



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 & 4th Wednesday from 9:00 am to 4:00 pm
Tel: 905.441.1752 Toll Free: 1.888.297.2202

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Consumer Law and Senior Law

CONSUMER LAW

In the Province of Ontario, some of your rights as a consumer are protected by the *Consumer Protection Act* as well as other consumer protection laws. A good resource for questions regarding which legislation covers specific situations is www.ontario.ca (Law and Safety). This falls under the umbrella of the Ministry of Government and Consumer Services.

The Competition Bureau has made available the "Little Black Book of Scams" which gives information about scams that consumers should be aware of. A scam is a fraudulent scheme generally involving money and some sort of business transaction.

Not all scams are about money. Some scams can be a way to get your personal information. Do your homework! Never give personal information before checking if the company is legitimate.

Fraud implies a deception. It is a breach of confidence or trust. Fraud is a serious crime.

If you feel you have been the victim of fraud/scam, you should:

1. Contact your local police department.
2. If you feel that you have been the victim of Credit Card fraud, contact the Credit Card Company immediately.

3. Contact your bank immediately if you have given your personal banking information.
4. Lastly, do not forget to contact the credit reporting agencies Equifax and Trans Union to put an alert on your credit report file.

SENIOR LAW

The area of Senior Law addresses concerns that are relevant to the needs of seniors. An area of particular importance is housing. There are differences between Retirement Homes (care homes) and Nursing Homes (Long - Term Care facilities). There also exist different laws governing each type of housing.

Retirement Homes are governed by the *Residential Tenancies Act* and the *Retirement Homes Act*.

Nursing Homes are governed by the *Long-Term Care Homes Act*.

Within each there are different levels of needs and therefore different levels of responsibility for services that are provided. There are also different legal responsibilities.

For more information about Senior Law contact the Durham Community Legal Clinic.

Debra Knoke Alves, Paralegal

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

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
Senior Law
Small Claims Court
Consumer Law
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.

Lunch & Learn Series

The Clinic is offering FREE legal information in all Lunch and Learn sessions throughout the year. You will receive an advance notification of these sessions for registration purposes.



The following is a list of the legal topics and dates:

June 8 - Consumer Law and Small Claims Court
September 14 - WSIB
October 12 - Criminal Injuries
November 9 - Tenant Issues

Youth in the Workforce

Young workers in Canada are one-third more likely to be injured on the job than their older counterparts. Workers in Ontario have the right to refuse work that they reasonably believe to be unsafe. The right to refuse unsafe work requires young workers to stand up to their employer, a process often daunting and intimidating to most people let alone young workers. If you are unsure about the handling of substances, operation of equipment or of any other potential hazards in the workplace, it is critical to raise those concerns with your employer. Most work refusals can be remedied by providing proper training, equipment and resources to ensure that the job is performed safely. It is illegal for your employer to penalize you in any way for asserting your right to refuse unsafe work.

Canada Pension Plan Disability (CPPD)

If your client has applied for CPPD and their Application has been refused by Service Canada, the Clinic can assist with their Appeals.

The first level of Appeal is the Reconsideration Appeal. This is a request to Service Canada to review the Application file and to either confirm or deny the original decision. This level of Appeal will still accept new medical documentation from the client until a Reconsideration decision has been made. The Reconsideration request must be made by the client within 90 days of receiving the decision denying the original Application.

If your client then receives a further letter from Service Canada denying again the original Application for CPPD benefits, then the client must Appeal to the Social Security Tribunal in Ottawa within 90 days of receiving the Reconsideration decision. When the client has submitted his/her Appeal, the file from the Social Security Tribunal will be sent to the client's legal representative for review. At this stage, further medical documentation can be provided and submitted to Ottawa. Eventually, a hearing will be scheduled. The majority of hearings are heard in person or by video-conference.

Your clients should be contacting the Clinic to do the Reconsideration appeal and the General Level Appeal. The legal services are free to clients who financially qualify for Clinic services.



New Rules at the Social Benefits Tribunal

Effective January 1, 2016 new rules of procedure were introduced for those involved in an appeal before the Social Benefits Tribunal.

As per the Social Benefits Tribunal Communication released in December 2015, below are some of the new requirements:

For appellants:

1. Use a form to file new medical information in a disability appeal.
Any medical documents must be sent to the Disability Adjudication Unit and the SBT, together with a completed New Medical Information (Form 5).
2. Use a form if you plan to argue that the legislation or a regulation contravenes the *Human Rights Code*.
If you plan to argue that the legislation or a regulation contravenes the *Human Rights Code*, you must file a Notice of Human Rights Code Claim (Form 4) with your appeal or at least 60 days before the hearing.

For respondents:

Within 30 days of receiving notice of the appeal, the respondent must complete a Response to Appeal (Form 3) and:

- deliver to the appellant
- file it with the SBT

The Response to Appeal:

- provides contact information for the respondent's representative
- identifies any preliminary objections or jurisdiction issues
- indicates if, and when, a written submission will be provided

For everyone:

1. Prepare your documents in a specific way.
 - Use blue or black ink.
 - Double space the text and leave margins on the page.
 - Number the pages.
 - If you are sending more than one document, include a cover page that lists the title of each document and its page number.
2. Provide confirmation that documents for a hearing were filed with SBT and delivered to the other parties.
 - Use the Statement of Delivery (Form 7) to confirm that the documents were delivered.
3. Provide a list of witnesses.
 - You must provide a list of all witnesses to the other parties and the SBT at least 20 days before the hearing.

To read all the new rules and review the newly implemented forms, visit the Social Benefits Tribunal website at <http://www.sjto.gov.on.ca/sbt/>.

New Software for DCLC

In July 2016 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.



Bill 106: Condominium Authority and Condominium Authority Tribunal

In 2015, a proposal was made to amend the *Condominiums Act*, known as Bill 106. The bill would regulate condominium management by implementing a Condominium Authority and a Condominium Authority Tribunal.

The Condominium Authority

The province would create a not-for-profit and self-financed Condominium Authority. We can expect that this Authority would:

- Provide information and resources to condominium owners and corporations;
- Oversee mandatory training for all condominium directors;
- Oversee the administration of a new Condominium Tribunal.

The Condominium Authority Tribunal

This Tribunal would have jurisdiction to adjudicate many of the disputes between corporations, owners, occupiers and mortgagees. The precise mandate has yet to be released. Still, we know already that the Tribunal would have the following powers:

- The power to refer disputes to an alternative dispute resolution process (such as mediation);
- The power to order compliance with the *Condominium Act* or the corporation's governing documents;
- The power to order a party to pay damages as a result of an act of non-compliance, but only up to \$25,000;
- The power to order a party to pay legal costs;
- The power to impose a penalty of up to \$5,000 on a corporation who has refused without valid reason to allow a person to examine corporate records;
- The power to direct whatever other reliefs the Tribunal considers fair in the circumstances;
- If the Tribunal orders an owner to make a payment to the corporation, this payment could be added to this owner's common expenses. Similarly, if the Tribunal orders the corporation to make a payment to the owner, the owner would be able to set this payment off against his common expenses, such as fees.

Danielle Scheffel, Paralegal

DOCUMENTS TO BE SWORN

The Durham Community Legal Clinic has three Commissioner 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.



Our Staff

Executive Director

Deborah Hastings

Community Legal Workers / Paralegals

Cathy Duignan

Stefanie Famme

Matthew Ferguson

Emily Robb

Danielle Scheffel

Shyla Oates-Pennell

Debra Knoke Alves

Tenant Legal Advisor

Colette Myers

Support Staff

Lisa Petit

Colleen Twyman

Receptionist

Jeremy Arnott

Office Manager

Kim Kreider

STAFF SPOTLIGHT

In an effort to help the community get to know our staff, we have decided to include a staff spotlight feature in our newsletters. This edition will focus on Matt Ferguson.

Matt started with the clinic as a placement student back in 2012 as part of the Law Clerk program he was taking at Durham College. He was a tremendous help to our support staff during his time here. He was also exposed to the role that a Paralegal plays in the clinic and decided to pursue a Paralegal diploma. Lucky for us, that meant Matt was able to spend another placement with the clinic during his paralegal diploma certificate program.

Opportunity knocked a third time when a position became available at the clinic in 2014 and Matt has been with us ever since.

At the clinic, Matt handles all of our WSIB and EI files. He attends outreach events in the community to spread his knowledge on those topics. Matt says that his favourite part of his job is the people that he works with and the people he is able to help.

Matt's co-workers think that one of his best qualities is his ability to formulate intelligent arguments to legal questions so quickly. He is the "go to" guy in the office when we are having a hard time articulating our legal arguments.

In his spare time, Matt enjoys travelling, playing guitar and visiting local microbreweries.

Board of Directors

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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

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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 ODSP Medical Reviews

People in Ontario receiving income from the Ontario Disability Support Program (ODSP) undergo medical "reviews" every few years to confirm their continued medical eligibility. The Ministry will finally be designing a new review process making the intimidating and complicated review system easier. Anti-poverty advocates, including legal clinics and other stakeholders, have lobbied for this change for years. The present number of Ontarians receiving ODSP is approximately 340,000 and of these, approximately one-third are being reviewed. Those being reviewed have disabilities which may improve and those whose medical conditions have not improved will simply have a form they can have their doctor complete rather than the current cumbersome and complex scheme. This newly anticipated improvement should be implemented by the end of 2016.

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.