



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 18, Fall 2011

November 2011

Inside This Issue

Page 2

- * Remedies Under Human Rights
- * New at the LTB
- * Tenant Tip Sheets
- * Did you Know – Form Completion

Page 3

- * 7 Questions and Answers about the Clinic
- * Energy Consumer Protection Act

Page 4

- * Annual General Meeting
- * Suite Metering
- * Bed Bug Action Plan
- * Brochures Available
- * Our Staff
- * Board of Directors

Affidavits

The Durham Community Legal Clinic has two Commissioner for Taking Oaths on staff.

Come into the clinic before 4pm, Monday to Friday if you have a document that needs to be sworn in front of a commissioner. Such documents include: Adult Name Change, Affidavits for OSAP, Statutory Declarations for Lost Passports, Affidavits for Service, Statutory Declarations for travel, etc.

Criminal Injury Compensation Board Awards

The Criminal Injuries Compensation Board is an independent agency of the Ministry of the Attorney General. The role of the Board is to award financial compensation to victims of crime in Ontario who have suffered injury. The Board makes decisions on applications and could compensate by various awards. These awards depend upon the extent of a victim's injuries, loss of income, pain and suffering, medical expenses as well as any out of pocket expenses not payable by other sources.

Interim awards can be paid prior to a hearing for funeral expenses, support and/or treatment or medical expenses.

The maximum award paid as a lump sum for the most severe case is \$25,000.00. If the claim is for more than one person, the maximum award paid as a lump sum is \$150,000.00 to all claimants.

The Board can also award monthly periodic awards for ongoing financial loss. This would include lost wages or income as well as childcare expenses. For this award, the maximum amount for a lump sum cannot exceed \$12,500.00. The maximum periodic award is \$1,000.00 per month. Payments cannot exceed a total amount of \$365,000.00. Periodic awards are reassessed on a yearly basis.

Under Section 25, a variation in award may be considered at the claimant's request or at the Board's instruction. However, a variation would only be granted if an award was approved previously.

In order to receive compensation injuries must be long term and significant. You may receive awards for treatment expenses including but not limited to ambulance fees, hospital charges, prosthetics, eyeglasses, prescriptions, dental expenses and counselling expenses. Claimants can also be compensated for travel that is more than 40 km each way from residence for treatment.

If a claimant was unable to work due to injuries sustained from the incident, a claimant can be awarded a loss of income award. A pain and suffering award is based on many facts including the nature of the crime, age and vulnerability, breach of trust or abuse of power, degree of violence involved, seriousness of injuries sustained or the extent of harm, recovery period, possibility of a continuing disability and the impact the crime had on the victim's life.

In the case of a death resulting from a crime of violence, a claimant can be compensated for funeral and burial expenses, or loss of financial support (if the dependant relied on the deceased person for financial support prior to death). In addition, the Board may compensate the cost of bereavement counselling.

The Clinic assists with applications to the Board for victims of crime of violence who have suffered injury and qualify for our services.

WE ARE GOING PAPERLESS!



This is the last issue of the newsletter which will be sent by mail. All issues will continue to be provided on our website. We are happy to send you the newsletters by email if you provide us with your email address at dclcinfo@gmail.com and type NEWSLETTER in the subject line.

If you do not have access to a computer and require your newsletter to be mailed, kindly contact us at 905-728-7321.

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.



REMEDIES UNDER THE HUMAN RIGHTS CODE

If you believe that your rights under Ontario's *Human Rights Code* ("Code") have been infringed, you may file a complaint to the Human Rights Tribunal of Ontario ("Tribunal"). There are several remedies which you as the complainant may be entitled to, should the Tribunal determine that you have indeed suffered discrimination or harassment as defined under the *Code*.

The Tribunal has broad powers to make orders and to award remedies. The power to grant remedies serves two main purposes- to provide financial compensation to the complainant and to prevent future acts of discrimination. There are three types of remedies that the Tribunal can order if discrimination is found. They include, financial compensation to the complainant, non-financial measure that benefit the complainant; and measures to address the broader public interest ("public interest remedies").

There are two types of financial compensation which the Tribunal can order. They are general damages or special damages. General damages are awarded to compensate a complainant for the loss of the right to be free from discrimination, including the insult to your dignity, feelings, and self-respect as a result of the discrimination. Special damages are awarded to compensate for any special financial costs that you experienced because of the discrimination. This type of financial remedy is meant to put you back in the financial position that you would have been in if the discrimination had not occurred in the first place.

Although you have a right to ask for compensation for any financial loss you may have incurred as a result, you also have a duty to mitigate your losses. This means that you must actively try to limit the size of your financial loss resulting from the discrimination and/or harassment. The Tribunal can also order the Respondent (i.e. the party against whom the complaint has been filed) to do something that will put you in the position you would have been in if the discrimination had not occurred. For example, in an employment situation, the Tribunal could order, reinstatement to your job, a promotion, an offer of employment, the removal of a harasser from your work environment, letters of assurance of future compliance with the *Code*; or a letter of reference.

The Tribunal can order also a "public interest" remedy. Public interest remedies are often intended to prevent similar discrimination from happening in the future and are meant to have an impact on the broader community, including other people who could have been affected by the discrimination. An example of a public interest remedy would be ordering an employer, who has been found to have violated the *Code*, to develop an internal human rights complaint procedure, and to implement education and training programs at the workplace.

The Tribunal will generally try to craft a remedy that is durable and effective to deter the recurrence of discrimination.

New at the Landlord and Tenant Board

The Landlord and Tenant Board have developed five new videos to help tenants and landlords understand the Board's process and the Law. You can learn about the following:

- About the Board
- Filing an Application
- How Mediation Can Help You
- Getting Ready for Your hearing
- Your Hearing Day

To view these videos go to www.ltb.gov.on.ca and click on What's New?

Updated Tenant Tip Sheets

ACTO (Advocacy Centre for Tenants Ontario) produces various tip sheets for tenants. Recently, they have updated a number of their tip sheets, including:

- Assigning or Subletting Your Rental unit
- Rent Deposits
- Application About Tenant Rights (T2)
- Application About Maintenance (T6)
- Motion to Void an Eviction Order After it Becomes Enforceable

To check out these tips sheets and more go to www.acto.ca and click on "Tenant Info".

Did you Know?

Completion of forms

The Durham Community Legal Clinic provides free legal advice to low income residents of Durham Region in the areas of disability issues, income maintenance, tenant issues, employment insurance appeals, WSIB, criminal injuries compensation and Ontario Human Rights.

We also offer assistance in the drafting of wills and powers of attorney.

In addition to the above services, the Clinic now offers assistance in the completion of forms for Small Claims Court, Disability Tax Credit and Criminal Injuries Application package. This service is offered by appointment only. If you have forms which require assistance in completing, call the Durham Community Legal Clinic at 905-728-7321 to make an appointment.



Getting to Know the Durham Community Legal Clinic

Who are we?

We are one of 80 community legal clinics across Ontario. We are funded by Legal Aid Ontario to serve the residents of Durham Region. We are a community based organization managed by a Board of Directors who are elected and recruited from the community. We are an office of 8 staff members including two lawyers, 2 community legal workers/paralegals, one tenant duty legal worker/paralegal, one office manager and two support staff.

Who do we serve?

We offer free legal advice to all residents of Durham Region. We also offer representation in select areas of law to those residents who qualify financially for our services.

What do we do?

We provide services in the following areas of poverty law: Income Maintenance (including Ontario Disability Appeals, Canada Pension Plan Disability Appeals and Ontario Works Appeals), Criminal Injuries Compensation, Workplace Safety and Insurance, Ontario Human Rights, Employment Insurance, Landlord and Tenant matters, debtor/creditor issues, employment standards, and wills and power of attorney. We offer representation when there is merit in select areas of law. Our other services include commissions/notarizations, seminars, pamphlets, self help kits and referrals. We provide these services on a walk in, appointment or telephone basis.

What can YOU do?

You can become a member of the Durham Community Legal Clinic. If you are interested in the services provided by the Clinic, are a resident of Durham Region, are at least 18 years of age and agree to our Mission Statement you are eligible to become a member.

Where are we?

We are located at the Oshawa Centre, at 419 King Street West, Unit 3512, Oshawa, Ontario L1J 2K5. Note: the Clinic can only be accessed from outside, and not through the mall.

What are our Hours?

We are open 8:30am-4:30pm Monday through Friday. The last walk in will be seen at 4:00pm.

What's new at the Legal Clinic?

We currently have three students working with us at the Clinic. We have a law student who is volunteering with us as well as two placement students who are completing their placement at our Clinic while aspiring for their diplomas in the Paralegal Program as well as the Legal Administration Program.

Energy Consumer Protection Act

Energy Subcontracting

Pursuant to the Energy Consumer Protection Act (ECPA) 2010, the mandate of the Ontario Energy Board (OEB) has been expanded to include increased consumer protection and energy contractor regulation. On 1 January 2011 the ECPA came into force and levelled the playing field by creating protections against unfair practices used by contractors when enticing consumers to outsource their electric and gas utilities. While the OEB mandate is a tremendous step in the right direction, it is still advisable for consumers to take a proactive, rather than a reactive, stance to avoid falling victim to an unfair or unconscionable contract. In truth, the vast majority of what you need to know may be found on the OEB website (<http://www.ontarioenergyboard.ca/OEB/Consumers>). A right without knowledge thereof is akin to winning the lottery without ever claiming the prize. Knowledge really is power. If you are unsure of your rights and find yourself standing at your front door inundated with technical information, perhaps the best measure is to ask the representative to come back at another time. However, even if a representative pressures you into signing the contract, you still have insurmountable rights afforded to you. Following receipt of your contract, there is a ten day cooling off period, and it is between this point and the forty-five day mark that the contract must be verified via telephone. You are not required to verify the contract, and if you refuse to do so, the contract is invalid as of that day without cancellation or penalty fees. The OEB website is user-friendly, and it is worth the time (and possibly money) to know and understand just how much the ECPA has enhanced the position of the consumer.



Annual General Meeting

The Durham Community Legal Clinic's Annual General meeting was held on September 27, 2011. The membership and Board voted on a minor change to our By-law, Minutes from last meeting and voted in a new member to our Board of Directors, Kayli Riann, from the Brain injury Association of Durham Region. The Board also voted in Jonathan Dixon to the Executive as the new Treasurer.

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*

Jeannine Spurrell, *Office Manager*

Board of Directors

Stephen Bourque, *Chair*

Durham College

Paul Dobbs, *Vice-Chair*

John Howard Society

Jonathon Dixon, *Treasurer*

Region of Durham, Board Member

Virginia Harwood, *Secretary*

Durham College, Board Member

Raedah Abdullah

Community Development Council Durham, Board Member

Audrey Andrews

Region of Durham, Board Member

Allyce Mutungi

Lawyer, Board Member

Mark Bouwmeester

Durham Mental Health Services, Board Member

Kelly Weeks,

Canadian Mental Health Association, Board Member

Kayli Riann

Brain Injury Association of Durham Region

Terasa Hill

Self-employed, Board Member

Residential Tenancies Act

Suite Metering

As of January 1, 2011, there are new rules for suite metering. Suite meters measure how much electricity is used by each individual unit in a building. There are rules that landlords have to follow concerning prospective tenants and rules for current tenants also.

If you are a prospective tenant and the tenancy agreement requires you to pay for your own electricity, the landlord must provide you with information about the electrical usage for the unit and the efficiency of the refrigerator.

If you are a current tenant, the landlord does not need your permission to install a suite meter, but must get your consent before telling the electricity provider to start billing you directly for your electricity usage. You do not have to agree to pay for electricity if the landlord installs a suite meter, but if you do, it must be in writing, and your rent must be reduced to offset the amount that you will be paying the provider for electricity. Before the landlord gets your consent, they must provide you with certain information about the electricity provider. For more information on suite meters, go to www.ltb.gov.on.ca or call the clinic at 905-728-7321.

Bed Bug Action Plan

Durham Community Legal Clinic is pleased to be taking part in the Bed Working Group, organized by the Region of Durham Health Department. Back in January, the clinic spoke at an event hosted by the Durham Region Health Department. The purpose of the event was to gather stakeholders in the community to educate each other on our different perspectives concerning bedbugs and to brainstorm ideas as to how to lessen the impact of this problem on our community. The Bedbug working group was formed out of this event and the purpose of the group is to help develop a bedbug action plan. The clinic is representing a tenant perspective on this issue. The group meets every two months, and we are working on putting together a plan that is realistic and useful to the community. We will keep you updated on our progress.

Free Brochures Available

We offer a wide selection of helpful brochures that cover many areas of law. All brochures are free to the public. Our brochures range in topics including Social Assistance, Landlord and Tenant, Family Law, Employment Law, Youth Justice and many more!

Contact the Legal Clinic for more information at 905-728-7321 or come in and see us at 419 King Street West, Unit 3512, Oshawa, Ontario, L1J 2K5.