



# DCLC NEWSLETTER

Durham Community Legal Clinic  
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DCLC

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### CHECK OUT OUR WEBSITE

Our updated website is now ready for you to visit! It provides you with access to more information than was previously available as well as links to forms, legal information, and information about events at the Clinic and upcoming events. We invite you to check it out.

## Accessibility for Ontarians With Disabilities

On January 1, 2010, all public sector organizations in Ontario must meet the requirements of the Accessibility Standards for Customer Service of the Accessibility for Ontarians with Disabilities Act, 2005.

The Accessibility for Ontarians with Disabilities Act, 2005 (AODA) is a law designed to achieve accessibility for Ontarians with disabilities across the province by January 2025.

If you or your organization have one or more employees and provide goods or services, you must comply with the standard to customers with disabilities by having the required training.

## Adjudication of Addictions

A recent Divisional Court decision decided that the Government was violating the Human Rights Code by not recognizing addictions ( drug and/or alcohol) as medical conditions for individuals applying for Ontario Disability Support Program (ODSP). Previously, people with addictions were only eligible if they had one or more separate conditions which were disabling enough for this benefit to qualify under the ODSP Act. Now a person's addictions must be considered when processing an application.

The provincial government has sought leave to appeal this decision to the Ontario Court of Appeal.

## Commissioning and Notarizing

The Clinic provides the services of notarizing and commissioning of documents. Notarizing of documents is by appointment only. Commissioning can be done on a walk-in basis. There is a limit to the number of documents and the types of documents that can be notarized or commissioned at the Clinic.

Please contact the Durham Community Legal Clinic at 905-728-7321 for more information if you have documents requiring this service.

**Disclaimer:** This newsletter provides general legal information for the benefit of our readers. Although we strive to ensure the accuracy of the information as of the date of printing, laws may change, and/or the application of these laws may vary in individual circumstances. For assurance that our information, and your interpretation of it, is appropriate to your particular situation, please obtain legal advice.



### **Advantages and Disadvantages of CPP-D for Someone on ODSP**

When an individual is in receipt of ODSP benefits often the next step is applying for Canada Pension Plan Disability (CPP-D). There is a different legal test that one must meet in order to qualify and it is a difficult test to prove. It is possible that the individual will be denied based solely on the application and will have to appeal. There are a number of advantages and disadvantages of receiving CPP-D if you are on ODSP.

#### **ADVANTAGES:**

- \* CPP-D is not something you have to financially qualify for. Even if you win the lottery, you are still eligible for CPP-D benefits.
- \* CPP-D can be received anywhere in the world
- \* If you are receiving CPP-D, the years you are receiving it will be taken out of the calculation of your retirement pension causing your pension to be higher
- \* If you are found eligible for CPP-D, you automatically qualify for ODSP and will not have to undergo further medical reviews
- \* Your children may be eligible to receive child of disabled contributor benefits

#### **DISADVANTAGES:**

- \* CPP-D benefits are taxable while ODSP is not
- \* Retroactive CPP-D benefits could affect your social assistance and cause an overpayment and potential ODSP ineligibility based on your financial status
- \* The amount you receive from CPP-D is based on contributions. There are no additional benefits
- \* ODSP considers the gross amount you receive from CPP-D as income and it will be deducted from your ODSP benefits, dollar for dollar

### **Spotlight on a Specialty Clinic Justice for Children and Youth**

Most regions in Ontario that have Legal Aid offices have a Legal Clinic that does many areas of law not covered by a legal aid certificate. We also have “specialty clinics” that focus on select legal representation.

The Justice for Children and Youth Clinic in Toronto provides just that. This Clinic specializes in protecting the rights of children under the age of 18 of low-income families facing difficulty with the legal system in areas of education, income support, the Children's Aid or criminal law. They also provide community outreach and public legal education.

For further questions or information, you can reach them at 416-902-1633 or 1-866-999-JFCY (5329).

### **Are You Being Sued?**

If you are on Ontario Works or ODSP, your bank accounts are protected from debtors' garnishment. The Ontario Works Act and the Ontario Disability Support Program Act set out specifically that income support received is protected from garnishment, seizures, or executions.

Under these Acts, the bank accounts of people who receive this assistance cannot be garnished repay debts, even if the money is direct deposited into a bank account.

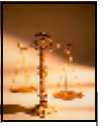
If in doubt, let your bank know your source of income so they can flag your account accordingly.

If you have any questions, please contact the Durham Community Legal Clinic at 905-728-7311.

### **Dual Diagnosis**

Dual Diagnosis is defined as the co-existence of an intellectual/developmental disability and mental health needs. There are two separate sectors of the government that provide money and policy direction for services to persons with a dual diagnosis—the Health Care sector funded by Ontario Ministry of Health and Long Term Care and the Developmental Service sector which is funded by the Ontario Ministry of Community and Social Services and the Ministry of Children and Youth Services. Further resources are available through Durham Region Dual Diagnosis Committee (DRDC) which has put together a resource guide with the goal of developing a diverse support network. This manual is full of useful resources for consumers, friends family, advocates and service providers within Durham Region who are living with or someone supporting someone with a Dual Diagnosis.

For more information visit [www.naddontario.org](http://www.naddontario.org).



## **DID YOU KNOW....**

### **Small Claims Court Changes**

As of January 1, 2010, the monetary limit for Small Claims Court claims is increasing from \$10,000 to \$25,000. This increase will broaden the scope of Small Claims Court and will improve access to justice for all Ontarians as it will allow individuals and small businesses to resolve more claims in a simple and inexpensive way. You cannot file a claim for more than \$10,000 before January 1, 2010. If you need to start a claim prior to that, you should get legal advice regarding your options.

### **ODSP and Ontario Works Changes**

Ontario Disability Support Program (ODSP) and Ontario Works (OW) rates are increasing by another 2%. This change takes effect on November 1, 2009 for ODSP and on December 1, 2009 for OW. This increase was announced in the March 2009 Budget. It affects basic needs (*not age-related/sole support supplement portions*), the shelter maximum, special border/northern/personal needs allowances, guide dog benefits and Assistance for Children with Severe Disabilities.

### **New Drinking and Driving Laws in Ontario**

As of May 1, 2009, if you are caught driving with a blood alcohol concentration (BAC) from 0.05 to 0.08, the police can immediately suspend your licence up to 3 days for a first occurrence, 7 days for a second occurrence and 30 days for a third or subsequent occurrence. If your licence is suspended you will not be able to drive home. The police will take your licence from you and send it to the Ministry of Transportation.

Drinking and driving continues to be one of Ontario's most significant road safety issues. During the past decade more than 2,000 lives have been lost and more than 50,000 people have sustained injuries in collisions involving a driver who has been drinking.

### **Changes Landlord and Tenant Board**

As of September 28, 2009, the way ServiceOntario Centres (SOC) deal with the filing of applications and documents for the Landlord and Tenant Board changed.

In most cases, applications filed at SOC will be couriered daily. Only urgent, time-sensitive documents will be faxed. The SOC staff will complete a Document Tracking Form to record receipt of applications and documents. The original tracking form will be couriered along with the original documents and a copy will be given to the individual filing the documents.

Payments by credit card, certified cheque, money order or bank draft will be processed by the Landlord and Tenant Board. Only cash and debit payments will be processed at SOC.

The Landlord and Tenant Board will send a completed Notice of Hearing package directly to the applicant *by mail or fax only*. Applicants can no longer pick up information at the SOC.

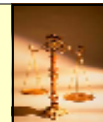
Applicants should be aware that although "Pick up at a ServiceOntario Centre" is an option on the payment and Scheduling Form, it is no longer offered by the Landlord and Tenant Board. You must indicate Mail or Fax. This form will be amended in the near future.

Contact the Clinic for any issues you may have regarding your tenancy.

### **New Cell Phone Ban in Ontario**

Effective October 26, 2009, Ontario's new cell phone law will be implemented. This new law makes it illegal for drivers to talk, text, type, dial or e-mail using handheld cellular phones and other hand held communication/entertainment devices. Police will start issuing tickets to those not abiding by these new laws starting February 1, 2010.

Police, paramedics, and firefighters are still permitted to use their handheld devices while performing their duties. Everyone may use their handheld device to dial 911 in an emergency.



## **Durham Community Legal Clinic's Annual General Meeting**

The Clinic's Annual General Meeting was held on September 17, 2009. The Board approved the Motion to continue with our current auditors and reviewed and approved the Annual Report. The current Members of our Board of Directors are returning for the next year. Next year's Annual General Meeting will also celebrate the Clinic's 25th Anniversary. We are currently in the process of planning this exciting event!

### **OUR STAFF**

**Deborah Hastings**, *Executive Director*

**Kier Munn**, *Staff Lawyer*

**Cathy Duignan**, *Community Legal Worker*

**Stefanie Famme**, *Community Legal Worker*

**Jeannine Spurrell**, *Tenant Duty Legal Worker*

**Lisa Petit**, *Support Staff*

**Colleen Twyman**, *Support Staff*

**Glenda Seupersad**, *Office Manager*

### **New Address for Service Canada's Oshawa Office**

Effective Monday, October 19, 2009, the front end services at the Service Canada Office, including applications for Employment Insurance, Canada Pension Plan, SIN cards, passport receiving, and pleasure craft licenses will be located at:

Midtown Mall

200 John Street west, unit C6

Oshawa, ON L1J 2B4

Hours of operation—Mon. to Fri. 8:30am—4:00pm

Services that will remain at the Richmond Street location will include Employment Insurance processing and appeals before the Board of Referees.

### **Board of Directors**

There have been some changes to the Durham Community Legal Clinic Board of Directors .

**Stephen Bourque**

*Self-Employed, Chair*

**Paul Dobbs**

*John Howard Society, Vice-Chair*

**Lynn Lunt**

*Self Employed Bookkeeper, Treasurer*

**Raedah Abdullah**

*Community Development Council Durham, Board Member*

**Sherri Delaney**

*Durham Regional Police Service, Board Member*

**Allyce Mutungi**

*Lawyer, Board Member*

**Christine Vos**

*Community Living Oshawa/Clarington, Board Member*

**Mark Bouwmeester**

*Durham Mental Health Services, Board Member*

**Kelly Weeks,**

*Canadian Mental Health Association, Board Member*

### **New Initiative**

This month a new initiative has been launched in Durham Region to assist disabled individuals trying to obtain financial benefits and services available to them. The Transitional Support Coordinator Initiative aims to fill a huge gap identified by organizations to aid those residents in our community who need help with the application process for Ontario Disability Support Program and Canada Pension Plan for Disability.

A qualified well-known individual in the community, Jeff Chartier, has taken on this role and we invite those who are, or know someone who is, struggling in the process of obtaining income support to contact Jeff for help. He can be reached at 905-242-3553 or by e-mail at [transitionalsupport@gmail.com](mailto:transitionalsupport@gmail.com).

### **Staff Profile—Jeannine Spurrell**

Jeannine began working at the Durham Community Legal Clinic as Support Staff in February 2008. In February 2009, she was promoted to the position of Tenant Duty Legal Worker and now handles all of the Clinic's tenant matters. Her main duties include providing advice to tenants at the Landlord and Tenant Board prior to their hearings and to tenants who call or attend the Clinic as a walk-in. Jeannine also maintains all of the Clinic's Board and committee materials and organizes outreach events for the Clinic. She is partly responsible for maintaining the website and is a Commissioner of Oaths. It has been a pleasure working with Jeannine the past 2 years but now we must wish her well as she is expecting her third child and will be going on maternity leave in February 2010. Good luck and best wishes!