard for the truth continued to misrepresent the symbolism of the rainbow flag and suggested that the Complainant was not being inclusive.

ADVERSE IMPACT

28. As a result of the conduct of the mayor and council and consequent media reports, I have been mocked, threatened and the subject of a vicious campaign that has been fueled by the conduct of the Langley mayor and council. As community leaders, the mayor and council have a duty to uphold the law and to strive for inclusion for all groups. By discriminating against me and Christians in general, the mayor and council have instead publicized a false narrative, implying that Christians are not worthy of

inclusion or respect and should remain invisible or locked behind their church doors. This is illegal and dangerous.

DISCRIMINATION FACTORING IN ADVERSE REACTION

29. The conduct of the respondents has bolstered the increasingly hostile practice that it is OK to offend, discriminate and incite contempt and hatred for Christians, and any other religious group that does not accept the sex activists' political agenda.
30. Moreover, the mayor and council have willfully demonstrated and promoted that it is "OK" to discriminate against all other groups, and it is "OK" to give special rights and privilege to one. The Respondents knew or ought to have known that the amendment to the flag policy was a direct violation of the *Code*. The Respondents mayor and council do not have the luxury of claiming ignorance. They are responsible for the respect and security of all protected groups.
31. The injury was exasperated by Councillor Pachal's hideously offensive comments in the media.
32. The conduct of the Respondents has endangered my life, activities and the security of my family, co-workers and friendships.
33. The Respondents have advanced the myth that Christians are second-class citizens; that Christians should be made invisible and prohibited from accessing government services for public celebrations in a similar manner to those whose values and beliefs are reflected by the rainbow flag.

IV TIME LIMIT

34. The events of discrimination affecting the Complainant have all happened within the last year.

V OTHER PROCEEDINGS

35. There are no other proceedings related to this complaint at this time.

VI REMEDY

36. The Complainant seeks a declaration that the Respondents have violated the *Code*.

37. The Complainant seeks an order (or agreement) directing a sincere public apology from the Respondents to her, the Culture Guard membership, and the broader Judeo-Christian community for violating their right to have the Christian flag flown.

38. The Complainant seeks an order (or agreement) directing the Respondents to either repeal the 2016 amendment to the Langley City Flag Policy that violated the *Code* by only allowing certain protected groups to fly their symbolic rainbow flag, or amend the Flag Policy to be in compliance with the *Code* and permit all protected groups to fly their flag(s). This is to be done forthwith. It is the position of the Complainant that the *Supreme Court of Canada* has ruled on this type of matter and found that a position of neutrality is required. Therefore, repeal of the offending 2016 amendment is the best remedy, moving forward.

39. The Complainant seeks also an order or agreement from the Respondents that they will complete training on acknowledging and respecting the rights of Christians and members of other faith communities, and how to combat sex activist propaganda, hostility and greed in a civil society.

40. The Complainant seeks an order that will direct Respondent Pachal to cease his false promotion of the rainbow flag as being 'inclusive of all people'. Further, an order prohibiting Respondent Pachal from engaging in discriminatory advocacy for certain groups' privilege over others while acting as an elected official.

41. An order compelling the Respondents to prohibit the political and divisive Rainbow symbol from being displayed on all other government (publicly owned) buildings or

facilities. This includes Pride rainbow coloured “Safe Space” stickers (and all similar Pride propaganda) that only provide recognition of certain groups and the colours of their flag and other declaratory political symbols.

42. The Complainant seeks an order (or agreement from the Respondents) for compensation for injury to her dignity, sense of security, feelings and the emotional trauma resulting from the egregious conduct of the Respondents, in the amount of \$15,000. This amount is to be paid to Culture Guard and will be used to produce educational resources for schools to educate the youth on respecting people of faith and their rights.

Submitted respectfully,

Kari Simpson

December 7, 2018.