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DURHAM COMMUNITY LEGAL CLINIC

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We Are Moving!

The Clinic will be moving to the Midtown Centre in August, 2018. This move will provide more accessibility for our clients and partner organizations. We are also increasing staff so the move will accommodate a larger legal Clinic at the new location.

Exciting News!

The Clinic will be creating a HUB at its new location in the Midtown Centre. This HUB will be in partnership with Durham College and the Region of Durham. Paralegal students will be working in the areas of Provincial Offences, Small Claims Court, Housing, Social Assistance and Employment. The Clinic will also have partner organizations use the HUB as a satellite office to provide a wrap-around service to clients. The HUB will be an Education Centre for Durham College students, University of Ontario Institute of Technology students and the residents of Durham.

Spot Light on the North ~ Nourish Community Hub

By Emily Robb, Paralegal

Twice a month I am fortunate enough to spend time at Nourish Community Hub. We have our satellite office space there and take appointments on the second and fourth Wednesday of each month. The last time I was there, I had the opportunity to have a conversation with one of their volunteers about what the Hub is all about. This conversation occurred over a community lunch prepared by Edna. The meal is made from scratch and locally sourced. As we were enjoying our Chicken Enchilada Casserole, my new friend was telling me about all the wonderful events that take place at Nourish. If you take a look at their monthly calendar, you will see a wide variety of interesting things to do for all ages. Most of these activities are free or ask for a voluntary donation. If there is a fee associated with an activity, it is just to cover the cost of any supplies needed to participate. Nourish also offers residents of Brock a Food Pantry to help with food insecurity, a Good Food Basket Program so residents can benefit from fresh locally sourced produce, and a community garden. Many community agencies have satellite offices at the Hub or run workshops or presentations there so that residents in North Durham have the same opportunity for accessing services as their southern counterparts. I urge you to pop into the Hub, maybe on a Wednesday at lunchtime, and experience the amazing sense of community, among other things.

Criminal Injuries Compensation Board

By Debra Knoke Alves, Paralegal

The Criminal Injuries Compensation Board (CICB) assesses and awards compensation for victims and families of deceased victims of violent crimes in Ontario.

The CICB can compensate for pain and suffering, loss of income, treatment expenses, funeral expenses, and other expenses related to being a victim of a violent crime.

Process

An application for compensation needs to be completed by the victim. A separate application is to be completed by the family of a deceased victim. These forms are available on the CICB website at www.sjto.gov.on.ca/cicb.

Victims may also qualify for assistance from other government programs such as the *Financial Assistance for Families of Homicide Victims* or the *Victim Quick Response Program*.

Time Limits

There are no time limits to apply for compensation for crimes related to **sexual or domestic assault**. For all other types of crimes, the time limit is **two years**. The CICB can extend the two year period with good reasons. A request for an extension, with reasons, is to be included within the application form.

Notification of Alleged Offenders

The person accused of committing the violent crime is an "**alleged offender**" unless there has been a criminal conviction for the violent crime you are accusing them of doing to you. They would then be the "**offender**".

The CICB may notify the **alleged offender** of the application if it is not clear if a crime of violence has been committed. The applicant will be notified by the

CICB before the notice is sent to the alleged offender. If there are serious concerns about notification, this needs to be indicated on the application.

The person convicted of the crime of violence against you (the **offender**) will not be notified that an application for compensation has been filed.

Hearing

Compensation is decided by way of a hearing. There are three types of hearings:

1. Oral hearing
2. Written hearing (documentary)
3. Electronic hearing

An **oral hearing** is used if the adjudicator has questions about the incident, injuries, and associated costs. You will have to attend this hearing.

A **written hearing** is used if the decision can be reached by way of written evidence alone. The adjudicators will decide based on the information that is already before them.

An **electronic hearing** is either by phone or by videoconference. You will need to attend to answer questions about the incident, injuries, and associated costs.

Please note that we are only able to assist clients with applications to the CICB if the crime was committed within Ontario. If the crime was committed in another Province or Territory, they will need to contact the CICB within that Province or Territory.

For further questions or to begin the application process, please contact the *Durham Community Legal Clinic*.

Our Services

The Clinic provides free legal information and advice to all residents of Durham. If the client financially qualifies for legal services, representation may be provided.

- 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
- Employment Law
- 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.

Chronic and Traumatic Mental Stress in the Workplace

By Matthew Ferguson, Paralegal

As of January 2018 the section of the *Workplace Safety & Insurance Act* barring chronic mental stress claims has been repealed. Workers who suffer traumatic and/or chronic mental stress arising out of the workplace are now entitled to make a claim for benefits with the WSIB. A worker is still barred from claiming mental stress caused by decisions or actions of the worker's employer relating to the worker's employment, including a decision to change the work to be performed or the working conditions, to discipline the worker or to terminate the employment.

Domestic Violence & Ontario Works

By Cathy Duignan, Paralegal

If you or someone you know is living in an abusive situation, Ontario Works may be able to assist you, if eligible, in the following ways:

- provide help with a safety plan
- provide financial assistance with basic needs and shelter costs
- provide money to help you move to a safe interval home or a shelter
- provide money to assist with hydro connection and security features to ensure you are safe
- provide a drug card for eligible prescription medication, dental and vision care
- if working, provide help to subsidize income depending on how much you earn

Ontario Works provides interpreters in all languages to make sure you explain that you are in an abusive situation and an appointment can be set up within 24 hours at a safe location.

More services are available – contact your local Ontario Works office – (905) 668-7711.

Walk In Hours



Please call our Receptionist for our walk-in hours as they vary. We accept walk-ins at specific times for:

- ODSP Appeals
- Tenant matters
- Commissioning (not notarizations)

All other matters require appointments.



DID YOU KNOW?

- Your client cannot receive Canada Pension Plan disability and Canada Pension Plan retirement benefits at the same time.
- Your client can receive Canada Pension Plan disability without qualifying financially for this benefit, unlike assistance from Ontario Works and ODSP.
- Your client can receive a FREE Will and Powers of Attorney at the Clinic.
- Most rooming houses are covered by the *Residential Tenancies Act, 2006*.
- You can have your new Standard Form Lease reviewed by a paralegal or lawyer before signing.
- Orders from the Landlord and Tenant Board can be enforced at the Small Claims court.

Ontario's New Standard Form Lease

*By Shyla Oates-Pennell, Colette Myers
and Danielle Scheffel, Paralegals*

As of April 30th, 2018, any residential tenancy agreement entered into must use Ontario's new Residential Tenancy Agreement (Standard Form Lease). Unfortunately this lease does not apply to care homes, mobile home parks, land lease communities, most social housing or co-operative housing. Any tenancy agreement that has been entered into before April 30th, 2018 is still active and enforceable and the standard lease does not have to be signed.

This purpose of this standard lease is to provide an easy to read and understand agreement between a landlord and a tenant. The standard lease will ensure that there are no illegal terms and that the landlord and the tenant both fully understand their rights and obligations.

A tenant may demand in writing that the landlord provide the standard lease for signing. The landlord must comply within 21 days of the written demand. If the landlord refuses to provide the standard lease then a tenant may withhold one month's rent. If the landlord fails to provide the standard lease within 30 days after the tenant has begun withholding their rent, the tenant does not have to repay the one month's rent, but must continue to pay going forward. If the landlord does not provide the standard lease the tenant may provide 60 days' notice and terminate the tenancy.

If the landlord and the tenant agree that the tenancy will last for a specific period of time, the tenant does not have to vacate the unit at the end of that time period. The tenant has no obligation to sign another lease and the tenancy will continue on a month to month basis based on the same terms as the original lease agreement.

A copy of the standard form lease, as well as additional information can be found at <http://www.mah.gov.on.ca>.

ODSP – change of caseworker assignment to clients

If you are currently on ODSP, your caseworker will remain – however if you are new to the program, you will be assigned to a caseworker on a next-in-line basis.

If you are unsure of who your caseworker is, call 1-800-722-1196 with your full name, mailing address and client ID number.

Spousal Relationships – Social Assistance

By Erin Fergusson, Paralegal

A spouse can be someone of the same or opposite sex, and furthermore, you could be married to each other, or not. Even if you or your spouse are married to or separated from someone else, you may still be deemed to be in a spousal relationship with one another.

Living with Family: If you are living with a *close family member*, the social assistance office may inquire as to how you are related. If you are living with someone who is not a close family member you will be required to disclose the spousal relationship.

If the social assistance office believes that you are living with a spouse, neither of you will be eligible for benefits as a single recipient. Instead, the office will look at the income and assets of the both of you and determine if you are eligible as a couple. If you are, in fact, in a spousal relationship, you must disclose this information to OW/ODSP and apply for assistance as a couple.

If you have any further questions about the rules for couples while on social assistance, please contact the Durham Community Legal Clinic.

Did you know the Durham Community Legal Clinic formed a partnership with DRIVEN?



By Colleen Archer, RSSW

The Durham Community Legal Clinic is pleased to make the announcement as we look forward to standing by DRIVEN'S vision,

“Of a network of co-located and off-site collaborating agencies where women affected by abuse and all forms of gender-based violence can access a range of supports that empower clients and hold abusers accountable. The collaboration will facilitate the survivor's access to needed supports and will enhance service quality.”

Partnering allows for the following principles to be applied to both of our agencies services: Collaboration, accountability, accessibility, choices and options, equality and equity, prevention and early intervention. How will the process of the partnership work for the Durham Community Legal Clinic you may ask? The process is as follows:

A client of DRIVEN will be immediately connected with a Paralegal at the Clinic for legal assistance with a two hour Domestic Violence Authorization, Criminal Injuries Compensation Application, Housing, Ontario Disability Support Program benefits, Ontario Works, and other areas of law on which we provide legal advice. A Social Worker Student and Social Service Worker are also available to clients who are overwhelmed by their legal matter and are in need of emotional support, advocacy, and other community resources.

Free Legal Information Sessions to your Agency



We welcome the opportunity to visit community agencies to provide legal information to their staff in the areas of law covered by our Clinic. We will also provide legal information at your community event. Contact us if this is of interest to you.

Our Staff

Executive Director

Deborah Hastings

Office Manager

Kim Kreider

Paralegals

Cathy Duignan

Emily Robb

Matthew Ferguson

Danielle Scheffel

Shyla Oates-Pennell

Debra Knoke Alves

Colette Myers

Erin Fergusson

Stefanie Famme

Support Staff

Lisa Petit

Jeremy Arnott

Social Service Worker/Support Staff

Colleen Archer

Social Work Students

Ariel Weber

Deborah Willoughby

Our Board of Directors

Paul Dobbs, Chair

[John Howard Society](#)

Stephen Bourque, Vice-Chair

[Durham College \(retired\)](#)

Alex Mak, Treasurer

[Region of Durham](#)

Tara Robins, Secretary

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Michelle Campbell

[Durham Region Unemployed Help Centre](#)

Heather Hofmann

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Victoria Madsen

[Region of Durham](#)

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