



# DCLC NEWSLETTER

Durham Community Legal Clinic  
111 Simcoe Street North, Main Floor, Back Entrance  
Oshawa, ON L1G 4S4  
Phone: 905-728-7321; Toll-free: 1-888-297-2202  
www.durhamcommunitylegalclinic.ca  
dclinfo@gmail.com

## DCLC

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### Documents to be Sworn FREE

The Durham Community Legal Clinic has two Commissioners for Taking Oaths on staff. Commissioning is done on a walk-in basis on Monday, Wednesday and Fridays between 8:30 am and 12:00 noon and Tuesdays and Thursdays between 1:00 and 4:00pm

Call our office 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.

Notarizing is also available by appointment only.

### Our Move

The Durham Community Legal Clinic has moved!

Our previous location at the Oshawa Centre is under construction for the mall expansion, therefore our new home is 111 Simcoe Street North – Main Floor at the rear of the building.

Our contact information remains the same. You can reach us at 905-728-7321 and our fax number is 905-728-6362.

Our hours of operation continue to be 8:30am-4:30pm Monday to Friday. We close between 12:00pm-1:00pm for lunch. The last walk in is seen at 4:00pm.

We are still accepting walk in's and offering telephone advice to all residents of Durham region in the following areas of law: Income maintenance (ODSP, OW, CPP), Tenant, WSIB, Ontario Human Rights, Criminal Injuries Compensation, Employment Insurance, Employment Standards, Wills and Powers of Attorney, Debtor/Creditor and Immigration and Refugee Issues.

Representation is available to those who financially qualify for our services in the areas of ODSP, OW, CPP, WSIB, Human Rights, Criminal Injuries Compensation and Employment Insurance. Assistance in completing documents for Small Claims Court and commissioning and notarizing documents are services that are also provided by the Clinic.

### Rights in the Workplace

The *Occupational Health and Safety Act* sets out the three basic rights of workers and provides a framework for dealing with unsafe work conditions, the handling of hazardous materials, and other potential dangers in the workplace. The three rights of workers in the workplace are:

1. The right to know
2. The right to participate
3. The right to refuse unsafe work

For more information on Occupational Health and Safety there is a workshop on Workplace Safety and Responsibility being held on December 4, 2014 at the Ajax Welcome Centre located at Unit 5, 458 Fairall St, Ajax, ON L1S 1R6. The workshop begins at 6:30 p.m. and runs until 8:30 p.m. and includes other topics such as employment standards.

**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.



### Services Offered at the Clinic

Legal advice is provided to low income Durham Region residents in the following areas:

- Disability Issues (ODSP, CPP-D)**
- Income Maintenance (OW)**
- Workplace Safety and Insurance Board**
- Tenant Issues**
- Wills and Powers of Attorney**
- Criminal Injuries Compensation**
- Ontario Human Rights**
- Employment Insurance Appeals**
- Employment Standards**
- Debtor/Creditor Issues**
- Immigration**

OTHER SERVICES INCLUDE:

- Commissioning and Notarizing of Documents**
- Seminars**
- Pamphlets**
- Self-Help Kits**
- Referrals**

Contact the Durham Community Legal Clinic if you have any questions or require advice in any of the above areas.

### Did you know?

- \* In collaboration with Durham College, the Durham Community Legal Clinic now offers free legal advice on an appointment-basis only in immigration law. We can assist with referrals, pamphlets, completion of forms and sponsorship applications.
- \* Legal Aid Ontario provides legal assistance to low income residents through 76 independent community legal clinics including 13 **specialty clinics**.  
Specialty clinics provide services in a specific area of law including worker's compensation, income security, seniors' issues and people living with HIV/AIDS to name a few. These clinics serve as expert resources to other general clinics and community agencies.

If you require assistance with one of the above matters, please call the Durham Community Legal Clinic at 905-728-7321.

### Co-Op Applications at the LTB

As of June 1 2014, Co-ops have the ability to file eviction applications at the Landlord and Tenant Board. The process for doing so is much like the process established for tenants; notice to the co-op member must be served first, with a specific termination date after which the Co-op files an application at the Landlord and Tenant Board. Unlike tenants however, co-op members do not have the benefit of Sec. 82. Sec. 82 allows the tenants to bring up anything they would file their own application for if the landlord has filed an arrears application. Since co-op members are not entitled to file applications at the landlord and tenant board, Sec. 82 is not applicable to them.

One benefit of bringing co-op eviction applications under the jurisdiction of the Landlord and Tenant Board is that now co-op members can have the benefit of relief from eviction by way of s. 94.12, which is similar to s. 83. Co-op members can put forth arguments as to why the termination should be delayed or denied.

If you receive a notice of termination from your co-op, please contact the Clinic at 905-728-7321 for assistance.

### Wills and Powers of Attorney

**Your client can have a Will and Powers of Attorney done at the Clinic:**

1. For FREE if the client financially qualifies for our legal service
2. Client can change the Will and Powers of Attorney at any time for FREE
3. Client to attend twice at the Clinic: once to give instructions and once to sign
4. Client to take the signed documents with him/her

**What should the client know for the appointment?**

1. Who is to be the executor and alternate executor of the Will
2. Who is to be the beneficiary of the estate and who is to be the alternate beneficiary
3. Any specific bequests
4. Any specific funeral instructions
5. Who is to be the Personal Care Power of Attorney and the alternate
6. Who is to be the Property Power of Attorney and the alternate

EVERYONE SHOULD HAVE A WILL AND POWERS OF ATTORNEY. YOU DO NOT HAVE TO HAVE ASSETS OR HAVE A SIGNIFICANT INCOME. THESE DOCUMENTS WILL PREVENT LEGAL PROBLEMS IN THE FUTURE.



## **Ministry of Labour Complaints**

The Durham Community Legal Clinic is now assisting in the completion of Ministry of Labour claims on an appointment basis. The Ministry of Labour is the administrative body that enforces legal standards in the workplace. The Ministry of Labour deals with employment standards such as overtime, vacation pay, leaves of absences and severance pay. When someone is denied a right under employment standards legislation by an employer they can make a claim with the Ministry of Labour. The Ministry of Labour will investigate and determine entitlement.

## **Ontario Works or Ontario Disability Benefits while attending school?**

If you are receiving Ontario Works or Ontario Disability benefits and are attending high school or a post-secondary program approved by the government as a full time student and you are earning income from employment, you are permitted to keep all of your employment earnings without a reduction in your Ontario Works or Ontario Disability benefits.

Amendments have been made to allow for earnings/asset exemptions for the employment income of these individuals and these earnings will not be counted towards the benefit unit's asset limit.

Previously this was only allowed for those individuals under the age of 18.

If this pertains to you and your benefits are being reduced for employment earnings contact the Durham Community Legal Clinic for assistance.

## **Enforcement of Administrative Orders**

The Durham Community Legal Clinic is now assisting individuals with completing the required documentation to enforce administrative orders in Small Claims Court on an appointment basis. Administrative orders obtained in tribunals such as the Human Rights Tribunal and the Landlord Tenant Board can be enforced using remedies available in Small Claims Court. Enforcement remedies in Small Claims Court include writs of seizure and sale of property and income garnishments.

## **Canada Pension Plan Disability (CPP-D)**

### **DID YOU KNOW?**

1. Our Clinic represents clients on CPP-D appeals
2. The legal service is FREE if the client financially qualifies
3. Appeals must be done within 90 days of any decision
4. Clients on social assistance will be required to apply for CPP-D as an alternate source of income
5. CPP-D does not provide medical benefits
6. CPP-D is taxable
7. You do not have to live in Ontario to apply and receive CPP-D
8. You cannot receive CPP-D and a CPP retirement pension at the same time
9. You may not qualify for ODSP assistance when receiving CPP-D, but you may still qualify for medical benefits under ODSP
10. Hearings are in writing, in person, or by video conference
11. Hearings are not scheduled for at least a year.

Please consult the Clinic if you or your client requires legal assistance in this area of law.



## Legal Presentations and Educational forums

Staff of the Durham Community Legal Clinic are available to provide free legal presentations and educational talks to agencies or forums presented by agencies of Durham Region in the areas of law we practice.

Please contact the Clinic at 905-728-7321 for any requests you have for a speaker at your agency and/or forum.

### OUR STAFF

**Deborah Hastings**, *Executive Director*

**Kim Kreider**, *Office Manager*

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

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

**Emily Robb**, *Tenant Legal Advisor*

**Matthew Ferguson**, *Paralegal*

**Lisa Petit**, *Support Staff*

**Colleen Twyman**, *Support Staff*

**Nicholas Whelan**, *Articling Student*

## HUMAN RIGHTS

Are you a prospective tenant that has been denied housing because you are a recipient of social assistance? If so, your right to be free from discrimination may have been breached.

When occupying housing, those depending on public assistance are often subjected to differential treatment and rental requirements not imposed on others. As a result, the Human Rights Tribunal of Ontario held that the use of rent-income ratios or other income criteria as the sole factor in assessing applications for residential tenancy amounts to indirect discrimination under the *Human Rights Code* of Ontario.

So, if you are a recipient of public assistance and your tenant application was refused based solely on your income level, please contact the Durham Community Legal Clinic to discuss the possibility of filing a human rights claim.

## Board of Directors

**Paul Dobbs**, *Chair*

*John Howard Society*

**Stephen Bourque**, *Vice-Chair*

*Durham College*

**Alex Mak**, *Treasurer*

*Region of Durham*

**Audrey Andrews**, *Secretary*

*Region of Durham*

**Jonathan Dixon**

*Region of Durham*

**Mark Bouwmeester**

*Durham Mental Health Services*

**Eleanor Hastie**

*Traditions of Durham Retirement Residence*

**Dalton Burger**

*Durham College*

**Elizabeth Persaud**

*Brain injury Association of Durham*

**Mustafa Elkalza**

*Community Development Council Durham*

**Tara Robins**

*Canadian Mental Health Association Durham*

## Free Brochures and Self Help Kits 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!

We also have several self-help kits and forms for several areas of law and free seminars to agencies on different topics to help educate individuals about various areas of law.

The Clinic staff is available to provide free presentations and legal talks on the types of law and services offered at the Clinic.

Contact the Legal Clinic for more information at 905-728-7321 or come in and see us at 111 Simcoe Street North, Oshawa, Ontario, L1G 4S4.