

WRITE

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CELEBRATING 50 YEARS

**What Canada Got
Right with PLR**

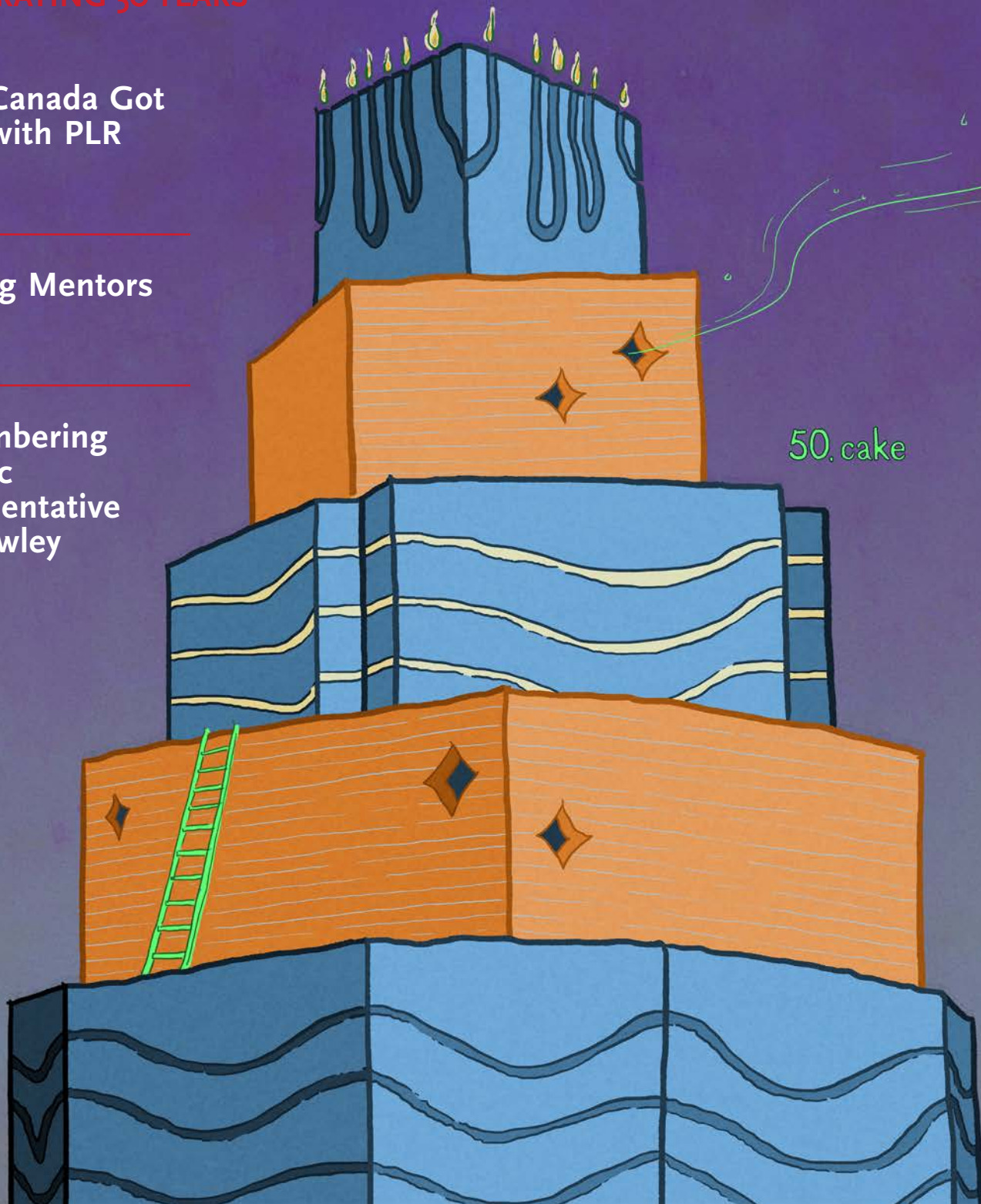
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How Canada's Public Lending Right Became the Envy of Writers Around the World

BY GILLIAN O'REILLY



During the dark days of February, the arrival of a Public Lending Right cheque is a wonderful boost. A PLR cheque (some 18,000 of them went out to writers, illustrators, and translators in 2023) also offers the pleasure of knowing your books are out there, in public libraries, being borrowed and read.

Lobbying for PLR occupied much of The Writers' Union of Canada's attention in the Union's first dozen years. Since its inception in 1986, Canada's PLR program has come to be seen as a gold standard internationally. While the structure of the program today is very similar to its original incarnation, it took years of campaigning and explaining — with setbacks, frustration, and surprises along the way.

For this final issue of *Write's* 50th anniversary series, we decided to look back at nearly 40 years of PLR. What does the program get right, how did we get here, and what are the challenges?

About PLR today

Designed to compensate authors, illustrators, and translators for use of their books in public libraries, the Canadian PLR system is based on whether titles appear in selected library collections — and not, as in some other countries, on circulation.

Each year, the program surveys 40 representative library systems, comparing their holdings to the titles of PLR registrants. Creators are paid for up to eight hits. As PLR program manager Peter Schneider explains, this allows for “fair and equitable” payment distributions covering “all genres.” There is also a maximum payment cap — now \$4,500 — to prevent the majority of payments going to a small number of bestselling authors.

Since PLR's inception, works in all languages have been eligible as have self-published books. While most titles are in English and French, Schneider points to the hundreds of titles representing dozens of Indigenous languages now registered.

Each language edition of a book counts as an individual work. So a PLR payment might go to the author of a French book, while payment for its English version is split between author and translator.

The program originally included only printed books; it now encompasses ebooks (both PDF and e-pub) and audiobooks (CDs and digital downloads). Schneider says no other country but Denmark — the first to institute PLR, in 1946 — compensates creators for print, electronic, and audiobooks.

How much do creators get? Well, in 2022-23, \$14,799,642.13 was paid out to 18,192 creators (of 20,554 registrants). Of the 91,712 titles in the PLR database, 82,673 were found in collections surveyed.

PLR no longer hires people to do a manual stock count, with a checklist of registered titles. But even though data collection is now entirely automated, coming up with a final count still takes several months.

The program operates with the same size staff (four) as in 1986-87. But because it is under the aegis of the Canada Council for the Arts, the staff get support from the Council's technology, finance, and communications teams.

PLR has its own governance Commission, made up of writers, translators, librarians, and publishers elected for four-year terms, as well as non-voting members from government bodies.

So... How did we get here?

The short answer is a lot of work by many authors over many years. The Canadian Authors Association first started campaigning for a program in 1949, three years after PLR was instituted in Denmark.

By the early 1970s, some form of PLR existed in seven European countries and New Zealand. And when writers gathered on Marian Engel's Toronto porch to talk about forming a union, PLR was one of the hot topics. When TWUC was formally constituted in 1973, with Engel as the first chair, she made PLR a priority.

Writer Andreas Schroeder, who served as PLR Commission chair from 1986 to 2008, recalls Engel arranging “a string of meetings with librarians all over Ontario, trying to explain and discuss the concept.”

It was a frustrating process. “Finally, at a meeting of provincial librarians... Marian blew a gasket and publicly accused Canada's librarians of ‘ripping off Canada's writers’ by lending out their books for free, thereby

undermining their book sales,” Schroeder says. “The next day’s headlines finally made PLR part of Canada’s national conversation.”

Some librarians were sympathetic. In 1974, University of British Columbia head librarian Basil Stuart-Stubbs joined forces with author George Woodcock to advocate in *Saturday Night* magazine for a collections-based system.

“As far as librarians were concerned, they were not exploiting authors but making their books accessible to readers and assuring them of a wider public.”

Others were resistant. There were practical issues: fear that payments might come out of library budgets or that recognition of an author’s right could entail lending fees for library users. There were also philosophical ones. “Librarians,” Roy MacSkimming writes in a 2011 paper on the foundations of PLR, “saw themselves not only as champions of literature and authorship but guardians of the principles of free speech and free public access to books and information — the lifeblood of a democratic society. As far as librarians were concerned, they were not exploiting authors but making their books accessible to readers and assuring them of a wider public.”

Finally, in 1976, the Canadian Library Association voted to urge the federal government to develop and fund “a system of increased financial rewards to authors” and supported using library holdings data to develop such a system. It explicitly did not recognize a legal right to recompense for library use. The francophone librarians’ association took a similar stance the same year.

Now that libraries were cautiously on board and publishers were agreeable, the Canada Council agreed to oversee a pilot with a committee of authors, publishers and librarians. From 1977 to 1981, the committee and civil servants developed a holdings-based system and tested it on six libraries with a list of some 17,000 works, to assess possible budget scenarios.

After that, things lagged. Writers continued to lobby politicians from all parties, even demonstrating on Parliament Hill. Progress came after the Progressive Conservatives came to power in 1984. In a speech given

on the 25th anniversary of PLR’s founding, Schroeder recalled, “It happened so abruptly, so out of the clear blue sky, there are still days when it feels so much like a fairy tale I’m almost embarrassed to tell it.”

Disturbed by efforts to include culture in free trade talks with the U.S., federal Communications Minister Marcel Masse was determined to make a mark with initiatives benefiting Canadian culture. “PLR just happened to be in the right place at the right time,” Schroeder says.

Schroeder and then-TWUC Chair Matt Cohen met with Masse and three assistants at a Toronto restaurant in 1985. Masse was familiar with PLR and had already tried to get the provinces to buy in. Schroeder recalls that Masse wanted to know, in detail, “exactly how we proposed to run such a system on a purely federal basis in Canada... He wanted to know how the publishers and the librarians would be involved in this. And what about the francophone/anglophone issue?” Schroeder says he and Cohen were able to assure Masse that “we had everyone on side. He asked how much the different versions of the scheme would cost, and what sort of options we considered to be critical.”

Cohen and Schroeder laid out three possible plans: a bare-bones \$2-million plan; a \$3-million plan restricted to literary works, including fiction, nonfiction, poetry, and drama; and a \$4.25 million plan for every book published in Canada. Masse looked at the assistants and said, “Well gentlemen, I think we can manage three million, don’t you?”

“Now here’s what I remember most vividly about this meeting — although it was so weird, I had to check with Matt afterwards to make sure I hadn’t just imagined it,” Schroeder continues. “After asking his assistants this question, Masse turned to us — not to them — and carried right on as if they’d all agreed. But the thing was, they hadn’t. In fact, after initial looks of shock, they’d all shaken their heads vigorously.”

PLR planning went ahead, despite Masse’s temporary resignation from cabinet in the fall of 1985. In October 1986, Treasury Board gave the OK for PLR funding. The system had to be in place by the end of the calendar year and cheques mailed out by the end of March 1987.

The result was a scramble to assemble a full PLR Commission: elect an executive; devise a constitution and voting structure; find office space and staff; finalize the details of the program and software; register authors and create a database; hire and train the stock checkers; process results; tabulate the payments; and print, collate, and mail the cheques. “All,” Schroeder says, “in less than six months — or 13 years of Union efforts would be down the tubes.”

Somehow, it all came together, and on March 17, 1987, the press was present as Flora MacDonald, who had replaced Masse at Communications, cranked out the first cheques on the printing machine. Of 4,553 registered authors, 4,377 received cheques totalling \$2,747,949.

The number of registrants has more than quadrupled since that first year, and the number of registered titles more than quintupled. There have been refinements to make the system more equitable, and in 2011 a sliding scale was instituted as books aged —with a 25 year cap — to enable the program to continue making meaningful payments to creators.

But overall, the structure installed during those few rushed months in 1986-87 has proven remarkably resilient and effective.

PLR on the international front

PLR takes very different forms in different countries. Arjen Polman, PLR International coordinator, says his organization doesn't advocate for one "best" way to institute PLR. "We are just spreading the gospel... It doesn't matter the form as long as you have a government that is willing to acknowledge that they are using the intellectual property of writers."

A network of national organizations, PLR International facilitates the exchange of information and best practices among countries with PLR and countries looking to adopt it. It also offers advice and technical assistance to the latter.

"We are just spreading the gospel... It doesn't matter the form as long as you have a government willing to acknowledge they are using the intellectual property of writers."

Thirty-five countries now have some form of PLR, including New Zealand, Australia, Canada, Israel, Greenland, and many European nations. EU legislation has mandated the establishment of PLR systems since 1992, but not all countries have a program in place.

Some systems are circulation-based and some, collections-based. France makes payments based in part

on bookstore sales. Some pay only citizens or permanent residents. Other copyright-based schemes pay anyone whose books appear in the library system. Sometimes the program is based only on public libraries; sometimes school and university libraries are included. In most cases, payment comes from government, but in the Netherlands, it comes from the libraries themselves (whose budgets reflect this duty).

Canada is the only country in the Americas with a PLR system. However, many countries interested in PLR are looking at Canada's model. Polman notes, "Canada's been there for a long time; it's a very successful scheme. So, especially in South American countries, they are really looking at Canada to see why it works and how it functions."

What's ahead? Changes and challenges

The PLR program is finally moving to direct deposit instead of mailed cheques in 2024. The Commission will be launching an information campaign this fall to urge creators to sign up for PLR and also hopes to encourage more registrations by Indigenous writers. In addition, it plans to do more library sampling in Indigenous-led collections.

Like so many other organizations in many different sectors, the Commission is also facing the challenge of artificial intelligence. Last year, it received submissions for audiobooks voiced by an Amazon computer program. Current PLR Commission Chair Russell Wangersky says, "We had to make the determination of what constitutes a creator... The general position we took with the audiobooks created mechanically is that voicing a book is a skill, involves artistry, and that involves a human voice." He adds that the same issues are arising in illustration and translation.

And there is always the question of how to keep up with the growing number of titles. (Increased funding was promised in the 2019 election, but there has been no action.) Wangersky says, "We have an ever-growing pool of writers every year. How do we keep the fund from becoming insignificant? How do you keep making meaningful payments to creators so that they actually see it as having value? That's tied both to if we have consistent funding and if we have new funding."

*Gillian O'Reilly is the co-author, with Cora Lee, of *The Great Number Rumble: a story of math in surprising places* (Annick Press) and the author of *Slangalicious: where we got that crazy lingo*. She edited Canadian Children's Book News for 20 years.*

Missing Mentors: Where is an older writer to look for solidarity and support?

BY LESLEY CHOYCE



I have a habit of not celebrating New Year's Eve which is probably part of a contrarian streak I inherited from my grandfather. So on January 1, 2023, I woke up early realizing that in three months I would turn 72. The idea seemed both impossible and absurd, but after my morning coffee, I gave in to the fact it was true, and no matter how much denial I could muster (and I can muster a lot), I'd have to learn to deal with it.

I'm in good health, still teaching, still writing, and still surfing among other things, so I'm not missing out on much. Except for one very important thing: I no longer have any older writers in my life to advise, encourage, chastise, inspire, or mentor me. And that is a significant loss — for me or any other writer with this gaping hole in our lives.

You're probably thinking that because I'm older, I should be the one advising, encouraging, chastising, inspiring, and mentoring younger writers. Well, okay, I do some of that as an editor and teacher of creative writing. I do my best, even though I feel that I'm not nearly as self-assured, confident, and wise as I believed myself to be when I was younger.

But I do desperately wish I had in my circle a few *older* writers to guide me forward as I had in my earlier days. I didn't always listen to the advice, but they always gave me some important clues as to the path ahead. When these literary friends die, I feel abandoned. It's the sort of selfishness we all feel when someone close to us dies. And the writer feels deeply, almost as if it is someone from their own family.

"A hell of a lot of drudgery involved"

When I first moved to Nova Scotia from New Jersey, in 1978, I went looking for contact with writers I admired who I thought could provide some advice. The first was New Brunswick poet and author Alden Nowlan. I began corresponding with Alden through letters, like authors had been doing for centuries. A quiet, modest man, he wrote brilliant, heartfelt poems that cut through a lot of pretentiousness I'd noticed in contemporary literature.

In one of his letters he offered this: "One thing I think is very important for young artists of any kind to keep in mind... is that there is going to be a hell of a lot of drudgery involved if you work at it seriously." Later, when I finally had a face-to-face conversation with my literary hero in a bookstore in Halifax, he finished our chat with the advice, "And, above all, don't forget this: Don't let the bastards get you down."

My next older writer friend was Jim Lotz. Jim was born in Liverpool and served in the Royal Air Force before moving to West Africa. He went on to participate in scientific research in the Arctic before settling down in Nova Scotia and writing some two dozen books. When I met him, he was living in Halifax and, among other things, writing a series of pop-fiction books with Canadian themes. "Well, Canadian fiction is finally popular, and there's even such a thing as CanLit now, so I thought I'd have some fun and write what I call TrashCanLit," he told me.

"To me, this suggested his idea of how every writer should go out of this world — writing and publishing right up to the end, with a final edition finished, edited, typeset, and at the printer."

I was trying to get myself established as a writer in the world of publishing and was feeling some pushback from various corners of "the establishment," partly because I was an outsider, like Jim. And because I was young, naïve, bullheaded, and reckless. He somewhat politely echoed Alden's advice about adversaries and mostly suggested

I keep my head down and bust my ass at writing while ignoring anyone who had a discouraging word.

Jim became a good friend, and I had the privilege of editing his final book, the wonderfully entertaining memoir *Sharing the Journey*, published just days after his death on January 2, 2015. I had visited him in the hospital a few days before that. It was a snowy, blustery day, but sunlight was streaming into Jim's room as I told him that his book was at the printer. His response was simply, "As it should be." To me, this suggested his idea of how every writer should go out of this world — writing and publishing right up to the end, with a final edition finished, edited, typeset, and at the printer.

"This is terrible. You can't do that."

In the 1980s, I had been reading novels by Newfoundland novelist Harold Horwood, who was now living in Nova Scotia. Through correspondence again, I asked Harold to read a novel I was working on and offer advice. Titled *Downwind*, this would be my first published novel — a sort of love story that involved hang-gliding and the building of a nuclear power plant in Nova Scotia by Americans. (My aim was to write something both literary and popular, and Jim's label of TrashCanLit would probably have fit nicely here.) Harold read through the 296 pages I'd hammered out on the old IBM Selectric and told me he wanted to drive the 246 kilometres from Clementsport to Lawrencetown Beach to give me his thoughts. I was thrilled.

Harold arrived with some homemade wine and his family in tow, and a copy of my manuscript filled with his scribbled notes. He was kind but not too kind, and everything he had to offer I took to heart to improve the manuscript. What I remember most was the fact that he tapped his finger on a page describing a very tame sex scene and said, "This is terrible. You can't do that. Your characters here have just pulled down their clothes. That's an abomination. People who make love should be entirely naked."

Before I sent *Downwind* off to a publisher, I had stripped them bare at Harold's request.

Budge Wilson began her literary career at age 56 in 1984. Much later when we became friends and allies of sorts, she reminded me that she had approached me years before and I had not been very kind to her. I can only surmise that, in my youthful vanity and to my shame, I snubbed her as just a wannabe children's author.

We became good friends nonetheless, and in 2017, I had the privilege of interviewing her for my

BookTelevision show, *Off the Page*, at her writing cabin in Northwest Cove, on Nova Scotia's South Shore — truly an idealized rural version of one author's cozy creative world, where she still wrote longhand while working on a contracted prequel to none other than *Anne of Green Gables*.

Budge's advice to me personally was always to keep my eye on what was important: family, quiet time to reflect, kindness, and stories worth reading.

When Swissair Flight 111 crashed into the waters near her home on September 2, 1998, killing all on board, she hosted family members of the survivors and eventually completed a poetry book about the tragedy. She wrote of her community, "We were changed forever by that terrible night in the air and on the sea. Some of this multitude will carry the intensity of their pain to the end of their days." *After Swissair* wasn't published until 2016, one of her final books. Budge died on March 19, 2021, after complications from a fall.

A beacon of individuality and audacity

In the early 1980s, Farley Mowat handed me an award for a competition of unpublished stories, and I felt a young writer's awe in the presence of a master. In 1983, he contributed a story to an anthology I was compiling called *The Cape Breton Collection*, and we shared an irregular written correspondence off and on through the years. He always wrote on an old manual typewriter using the traditional hunt-and-peck method, slamming down the keys so hard they left a wonderful kind of braille-like impression on the back of the letters. I would try to visit him once a year when he spent his months with Claire in their home in River Bourgeois, Cape Breton.

Though Farley never actually gave me writerly advice, he was a beacon of individuality, audacity, and a proponent of living life to the fullest without allowing any form of propriety or restriction to hinder him and his craft. While I could never quite rise to the level of literary and public bravado Farley achieved, I realized that writers had real responsibilities to use their craft to work for the kind of societal changes necessary if we were to move forward.

I had been deeply moved by *Sea of Slaughter* and began to see why Farley had an abiding disdain for human degradation (indeed slaughter) of so many creatures on the land and in the sea. He had a way of playfully insulting me that held no sting because I knew his curmudgeonly ways covered a profound kindness. I once phoned him at home in Port Hope; Claire answered,

and I heard her yell, “Farley, it’s that writer from Nova Scotia. He wants to ask you to contribute something to a book he’s doing about the future of his province.” I heard Farley snarl and curse and say, “Tell him I’m not home and that I’m too busy to do any such thing.” But Claire insisted he talk to me and he eventually agreed, ending the conversation by saying, “And God damn you. Would you stop pestering me with your projects.” Which only made me smile and love the man that much more, especially after he wrote a wise and heartfelt chapter for my book.

An odd combination

Perhaps my most enduring literary friendship was with the Canadian literature advocate, critic, and academic Malcolm Ross. I got to know him while I was a young part-time English instructor at Dalhousie University. His office was across the hall from mine in a converted house on Henry Street in Halifax’s South End. He had founded the New Canadian Library imprint for McClelland and Stewart and had been a key player in the blossoming of Canadian literature in the 1960s and beyond.

“He admitted he wasn’t a fan of Leonard Cohen’s fiction or Farley Mowat’s attitude, so we agreed to disagree on a few things.”

We were an odd combination: me with my youthful rebelliousness, long hair, and a big chip on my shoulder towards the same academic community that was granting me a living; he in his grey suit and tie with his elder statesman status. I picked his brain about the publishing world and listened intently to his stories of friendships with the likes of Margaret Laurence, Marshall McLuhan, and Northrup Frye. He admitted he wasn’t a fan of Leonard Cohen’s fiction or Farley Mowat’s attitude, so we agreed to disagree on a few things.

But Malcolm proved himself to be a greater friend when it came to some of the darker days. He showed genuine concern for my well-being, counselling me like a grandfather on many things at significant milestones of my adult life. Most memorable for me was when I had been involved in a failed attempt to save a woman

drowning in the ocean. I was shaken to the core, and Malcolm was the guiding light that helped me through this personal trauma.

He stayed on at the university long after he was officially retired, although the administration had decided to take away his small office, at which time I offered to share mine with him. His companionship and his stories of his friendship with Northrup Frye, Marshall McLuhan, Jack McClelland, and others made it more than worthwhile. When declining health stopped him coming in to the university, I missed him sorely.

When his end was near, on a cold day in November 2002, I said my goodbyes to an unconscious Malcolm at a local hospital emergency room. The weather was in sharp contrast to the warmth he brought to my life.

Now that I am past my 72nd birthday, I no longer have these guides before me. I have friends and family and am not a lonely man. But in some ways I feel adrift, not exactly rudderless, but wishing I had some literary friends — *older* literary friends — helping to hold up the lantern for the path ahead. Maybe there’s a wise old soul in their eighties or nineties out there who has survived the joy and drudgery of the writing life who can come to my aid, adopt me even, and lend a guiding hand.

Lesley Choyce is the author of more than 100 books. He has been teaching English and creative writing at Dalhousie and other universities for over 40 years. He has won several awards including the Atlantic Legacy Award for his “lasting contribution to the development of the literary arts in Atlantic Canada.” His latest novel is The Untimely Resurrection of John Alexander MacNeil. He surfs year-round in the North Atlantic.



Jen Powley

1977-2023

BY SUZANNE RENT

Jen Powley served as Regional Representative for TWUC's Atlantic Region with dedication and focus for both her region and for all writers living with disabilities. This remembrance of Jen was written by Suzanne Rent; a longer version was first published in the Halifax Examiner.

Jen Powley, author and advocate for people with disabilities, died on September 18, 2023. She was 45.

Powley wrote two books, *Just Jen: Thriving Through Multiple Sclerosis* (Fernwood, 2017), which won the Margaret and John Savage First Book Award for non-fiction. Her second book, *Making a Home: Assisted Living in the Community for Young Disabled People* (Fernwood, 2023), documents Powley's fight for young disabled people to live in the community rather than being institutionalized in nursing homes.

Powley advocated for people with disabilities to be able to live outside of institutions in the broader community.

Carrie Ernst, executive director of Independent Living Nova Scotia (ILNS), recalled her work and friendship with Powley:

Jen's legacy was her primary concern that people with disabilities were treated equally, that they were engaged in community, and you saw beyond what their disability was. I think her legacy is that we were able to have the hard conversations with government. Jen has left me with the strength to deal with the hard questions. We would be dealing with government and she would ask the hard questions, and I would think, "Jeez Jen, why did you ask it that way? Why don't we see if we can finesse it?" But she was the one who always asked the hard questions, and she wasn't scared of that.

Eventually, the Nova Scotia government committed to having people with severe physical disabilities under the age of 65 moved out of institutions to live in the broader community. Ernst said there are 200 people who will be moving into the community because of Powley's advocacy.

"The only thing I can summarize is that the sun was duller today because Jen is no longer with us. She was a beautiful person."

Ernst said while the title of Powley's first book was *Just Jen*, Powley was far more than "just Jen": "At the end of the day, what we need to realize is that Jen was larger than being an advocate for the disability community. I think her gift to everybody is the fact that we need to take a moment and pause during our day and not get caught up in the fact that we're busy, busy, busy. But look at what's around, appreciate what's around us, and appreciate the people who are around us... She was so empathic. I have a hole in my heart, I can tell you that."

Powley's roommate, Vicky Levack, wrote:

Jen Powley accomplished more in her 45 years of life than most people have in double the amount of time. She was an eloquent writer, staunch supporter of refugees with her work with the Rainbow Refugee Network, as well as spending several years as chair of the Ecology Action Centre.

Jen was a strong believer in doing what was right, not only for herself but for others around her... She used her considerable voice, even when it wasn't auditory, to make sure the people with disabilities in this province as well as many others got access to the things they needed to live the best life possible with dignity.

She used her stubbornness and sassy demeanour to light a fire under the people in power and gently show them the way to do their jobs better. After receiving a degree in creative writing at King's College, she wrote down her life story in her memoir, *Just Jen*. Giving a real honest, hilarious and sometimes dark glimpse into her life that helped many people see people with disabilities as full human beings, and not just a diagnosis...

She changed the landscape of the future and for that we are truly thankful. I would say rest in peace, but if there is a heaven, she is already up there causing a ruckus.