



DCLC NEWSLETTER

Durham Community Legal Clinic
Oshawa Centre, 419 King Street West, Unit 3512
Oshawa, ON L1J 2K5
Phone: 905-728-7321; Toll-free: 1-888-297-2202
www.durhamcommunitylegalclinic.ca

DCLC

Volume 15, Spring, 2010

May 2010

Inside This Issue

Page 2

- * ODSP Medical Reviews
- * Spotlight on Specialty Clinic
- * LTB Telephone Pilot Project
- * Minimum Wage Increase

Page 3

Did you Know?

- * Garnishment
- * Upcoming Events
- * HST
- * Disability Doorway
- * Justice Net

Page 4

- * Our AGM
- * Our Staff and Board of Directors
- * ACTO
- * Staff Profile



CHECK OUT OUR WEBSITE

Our website provides you with access to information 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.

www.durhamcommunitylegalclinic.ca

Human Rights Law at a Glance

Pursuant to the Ontario *Human Rights Code* ("The Code"), Ontarians are protected against discrimination and harassment in employment, accommodation, goods, services and facilities, and membership in vocational associations and trade unions.

Discrimination means unfair treatment because of a person's *ancestry, ethnic origin, colour, race, religion, citizenship, place of origin, sex* (including pregnancy and gender identity), *disability* (including mental and physical disabilities), *age, sexual orientation* as well as *family or marital status* (opposite or same sex partners).

Harassment is a form of discrimination, and it includes, but not limited to, comments, jokes, name-calling or behaviour or display of pictures that insults or offends you because of your Aboriginal ancestry or other reasons listed above.

In the workplace, employees with disabilities are entitled to the same opportunities and benefits as people without disabilities, and in some circumstances, an employer may be required to make special arrangements or provide "accommodations" to ensure that an employee who suffers from a disability, is able to fulfill the duties of his/her job.

Customers, clients and tenants with disabilities also have the right to equal treatment and equal access to facilities and services. "Facilities and services" could be restaurants, shops, hotels, and movie theatres, as well as apartment buildings, transit and other public places. The *Code* provides further protection to individuals, who are on social assistance, from discrimination in the area of housing, and it protects individuals who may have received a pardon for a criminal conviction from discrimination in the area of employment.

Persons who believe that they have been discriminated or harassed based on any of the above grounds, may initiate a claim by filing an Application to the Human Rights Tribunal of Ontario.

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.



ODSP Medical Reviews

If you are in receipt of Ontario Disability Support Program (ODSP) benefits you may be notified that your disability status is being reviewed. Whether you were approved for ODSP when you applied or because you were successful at a hearing before the Social Benefits Tribunal, your ODSP approval was likely given a review date. This review date could be one year, three years, five years etc. from the date which you were approved. It is the date on which ODSP may request that you provide updated medical information to prove that you still qualify medically for ODSP benefits.

Medical reviews are a regular part of the ODSP system. However, they have not been conducted on a regular basis in many years. ODSP will be reviewing 100 people chosen randomly per month to review. If you were transferred from the old Family Benefits Program or were never given a review date, you will not be selected or required to undergo a review.

For those who have been selected for review, the process requires that you provide another Disability Determination Package (DDP). This includes the Health Status Report and the Self Report. The Health Status Report is to be completed by a doctor and the Self Report is to be completed by the ODSP recipient.

You will be given 90 days to submit the completed DDP. If you are found to be a person with a disability your benefits will continue. However, if you are found ineligible, or not a person with a disability, your benefits will stop.

If you are chosen for a review and are found ineligible, please contact the Durham Community Legal Clinic immediately for advice on whether or not to appeal the decision.

Minimum Wage Increase

As of March 31, 2010, Minimum wage in Ontario increased to \$10.25 an hour, up from \$9.75 previously.

These minimum wage increases are part of the Provincial Government's plan to decrease the number of families in Ontario living in poverty.

Spotlight on a Specialty Clinic Toronto Workers' Health & Safety Legal Clinic

There are about 79 Legal Clinics throughout Ontario. While most of these clinics are considered general clinics, there are a few "specialty" clinics that only focus on a certain area of law. One such specialty clinic is the **Toronto Workers' Health & Safety Legal Clinic**. TWHSLC deals mainly with workers who face health and safety problems at work. The Clinic assists non-unionized workers with workplace-related issues, promotes health and safety in the workplace and assists those who have been penalized for raising health and safety concerns.

The Clinic also provides summary legal advice and representation on matters pertaining to Workers' Safety and Insurance Board (WSIB), Employment Insurance (EI), Canada Pension Plan disability benefits (CPP), Human Rights and wrongful dismissal. The Toronto Workers' Health and Safety Legal Clinic also engages in law reform and community outreach programs. For information or representation, to join or to volunteer you can contact the Toronto Workers' Health and Safety Clinic at **1-416-971-8832** or at www.workers-safety.ca.

LTB Telephone Pilot Project

The Landlord and Tenant Board commenced a pilot project back in February 2009 to determine whether telephone hearings would be an effective alternative to in person hearings.

The project ran from February 3, 2009, until June 30, 2009, in four locations: Port Elgin, Owen Sound, Simcoe and Goderich. The Board measured the timeliness, accessibility and fairness of the telephone hearings.

One issue that was brought up was whether a tenant would have access to a telephone and if so, would the tenant have to incur a cost to take part in a telephone hearing. This came up when Tenant Duty Counsel pointed out that some tenants use a "pay as you go" service and would have to pay for the time spent on a telephone hearing. The Board also looked at the issue of filing evidence. Stakeholders brought up the fact that many tenants would be unaware of the obligation to exchange evidence before the telephone hearing thus hindering their ability to present their case.

The Board concluded that, generally, telephone hearings are well suited to only L1 and L9 applications where the issues are straightforward and uncomplicated.



DID YOU KNOW....

Garnishment

Pursuant to the *Ontario Works Act*, Ontario Works is not allowed to garnish the bank accounts of those recipients who are alleged to have been overpaid. This is so even if the money is directly deposited into their bank account. Financial institutions should be aware that assistance provided under Ontario Disability Support Program is also protected from garnishment, seizure or execution.

Government pensions, such as Old Age Security payments and Canada Pension Plan disability benefits cannot be assigned as security, garnished or seized.

HST

Starting July 1, 2010, the Provincial Government is introducing a new Harmonized Sales Tax. HST combines GST and PST into one 13% sales tax.

People on OW or ODSP must file a tax return every year to get the tax benefits introduced by HST including the new Sales Tax Credit which is paid quarterly, starting in July 2010.

Justice Net

Justice net is a reduced fee program created by Lawyers Aid Canada, a not-for-profit organization focusing on access to justice for middle to low income individuals and families.

Justice Net serves individuals who are in need of legal assistance but whose income level is too high to receive Legal Aid and too low to be able to afford standard legal fees. In general, if your family net income is below \$59,000, you would qualify for the reduced fee program.

For more information on what areas of law are covered and complete details of how the program works, visit Justice Net's website at www.justicenet.ca

Recent and Upcoming Events!



May 4th, 2010 – Volunteer Risk Management Forum

This forum is designed to provide information to agencies that employ students or volunteers within their organization on legally related issues such as liability and confidentiality and other employment related matters



May 13th 2010 – Benefits and Services for Low Income People

This forum is one of a series designed to provide information to agencies and advocates in Durham Region about the services provided by the Durham Community Legal Clinic and our community partners. This event will focus on round table discussions on the coordination of services and

the interaction between various benefits.



June 4, 2010 – Residential Tenancies Act Forum

This forum is one of a series designed to provide information to agencies and advocates in Durham Region about various topics related to the *Residential Tenancies Act*.



September 16, 2010 - DCLC 25th Anniversary Annual General Meeting

The staff and Board are excited about the plans in the works for the upcoming 25th Anniversary celebration of the Durham Community Legal Clinic. The date is still to be determined.



September 11, 2010 – DCLC Fundraiser BBQ

Where: Vos Independent Grocer – 1893 Scugog Street, Port Perry

Time: 11am-2pm

Come out and meet the staff and Board of Director's of the Durham Community Legal Clinic

DisAbility Doorway Website

DisAbility Doorway is a website developed by the Durham Region Employment Network and provides information to Durham residents about services and resources available to assist people with disabilities.

There is an abundance of information available on the website in a number of different categories, including: Employment, Financial Assistance, Personal Care, and Transportation as well as information about assistive devices and home and vehicle modifications.

Visit DisAbility Doorway's website at www.disabilitydoorway.com



Durham Community Legal Clinic's Annual General Meeting

Durham Community Legal Clinic will hold its 25th Annual General Meeting on September 16, 2010 at the new Durham Region Court House in Oshawa.

OUR STAFF

Deborah Hastings, *Executive Director*
Gia Williams, *Staff Lawyer*
Cathy Duignan, *Community Legal Worker*
Stefanie Famme, *Community Legal Worker*
Emily Robb, *Tenant Duty Legal Worker*
Lisa Petit, *Support Staff*
Colleen Twyman, *Support Staff*
Michele Prescott, *Office Manager*

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
Virginia Harwood
Durham College, Board Member
Jonathon Dixon
Board Member

ACTO

The Advocacy Centre for Tenants Ontario's (ACTO) website provides an abundance of information for tenants in regards to their rights and responsibilities under the *Residential Tenancies Act*.

Tenants can access tip sheets on a number of topics to help them better understand their obligations and their landlords obligations.

Also available on ACTO's website is a downloadable manual with information about forming a tenants association. Visit www.acto.ca for more information.

Staff Profile– Gia Williams, Staff Lawyer

Gia graduated from York University with a specialized honours degree in Philosophy in 2004. In 2008, she obtained her Bachelor of Laws degree from the University of Windsor, Faculty of Law. While completing her legal studies, Gia developed her interest in social justice by volunteering with Community Legal Aid where she provided legal advice and representation in the area of Criminal Law. Gia was also actively involved in the student community through her participation in several non-profitable organizations as she served as an executive member of the Canadian Lawyers for International Human Rights, and vice-president of the Black Law Student's Association of Canada. Gia completed her articles with the Ministry of the Attorney General and was called to the Bar of Ontario in 2009. She joined the Durham Community Legal Clinic in January 2010 where she currently provides legal services in all of the clinic's practice areas. Gia continues to play an active role in the community by volunteering with the Child Advocacy Project where she provides legal advice on a pro-bono basis in Education Law.