



Durham Community Legal Clinic NEWSLETTER

DCLC

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Walk-in hours have changed!

Effective April 3, 2017, walk-in hours at the Durham Community Legal Clinic for social assistance matters have been changed to Monday, Wednesday and Friday mornings from 8:30-1:00 and Tuesday and Thursday afternoons from 1:00-4:30.

Family Violence 2 Hour Authorizations

If you are experiencing domestic violence and are in need of immediate legal help, you may be eligible to speak to a lawyer for two hours for free. The Durham Community Legal Clinic is now permitted to issue Family Violence 2 hour authorizations.

You must qualify financially for a 2 hour authorization. The criteria can be assessed by the Social Assistance Team or the Housing Assistance Team at the Durham Community Legal Clinic. You will not be asked personal questions about the violence you have experienced.

To be eligible, you must meet one of the following criteria:

- Be exempt from eligibility testing
- Have liquid assets equal to or less than the cut-off amounts AND have gross income from all sources equal or less than the cut-off amounts
- Meet one of the exceptional circumstances for discretion.

The document entitles you to receive immediate legal advice and assistance through:

- A one time meeting with a lawyer of your choice on Legal Aid Ontario's Domestic Violence panel
- You can receive up to two (2) hours of free consultation in the area of Family Law

This document is NOT a legal aid certificate. Your lawyer cannot start any legal action on your behalf but CAN provide you with legal advice. If you decide to proceed with your case after this initial consultation you will be required to apply for certificate coverage by calling LAO at 1-800-6687-8258.

For more information, contact the Durham Community Legal Clinic at 905-728-7321.

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
- Criminal Injuries Compensation Board
- Workplace Safety & Insurance Board and Workplace Safety & Insurance Appeals Tribunal
- Ontario Works
- Employment Insurance
- Human Rights
- Immigration
- Senior Law
- Small Claims Court
- Consumer Law
- Domestic Violence Legal Aid Advice Referrals
- 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.

Multilingual Community Interpreter Services

Legal Aid Ontario has a contract with MCIS, a language interpretation service to assist us with communicating with our clients. MCIS connects clients with an interpreter to help them communicate with us in the language of their choice. Interpretation services are available in more than 200 languages. Our Clinic is provided with a discount for these services and we can obtain immediate telephone interpretation for our clients.

Indigenous Cultural Training for Front-line Community Workers

On April 5, 2017 the Durham Community Legal Clinic hosted the ***Indigenous Cultural Training for Front-line Community Workers*** of Durham Region. The event was held at the South Oshawa Community Centre and the speaker was **Julie Pigeon** from the Durham College Aboriginal Student Centre at the Oshawa campus. Julie is a student Advisor/Coach at the college.

Julie began the workshop with a smudging ceremony that was available for all attendees. The attendees were invited to participate in a demonstration of the structure and function of the Indigenous community prior to “contact”. This permitted the attendees to appreciate the history of the Indigenous community and to explain the fracturing of the community that resulted from the nature of the relationship with the non-Indigenous Government.

Julie discussed the need of both Indigenous and non-Indigenous people to respect each other’s paths without interference. Her personal stories were a helpful illustration of her individual experience as an Indigenous person growing up in Canada.

This invaluable training was made possible by funding from Legal Aid Ontario and was made memorable by the passionate and knowledgeable Julie Pigeon.

DID YOU KNOW?

The Durham Community Legal Clinic now offers Ontario Disability Determination Package review services. Individuals who have had their doctor complete the application for ODSP can come to our office and ask the Social Assistance Team to review it for administrative errors. The DCLC does not guarantee that an applicant will be granted ODSP simply because their application was reviewed prior to being sent in for the adjudicative process. However, this service does assist in identifying administrative errors that can be taken back to the doctor and corrected before the application is adjudicated.



Every year, our clinic organizes a public information session called The DCLC Housing Forum. It is a half day (8:30 am – noon) mini conference where we invite a few speakers to present on specific topics related to housing, housing issues, and the LTB process. We would like to invite you to attend our forum on **Thursday, May 4th, 2017**. Please see below for more information as well as details on how to register.

**HOUSING FORUM 2017:
Offences under the *Residential Tenancies Act, 2006*:
“MAY THE ENFORCEMENT BE WITH YOU!!”**

SESSION DESCRIPTIONS

Alternative Dispute Resolution at the Board

Susan Parsons: Mediator, Landlord and Tenant Board

Susan will be discussing alternative dispute resolution at the mediation process at the Landlord and Tenant Board; why a tenant or a landlord would choose mediation; benefits of mediation; potential outcomes; and, enforceability (eg. Section 78).

Common Landlord and Tenant Applications

Carrie Aylwin: Paralegal, Reder Aylwin Gillis Professional Corporation & DCLC Housing Team (*Colette Myers, Danielle Scheffel & Shyla Oates-Pennell*)

Carrie will be discussing the most common landlord applications, including (but not limited to):

- N12/L2 (Landlord’s Own Use);
- N5/L2 (Damages, Interfering with the Reasonable Enjoyment, or Overcrowding); and,
- N4/L1 (Eviction Notice For Non-Payment of Rent).

The DCLC Housing Team will be discussing the most common tenant applications, including (but not limited to):

- T6 (Maintenance);
- T2 (Tenant Rights); and,
- T5 (Bad Faith).

CDCD Eligibility Requirements

Diana Chappell: Program Manager for Affordable Housing and Homelessness Initiatives, Community Development Council Durham

Diana will be discussing the eligibility requirements of various Housing programs including rent-geared-to-income (RGI) subsidy, the Durham Housing Benefit, and homelessness programs including the Housing Stability program. Included in the discussion will be the application process for the various programs as well as details on the availability of assistance.

Offences Under the RTA, 2006

Suzette Carr: Investigator, Ministry of Housing/Rental Housing Enforcement Unit

Cathy Trepanier: Coordinator of Customer Service/Compliance, Ministry of Housing/Rental Housing Enforcement Unit

Suzette will be discussing the Investigation and Prosecution process, specifically what happens if the alleged offender refuses to comply with the Act (specific to the offences section), as well as the role of the investigator. This includes confirming jurisdiction, obtaining statements and evidence, reviewing evidence to determine whether case is suitable for prosecution etc.

Cathy will discuss the intake process (for tenant complaints) and compliance process (that landlords must comply with).

Fee is \$10 per person (includes refreshments). Please email Lisa Petit at petit@lao.on.ca to register before April 28, 2017.



Wrap Around Service (WAS) Pilot Project

Since our last newsletter, the Durham Community Legal Clinic (DCLC) has been moving forward with the Wrap Around Services (WAS) Pilot Project with the involvement of a Social Work Student and a Registered Social Service Worker. We wanted to take the time to share what this new service means to our Clinic and our clients.

What it means to the Clinic:

To the clinic, the Social Service has responded to what was set forth in the Menu Development of the project by Liz Greaves and Sara Cooling (Northumberland CLC) and Henry Venema (Renfrew CLC):

- Clients with mental health issues who require more face to face interactions with clinic staff can be internally referred to the clinic's Social Work Student or Registered Social Service Worker. The WAS team can help to support the client which may reduce the stress on the legal workers who carry a large case load. The WAS team provides clients with a holistic level of service to support their legal goals and follow through on legal advice provided by the Clinic. Additionally, clients have the opportunity to access the appropriate non-legal services in the community.
- Legal clinics have a mandate to provide public legal education, community development and outreach services. Because of the WAS project, our Clinic is meeting this mandate as the Social Work Student and Registered Social Service Worker have reached out to community agencies and in return are able to provide observational information and warm referrals to clients.
- The WAS project has helped the legal workers streamline and strengthen their services to clients as they are able to recognize the challenges and barriers that their client(s) face when dealing with a legal matter. In return, the legal worker can internally refer their client(s) to the WAS team if there is a need for assistance to perform the tasks required. This project is meant to complement the legal services already being provided and to encourage a positive outcome for the client(s) legal matter.

What it means for clients:

- Clients with mental health issues will receive a holistic service that will meet their legal needs while offering brief services to support their non-legal needs. Clients will receive brief supportive counselling which enables them to effectively follow through and implement the legal advice they receive from the Clinic.
- Clients walk away with warm referrals meaning they understand the service of the agency being referred to and know what the surroundings will look like.

Finally, we would like to highlight that the WAS project is only available to low income clients who have sought legal services through the Clinic and then can be internally referred to the Social Work Student and Registered Social Service Worker by their legal worker. No external referrals directly to the WAS team will be accepted at this time.

Once the results of this project are gathered from all participants we hope to show that a Social Worker is beneficial in a legal setting and that they can encourage low income clients to do the following:

- Help them gather information necessary for their legal matter
- Be organized and follow through on tasks requested by their legal worker
- Link clients with other support organizations in the community that can provide financial assistance, mental health support, food, shelter, clothing, employment support, individual and group counselling, child care, housing, health care, senior support and more....
- Help clients prepare to manage difficult conversations with legal workers and doctors by relieving their stress and anxiety through empathy and emotional support.

Overall, we believe that the WAS service will allow clients to become independent and resourceful in order to navigate and access community resources for which they are eligible. We intend to provide a service which best supports the client's legal goals and social needs to help bridge the gap and minimize clients falling through the cracks.

Anita Gemmill, Masters of Social Work Student & Colleen Archer, Registered Social Service Worker



SAVE THE DATE Seniors Forum

The Durham Community Legal Clinic will be hosting a Seniors Forum on **October 18, 2017**. This will be a half day forum and will include information that will be useful for those providing services for seniors and soon-to-be seniors.

Information that will be provided will be in the areas of:

- Benefits
- Housing
- Consumer Law

Guest speakers and location TBA.

Satellite Office Update

Durham Community Legal Clinic's two satellite offices have been up and running for about a year and a half now. Through the satellite offices, we have been able to offer services to clients who would otherwise have a very difficult time accessing our main location.

Currently our satellite offices are located in Ajax and Uxbridge. We are looking to expand our reach in the north and have been having some exciting discussions with community partners in Beaverton and Cannington.

As part of Outreach initiatives in the north, we have joined Durham Connect-North. Through this innovative collaboration we hope to expand our presence and reach even more people that are in need of legal assistance.

Looking for Answers to your Legal Questions?

Community Legal Education Ontario (CLEO) has created a new Steps to Justice website to provide an online resource for people to get quick, easy answers to questions they have regarding Housing, Social Assistance, Consumer Law, Employment and Work, Human Rights, Criminal Law, Abuse and Family Violence, and Family Law. CLEO also provides next steps, clarification of terminology, downloadable forms and links to useful resources.

The best part is that they have even made it possible for other agencies to embed this information into their own websites. That's exactly what the Durham Community Legal Clinic has done. All updates to the Steps to Justice website automatically and instantly update the same information on our website.

Visit us at www.durhamcommunitylegalclinic.ca today to check out this new feature and discover the services our Clinic has to offer!

Note that the Steps to Justice information is general information and not intended to be used as legal advice.

STAFF SPOTLIGHT on Kim Kreider

Kim has been with the Durham Community Legal Clinic since 2014. She started in a part-time job-share position as Office Manager. Kim was responsible for human resource management, co-ordinating communication with contractors, commercial landlord issues, reception coverage as needed and commissioning documents.

One year later, Kim transitioned into full-time employment carrying out the financial responsibilities of the Clinic including increased funding and the staff size doubling.

Kim is an avid sports buff outside of work. She enjoys trail running and just completed her first obstacle course race in Bermuda.

"The people I work with make all the difference to me. I enjoy working with everyone at the Clinic and learn from each of them—plus they are a real fun group at staff social events!"



ROOMING HOUSES

Legal or Not?

Recently, our community has been faced with several unit closures concerning units that are considered to be rooming or lodging houses. These units were closed by the Municipality Enforcement Office and the Fire Marshal's office. Many tenants became homeless and shelters became over-booked. These properties were closed due to safety issues and improper use of a dwelling.

There seems to be two specific questions that our housing team get regarding rooming or lodging houses:

1. Are Rooming Houses covered under the Residential Tenancies Act?

Simple answer - yes, rooming houses or lodging houses are protected under the Residential Tenancies Act, 2006, IF the landlord does not reside in the unit. If you share a kitchen or a bathroom with other tenants, you are covered under the RTA. If you share a kitchen or a bathroom with the landlord, the RTA does not apply to the tenancy and the landlord can call the police and have you removed at any time.

2. Are Rooming Houses illegal?

Some rental units are considered to be illegal if they are not properly zoned by a municipality; however, these units are still covered under the RTA. Even though a unit is considered illegal by the municipal enforcement officer, the landlord **must** still comply with the RTA in order to remove a tenant from the rental unit.

If you or someone you know requires further information regarding rooming or lodging houses, please feel free to contact one of our members on the Housing Team.

WSIB Benefits and CPP

When calculating the loss of earnings benefits, the net average earnings a worker can earn after an injury must reflect any disability payments paid under the CPP plan. The WSIB offsets CPP disability benefits from future payments if the worker is receiving full loss of earnings from the WSIB.

The WSIB requires workers to notify them within ten days if entitlement to CPP disability is granted.



Our Staff

Executive Director

Deborah Hastings

Paralegals

Cathy Duignan

Stefanie Famme

Matthew Ferguson

Emily Robb

Danielle Scheffel

Shyla Oates-Pennell

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Support Staff

Lisa Petit

Colleen Archer

Receptionist

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Office Manager

Kim Kreider

Articling Student

Serge-Michel Eta-Ndu

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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

Canada Pension Plan Disability Benefits (CPP-D)

If your client has applied for CPP-D or is now receiving CPP-D, you should be aware of the following:

1. There are two levels of Appeal: The Reconsideration level and the General Division Appeal level.
2. Your client will only have a hearing before a Tribunal Member at the General Division Appeal level. The Tribunal Member will decide on the type of hearing that your client will receive: by telephone, by video, or in person.
3. CPP-D benefits are taxable unlike social assistance benefits which are non-taxable.
4. If your client is only receiving CPP-D benefits, then your client will not receive medical benefits. However, your client can receive medical benefits if the client is also receiving social assistance which does provide medical benefits.
5. CPP-D benefits will cease for your client at age 65 years.
6. If your client decides to receive a CPP retirement pension at age 60 years and then is entitled to CPP-D benefits, your client will need to elect to receive the CPP-D benefits until age 65 years and apply to waive the CPP retirement pension. The client can then re-apply for the CPP retirement pension when he/she turns 65 years of age.

When you do have a client applying for CPP-D, please have him/her contact our legal Clinic for assistance. It is a long process to get to the hearing stage and can be overwhelming for your client. The law is quite complicated in this area and the legal Clinic will assist the client to fully understand the process to hopefully obtain these benefits.