



DCLC NEWSLETTER

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DCLC

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Durham Community Legal Clinic Receives More Funding

Legal Aid Ontario has given the Durham Community Legal Clinic an increase of \$238,000 this year. This amount is guaranteed to the Clinic for each subsequent year.

This investment of money is part of Legal Aid's strategy to expand financial eligibility and clinic law services across Ontario. The additional money is a result of the Clinic being identified as having the fewest resources per low income population.

The provincial government has stated that this investment must be used to provide services to new clients. Accordingly, this Clinic plans to represent tenants at the Landlord and Tenant Board, expand immigration and sponsorship advice, and to open a satellite office in Ajax.

Free Legal Information Sessions to your Agency

Please contact the Clinic if your agency would like one of the staff to provide legal information at your community event. The staff will also attend your agency to provide legal information to the staff in the areas of law covered by the Clinic.

Clinic Forum: June 3, 2015

On Wednesday, June 3, 2015, the Durham Community Legal Clinic will be holding their annual forum.

This year we will be covering issues such as clients with mental health, small claims court, criminal injuries compensation, employment and human rights, WSIB and CPP issues, emerging issues regarding OW, ODSP, tenant matters and social assistance entitlements as they relate to immigration.

The forum will be held at King Street Community Church at 611 King Street West, Oshawa, Ontario. Registration begins at 8:15 a.m. and the forum begins at 8:45 a.m.

Please contact the Durham Community Legal Clinic at (905) 728-7321 to register.

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.

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
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.

SAVE THE DATE!

On Friday, October 16, 2015, the Durham Community Legal Clinic will be celebrating our 30th Anniversary.

Please join us between 11:00 - 3:00 for an open house. Come out and meet the Legal Clinic staff, exchange brochures and network with other community agencies.

What's New at the LTB?

As of April 1, 2015, new forms are available for use for Notices of termination, Tenant Applications and Landlord Applications. The new tenant application forms are easier to understand and easier to fill out correctly. The Landlord and Tenant Board will accept use of the old forms until May 31, 2015 after which time new forms must be used.

Starting on July 1, 2015, the responsibility for serving a Notice of Hearing and Application onto a party will be transferred to the Landlord and Tenant Board. As of now, it is the applicant's responsibility to serve the respondent and then file a Certificate of Service.

Tax Clinic in 2016

The Durham Community Legal Clinic has partnered with Social Services to complete tax returns for Ontario Works recipients in the 2016 taxation year. The Clinic will be completing the tax returns at the Clinic's office as well as attending interested agencies to complete the returns for their clients.

Success on appeal with overpayments

In *Surdivall v. Ontario Disability Support Program (ODSP)* the Court of Appeal established that the ODSP Director and the Social Benefits Tribunal can forgo recovery of an overpayment. The Appellant was represented by the Income Security Advocacy Centre (ISAC).

They argued that since ODSP serves the most impoverished and vulnerable people, the law should be interpreted as granting discretion to waive collection of an overpayment where collection would cause undue hardship or unfairness.

Many of our clients have overpayments that are the result of an administrative error or because they do not understand the very complicated ODSP or Ontario Works (OW) reporting requirements. If you have an overpayment from ODSP or OW, call us for help.

Cathy Duignan, Paralegal
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ODSP medical reviews

If you are receiving benefits from the Ontario Disability Support Program (ODSP) you may get notified that your disability status is being reviewed. The review process requires people to fill out a new application for disability benefits (Disability Determination Package—DDP) and go through the entire disability assessment process all over again. You will have 90 days to send information to the Disability Adjudication Unit (DAU). This time can be extended.

You will still be eligible for ODSP income support during the medical review process as long as you continue to meet all other eligibility criteria under ODSP. If you do not send in your DDP form, your benefits will be cancelled.

If your benefits have been cancelled because of a medical review, or if you are unable to complete your DDP in time, please contact our office.

A decision that you are no longer a person with a disability can be internally reviewed and then appealed before the Social Benefits Tribunal. We can help!

Cathy Duignan, Paralegal
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Disability Tax Credit: A do-it-yourself guide

Companies are offering to help people with disabilities get thousands of dollars from the Canadian government. But beware, these companies charge fees for something you can do yourself for free.

These companies charge for helping you apply for the Disability Tax Credit (DTC). The DTC is a tax credit that a person with a severe and prolonged disability can claim to reduce the amount of income tax they have to pay. Applying for the DTC on your own is **easy and free**.

To apply for the DTC, you must have filed your taxes. Then get a copy of the required form, Form T2201, either from the Canada Revenue Agency (CRA) website (www.cra-arc.gc.ca/disability/) or by calling 1-800-959-8281.

You fill out a short part and then you take the form to your family doctor to complete. Your doctor may charge you a fee to complete the form, but you may be able to claim this fee on your income taxes.

After your doctor returns the form to you, write a short letter asking to be paid retroactively. Include a T1 Adjustment Request Form available on the CRA website or by calling them at 1-800-959-8281.

Submit the forms and the letter asking for retroactivity to the CRA. After the CRA receives your form, they will look at any years that you qualified as a person with a disability. This could result in a refund. It is that easy.

If you hire a company to help you, they will take the exact same steps outlined above and take a large percentage of any refund. If you apply yourself, you receive the entire refund. If you are denied the DTC, you must file a Form T400A within 90 days. If you have already signed an agreement with one of these companies, please contact CALC for information about cancelling that contract.

After you qualify for the DTC, you can open a Registered Disability Savings Plan (RDSP). An RDSP is a savings plan that can help a person with a disability save for long term financial security. For RDSP holders under 50, the Canadian government will match any contributions made to a certain limit and contribute up to \$1,000 per year even if no contributions are made. RDSP's are exempt assets for Ontario Works and Ontario Disability Support Program.

There is a new law called the *Disability Tax Credit Promoters Restrictions Act*. This Act limits the fees that companies can charge for helping someone complete a DTC application. The purpose is to keep more money in the pockets of people with disabilities, where it is most needed. The CRA is holding public consultations about how this Act will be regulated. If you are interested in being part of the consultations, you can go to: <http://www.cra-arc.gc.ca/gncy/ctsrqtltns/frwrdrqtltrypln/2014-2016/dsblytx-eng.html>.

Cathy Duignan, Paralegal
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Our Staff

Deborah Hastings, *Executive Director*

Cathy Duignan, *Community Legal Worker / Paralegal*

Stefanie Famme, *Community Legal Worker / Paralegal*

Matthew Ferguson, *Community Legal Worker / Paralegal*

Emily Robb, *Tenant Legal Advisor*

Lisa Petit, *Support Staff*

Colleen Twyman, *Support Staff*

Kim Kreider, *Office Manager*

Stella Ojiegbe, *Articling Student*

Electronic Filing for Small Claims Court

The Ontario Small Claims court now allows for the electronic filing of claims for a fixed amount. The following are examples of claims for a fixed amount:

- Credit card debt
- Orders obtained in Administrative Tribunals
- NSF Cheques
- Set amounts owed under contract

Claims for a disputed amount cannot be e-filed currently. To file a claim electronically you must access the Service Ontario Business Portal and create an ID. Currently electronic filing is only available to Plaintiff claims for fixed amounts and cannot be accessed by Defendants.

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

Changes to the *Employment Standards Act*

The *Stronger Workplaces for a Stronger Economy Act 2014* ushered in numerous changes to employment legislation in Ontario. The *Employment Standards Act* has been amended to extend the period of time in which workers can claim lost wages. The Ministry of Labour now has no monetary cap on the amount it can order an employer to pay an employee for lost wages payable after February 20, 2015. Lost wages payable prior to February 20, 2015 are still subject to the \$10,000.00 maximum. The 6 month time frame to commence a claim for lost wages payable after February 20, 2015 has been extended to two years. For more information you can access the Ministry of Labour website at <http://www.labour.gov.on.ca/>.

Free Brochures & 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.