



Durham Community Legal Clinic NEWSLETTER

DCLC

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WHAT'S NEW? Social Service Worker

The Durham Community Legal Clinic is proud to announce that we are now offering a brief social work service. We recognize the need to provide our clients with supportive service that can help guide them through legal and non-legal matters. Our objective is to advocate for the legal rights of our clients, while providing them with resources they can use to network within our community, and prepare them to do so.

We aim to make our clients feel welcome, respected, and heard. We hope that they can leave the clinic with a positive outcome to any challenges they are facing in their daily lives. We strive to provide this service by reaching out to local community agencies which in turn will provide us with warm referrals. Our services are geared towards clients living on low income who may feel over-

whelmed within a legal setting.

Our goal is to provide clients experiencing exceptional circumstances with the opportunity to walk away feeling confident and supported. We welcome all walks of life and encourage and celebrate diversity.

If you would like to know more about what the legal clinic does, or what our social services are, please contact our social service worker team.

We look forward to the opportunity to meet with you and to learn about your services.

*Colleen Archer & Vanessa Bem
The Social Service Worker Team*

TIPS & GRATUITIES

On June 10, 2016, the *Protecting Employees' Tips Act, 2015* came into force creating legislative requirements for the handling of tips and gratuities in the workplace. The *Act* sets out a common-sense definition of what constitutes tips and other gratuities and when an employer is entitled to make deductions.

Employers are entitled to share in tips and gratuities if they meet the following criteria:

- They are a director, sole proprietor, partner or shareholder in the business; and
- On a regular basis spend the majority of their time undertaking the same work as those employees sharing in the tip pool.

If the above criteria is **NOT** met than an employer is not legally entitled to share in tips and gratuities generated in the workplace. Employees are encouraged to keep detailed records of earned tips and gratuities to ensure proper payment of wages owing.

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.



Our Services

Tenant Rights

Ontario Disability Support Program Benefits

Canada Pension Plan Disability

Canada Pension Plan Survivor Benefits (*NEW*)

Criminal Injuries Compensation Board

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

Ontario Works

Employment Insurance

Employment Standards (*NEW*)

Human Rights (*NEW*)

Immigration

Senior Law

Small Claims Court

Consumer Law

Domestic Violence Legal Aid Advice Referrals (*NEW*)

Wills & Powers of Attorney

Commissioning and Notarizing of documents

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.

MINIMUM WAGE RATES IN ONTARIO

As of October 1, 2016, individuals receiving general and student minimum wage in Ontario will see an increase of .15¢ in their hourly remuneration. Liquor servers will also see an increase, but by the lesser amount of .10¢ per hour.

The prescribed minimum wage and their corresponding wage category are listed as follows:

General	\$11.40 per hour
Student	\$10.70 per hour
Liquor servers	\$9.90 per hour

Failure to pay the prescribed hourly rate is wage theft and can result in action being taken against your employer.

Satellite Offices

Last October, DCLC opened two satellite offices in partnership with the Region of Durham, Social Services. We are in Ajax at 140 Commercial Avenue every week on Mondays and Tuesdays from 9:00 am until 4:00 pm and in Uxbridge at 2 Campbell Drive on the second and fourth Wednesday of the month from 9:00am until 4:00pm.

Since last October, we have provided assistance, advice and/or representation to approximately 460 clients in north and west Durham.

If you are living in the areas where the satellite offices are located and require assistance, **please call Emily Robb at (905) 441-1752 to book an appointment.**

Two-Hour Authorizations for Domestic Violence

If you are experiencing domestic violence and in need of immediate legal advice, the Legal Clinic is now providing two-hour Legal Aid Ontario Authorizations to speak to a lawyer on the Legal Aid Domestic Violence panel.

The Authorization is for legal assistance in the areas of Family Law and/or Immigration and Refugee Law.

Once the client qualifies and receives an Authorization, he/she can then contact a lawyer from the Duty Counsel list and meet with that lawyer for up to two hours free consultation. If the lawyer proceeds with their case, the client will be required to apply for Certificate coverage by calling Legal Aid Ontario so that the lawyer can proceed with the case.

Domestic violence may include sexual, physical, financial and/or emotional abuse. Applicants should be aware that their residency status in Canada is not a barrier to receiving legal assistance.



Did you know?

Ontario's Human Rights system consists of 3 separate and completely independent parts:

1. The Human Rights Commission - *Policy and public education...*
2. The Human Rights Legal Support Centre - *Legal questions...*
3. The Human Rights Tribunal of Ontario - *Hears and decides applications for violations of the Ontario Human Rights Code.*

The *Code* prohibits discrimination based on the following protected grounds:

- | | |
|-------------------|---|
| - Race | - Colour |
| - Ancestry | - Place of origin |
| - Citizenship | - Ethnic origin |
| - Disability | - Sex, including sexual harassment and pregnancy |
| - Creed | - Sexual orientation |
| - Gender identity | - Gender Expression |
| - Family status | - Record of offences (only applies to claims about employment) |
| - Age | - Receipt of public assistance (only applies to claims in housing) |
| - Marital Status | |

The *Code* also prohibits discrimination because of an association, relationship or other dealings with person/ persons who are identified by a prohibited ground.

The *Code* ensures that people enjoy freedom from discrimination in five social areas:

- Employment
- Housing
- Goods, Services and Facilities
- Contracts
- Membership in trade and vocational associations (such as unions)

HOW WE CAN HELP ...

The Durham Community Legal Clinic may provide any combination of services such as:

- Drafting of correspondence
- Completion of forms
- Preparation for mediation and hearing
- Representation at mediation and hearing

These services are available to residents of Durham Region that qualify financially for our services.

Changes to Social Assistance – Child Support Now Exempt and 2016 Fall Rate Increases

Ontario Works and Social Assistance rates increased this fall. The Ontario Works (OW) increase took effect October 1st and the Ontario Disability (ODSP) increase took effect on September 1st.

The monthly basic needs for ODSP recipients will increase by \$18 and \$25 for those receiving Ontario Works.

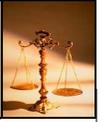
Another significant change taking place as of January 1, 2017 for ODSP and February 1, 2017 for OW is that the Province has ended the clawback of child support payments for recipients of Social Assistance.

Currently child support payments are treated as income and are deducted dollar for dollar from recipient's cheques. With the new regulations, both child support payments and CPP orphan benefit payments will be fully exempt as income.

Furthermore, clients will no longer be required to pursue child support payments as a condition of eligibility for social assistance.

These changes are expected to increase the monthly income of almost 19,000 families, most of them single-parent households.

Spousal support payments continue to be treated as income and will **NOT** be exempt with the new regulations.



Changes to *Residential Tenancy Act* for Survivors of Sexual and Domestic Violence

The *Residential Tenancies Act (RTA)* has changed effective September 8, 2016. Tenants who are victims of sexual and domestic violence can end their tenancy in 28 days if they believe they, or a child living with them, may be harmed or injured if they do not leave the unit. They can give this notice any time during their tenancy.

To give this notice, tenants must give their landlord the following documents:

- Tenant's Notice to End my Tenancy Because of Fear of Sexual or Domestic Violence and Abuse (N15); and,
- Tenant's Statement about Sexual or Domestic Violence and Abuse.

Or,

- A copy of a court order (such as a restraining order or a peace bond).

A landlord who receives these documents from a tenant must keep the documents and the information in them confidential.

Notice to terminate tenancy, before end of period or term:

The *RTA* reads as follows:

- 47.1 (1) Despite subsections 44 (2) to (4) and section 47, a tenant may terminate a monthly or yearly tenancy or a tenancy for a fixed term by giving notice of termination to the landlord in accordance with this section if,*
- (a) the tenant is deemed under subsection 47.3 (1) to have experienced violence or another form of abuse; or*
- (b) a child residing with the tenant is deemed under subsection 47.3 (1) to have experienced violence or another form of abuse. 2016, c. 2, Sched. 6, s. 1.*

Obligations of a Landlord when receiving this type of notice:

The information is confidential. A landlord cannot advertise the rental unit until after the tenant leaves and it cannot be disclosed to any other co-tenant.

Obligations of the Tenant when providing this type of notice:

The information provided must be truthful and not misleading. This form cannot be misused by the tenant.

IF the tenant misuses the form, or the landlord breaches the confidentiality of the form, then the parties may file a complaint with the Ministry of Municipal Affairs and Housing Investigations and Enforcement Unit.

Commissioning & Notarizing

The Durham Community Legal Clinic has four 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.



Our Staff

Executive Director
Deborah Hastings

Paralegals
Cathy Duignan
Stefanie Famme
Matthew Ferguson
Emily Robb
Danielle Scheffel
Shyla Oates-Pennell
Debra Knoke Alves
Colette Myers

Support Staff
Lisa Petit
Colleen Twyman

Receptionist
Jeremy Arnott

Office Manager
Kim Kreider

Articling Student
Serge-Michel Eta-Ndu

STAFF SPOTLIGHT on **Cathy Duignan ...**

Cathy started working at DCLC in 1990. She started as Support Staff and blossomed into a very experienced Paralegal. When Cathy first started with the Clinic, there were a total of five people on staff: An Executive Director, staff Lawyer, community legal worker, and two support staff. At that time the Legal Clinic offered assistance in three areas of law: What is now known as Ontario Disability Support Program, tenant issues, and workers compensation.

Cathy has been with the Clinic through significant growth, both in staff and in the areas of law in which we offer assistance. We now have one Executive Director, four support staff, eight community legal workers, an articling student, placement students, and volunteers. As for areas of law, we now offer assistance in 14 areas.

Cathy feels passionate about assisting people and advocating on their behalf. She feels the Clinic offers a valuable service to low income residents of Durham Region who otherwise cannot afford legal assistance.

When canvassed about how they would describe Cathy, the common theme among the staff was that Cathy has a great sense of humor, she is always willing to offer advice if you have questions about a file, and that you can really feel Cathy's genuine and empathetic attitude towards the people that she helps.

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

Elizabeth Persaud
Brain injury Association of Durham

Mustafa Elkalza
Community Development Council Durham

Tara Robins
Canadian Mental Health Association Durham

Ana Bernal
Durham College

PRECARIOUS EMPLOYMENT

The Durham Community Legal Clinic is participating in efforts to reach out to precariously employed individuals living in the Durham Region. Characterized by job instability, lack of benefits, low wages, and degree of control over the work process, precarious employment is a growing phenomenon in the Canadian workplace.

The vulnerable circumstances surrounding precarious employment lead to greater risk of injury and illness, challenges accessing health care, family relationships, and community engagement. Precarious workers may also experience disadvantages related to gender, immigration, racial status, and other factors.

Looking for a Guest Speaker?



Please contact the Clinic if your agency would like one of the staff to provide free legal information regarding our services to your staff or at your community event.