



DCLC NEWSLETTER

Durham Community Legal Clinic

DCLC

Volume 25 Fall 2015

October 2015

Main Location:

111 Simcoe Street North, Main Floor, Back Entrance
Oshawa, ON L1G 4S4
Tel: 905.728.7321 Toll Free: 1.888.297.2202
www.durhamcommunitylegalclinic.ca
dclinfo@gmail.com

Satellite Offices:

Ajax: 140 Commercial Ave, Ajax, ON L1S 2H5
Open: Mondays & Tuesdays from 9:00 am to 4:00 pm
Uxbridge: 2 Campbell Drive, Suite 305, Uxbridge, ON L9P 1H9
Open: Every 2nd Wednesday from 9:00 am to 4:00 pm
Tel: 905.441.1752 Toll Free: 1.888.297.2202

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New Satellite Offices

In March 2015, the Durham Community Legal Clinic received additional funding from Legal Aid Ontario. Two of the areas that identified a need were the underserved areas in west Durham and north Durham.

In order to reach out to our low income population in these areas, the Durham Community Legal Clinic partnered with the Region of Durham, Social Services Department, to open two satellite locations housed inside the Ontario Works offices in Ajax and Uxbridge.

A Community Legal Worker is on site in Ajax every Monday and Tuesday from 9:00am until 4:00pm and in Uxbridge every second and last Wednesday of the month from 9:00am until 4:00pm. The Community Legal Worker can assist clients with housing issues, internal reviews and appeals to the Social Benefits Tribunal with respect to the denial of benefits and overpayments, Criminal Injuries Compensation Board applications, commissioning of documents and more. The legal worker can also make referrals to other agencies if the issues are not an area of law that the Clinic deals with.

Appointments can be made by calling 905-441-1752. Walk-ins are also welcome. In Ajax, we are located at 140 Commercial Avenue and in Uxbridge we are located at 2 Campbell Drive, Suite 305.

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.

Minimum Wage Increases to \$11.25 / Hour

The general minimum wage has been increased from \$11 to \$11.25 per hour effective October 1, 2015. The increase is the result of a recent amendment to the *Employment Standards Act* which also established increases to the following minimum wage groups:

- Student minimum wage increased from \$10.30 to \$10.50 per hour
- Liquor servers minimum wage increased from \$9.55 to \$9.80 per hour
- Homeworkers minimum wage increases from \$12.10 to \$12.40 per hour

Documents to be Sworn

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

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:

Tenant Rights

Ontario Disability Support Program Benefits

Canada Pension Plan Disability

Criminal Injuries Compensation Board

**Workplace Safety & Insurance Board and
Workplace Safety & Insurance Appeals
Tribunal**

Ontario Works

Employment Insurance

Wills & Powers of Attorney

Commissioning and Notarizing of documents

Immigration

Small Claims Court

And more ...

OTHER SERVICES INCLUDE:

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.

DCLC welcomes 4 new paralegals!

The Durham Community Legal Clinic recently received increased funding from Legal Aid Ontario to expand our staff and services to meet the growing needs of Durham Region residents. Along with our new staff come some significant changes to our office as well as the areas of law we will be providing services in.

We would like to take this opportunity to welcome Colette Myers to our team. She will be taking over the position of Tenant Legal Advisor previously held by Emily Robb. Emily will now be running our two new satellite offices in Ajax and Uxbridge.

We also welcome Danielle Scheffel who is our new Tenant Legal Representative. Danielle worked with us previously as a placement student and we are happy to have her back. Representation for tenants in Durham Region is something we have not been able to offer in the past due to our small staff size so we are very excited to be able to offer this service now.

Also joining our team is Debbie Knoke Alves. She will be developing more new areas of law for the Durham Community Legal Clinic. Debbie will be providing immigration and small claims court advice as well as representation for criminal injuries compensation. Please join us in welcoming Debbie.

Last, but certainly not least we welcome Shyla Oates-Pennell. Shyla was also a past placement student with us and we are excited she has returned. She will be representing clients who are appealing Ontario Works and Ontario Disability overpayments, as well as Ontario Disability denials.

All of us here at the Durham Community Legal Clinic are very excited to be expanding and we look forward to building upon these new services for the residents of Durham Region.

If you have any questions about our services please contact us at 905-728-7321.

Lunch'n Learn!

The Clinic is offering free one-hour workshops (12:00-1:00 pm) in various areas of law. Register for the following sessions:

Jan 13 - Housing

Feb 10 - Employment Standards

Mar 9 - Small Claims Court

Apr 13 - Ontario Works issues

May 11 - WSIB (Workers Safety & Insurance Board)

June 8 - Immigration

Details to follow on our website or by contacting our Clinic at (905) 728-7321.

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.

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.

30 Years!

We hit the big 3-0!!! The Durham Community Legal Clinic started in 1985 as a tenants' hotline and has now expanded to various areas of law and fully funded by Legal Aid Ontario. A celebration open house took place on October 16, 2015 at our new location—111 Simcoe Street North, back entrance, Oshawa. Be sure to visit us and spread the word of our success!





Immigration

The area of **sponsorship** is receiving a lot of appointments lately in our office. Some of the most basic questions that arise are:

- Who can be sponsored?
- Who can be a sponsor?

1. Who can be sponsored?

If you are a citizen or a permanent resident of Canada, you can sponsor:

- Spouse,
- Common law or conjugal partner, or
- Dependant children.

You must provide proof that you can:

- Meet basic needs – food, shelter, and clothing – for yourself and your family;
- Support you relative financially; and
- Make sure your spouse or family

does not need to ask for financial help from the government.

2. Who can be a sponsor?

- You must be 18 years old or older;
- You must agree in writing to give financial support to your relative, if they need it
 - * for a spouse or partner, this lasts three years from the time that they become a permanent resident, and
 - * for a dependant child, this lasts 10 years or until they reach 25, whichever comes first.

Important information to note

- After March 2012, if a spouse or partner sponsored you to come to Canada, you now cannot sponsor a new spouse or partner within five years of becoming a

permanent resident. This rule applies even if you received your Canadian Citizenship within those five years.

- The sponsorship bar prohibits anyone that has been convicted of certain crimes from sponsoring a family member.
- The age at which a child is considered a dependant lowered from 22 to 19 years old as of 2014.
- The exception for full time students has been removed.
- In all cases, a child that has been financially dependant on their parents, regardless of age, will continue to be a dependant if they are unable to financially support themselves because of a mental or physical condition.

After the Eviction Order...

If the tenant does not want to move, they must immediately take action. What the tenant must do depends on whether or not there was a hearing.

If there was a hearing, the following are the two reasons why the Board may have issued an eviction order:

1. The Board member agreed with the landlord; or,
2. The tenant missed the hearing.

Based on the above, the tenant may still be able to stop the eviction by filing a **Request to Review** with the Board within 30 days of the date of the order. The tenant must also check the appropriate box requesting that the Board stay the existing order. If accepted, another hearing is held. If the eviction is based on the tenant owing rent, they may also be able to stop it by paying everything they owe plus the landlord's legal expenses.

If there was no hearing, it is called an "ex parte" order. The landlord is allowed to apply for an ex parte order, without giving the tenant any notices, if the landlord claims that:

1. There was an agreement to move out;
2. The tenant gave the landlord a notice saying they would move out; or,
3. The tenant has not followed a consent order or mediated agreement related to an earlier eviction application, and that order or agreement says that the landlord can do this.

If the landlord applies for an ex parte order, the tenant may not find out about it until the Board sends a copy of the order in the mail. The tenant must file a **Motion to Set Aside an Ex Parte Order – S2** with the Board within 10 days of the date the order. This will automatically put a stay on the existing order until another hearing is held.

New Software for DCLC

In November 2015 the Durham Community Legal Clinic, along with all other legal clinics across the province, will be receiving new computer software. As we change from our current system to our new one there may be some service delays. We appreciate your patience with us during this transition.



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, *Community Legal Worker / Paralegal*
Danielle Scheffel, *Community Legal Worker / Paralegal*
Shyla Oates-Pennell, *Community Legal Worker / Paralegal*
Debra Knoke Alves, *Community Legal Worker / Paralegal*
Colette Myers, *Tenant Legal Advisor*
Yvette Nazari, *Articling Student*
Lisa Petit, *Support Staff*
Colleen Twyman, *Support Staff*
Ashley Chircop, *Receptionist*
Kim Kreider, *Office Manager*

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

Overpayments with a Dependant Spouse

If you are receiving either Ontario Works or Ontario Disability, and you have a dependant spouse as part of your benefit unit and you have an overpayment, both you and your spouse are responsible for the overpayment.

Even if you and your spouse are separated, if the overpayment is said to have happened in the past when you were still together, then each of you are responsible for the overpayment. This is still true even if one of you is in a new relationship with a new benefit unit.

You both must be notified of the overpayment. The notice must include the amount of the overpayment, the time period for which it was calculated as well as your right to appeal.

If you are currently facing an overpayment feel free to contact the Durham Community Legal Clinic at 905-728-7321 or drop by at 111 Simcoe Street North in Oshawa.

Shyla Oates-Pennell, Paralegal
Yvette Nazari, Articling Student

Small Claims

The Durham Community Legal Clinic is offering service in Small Claims summary advice and assistance in drafting of documents. The areas that we are currently offering assistance in are:

- Drafting a Plaintiffs Claim
- Drafting a Defence
- Drafting a Motion

What we are not providing for our clients are:

- Filing of documents at court
- Payment of fees for filing of documents
- Service of documents
- Representation in court

We are still requiring clients to financially qualify for our services and live within the Durham Region. A file will be opened for each client for a period of 30 days in case they require further assistance.

Within each file we will provide a **Fee Guide** and a **Guide to Serving Documents**. These documents provide vital information as fees to be expected and acceptable means by which particular documents must be served. Additionally, we will provide an **Affidavit of Service** for each client to ensure that the service of the documents is properly completed.