



July 23, 2020

Ryan Turnbull, MP
400 Dundas Street West
Suite 105-106
Whitby, Ontario
L1N 2M7

Dear Mr. Turnbull,

Re: Legal Aid Ontario Deficit

The Durham Community Legal Clinic (DCLC) was founded in 1985, and serves all low-income residents of Durham Region. Over 4,000 residents of Whitby utilize the services of the clinic.

The vast majority of DCLC's funding comes from Legal Aid Ontario (LAO). Starting in 2019, DCLC launched the Durham Access to Justice Hub®, with support from strategic partners in Durham Region. The goal of this Hub is to improve inter-agency collaboration, reduce administrative barriers and silos, and develop a better client-centered focus. In doing so, the clinic promotes modernization of service delivery, efficiency and ensures responsiveness to client needs and changing environmental factors.

Beyond legal services such as housing law, social benefits, employment law, WSIB, and human rights, DCLC also is actively involved in public legal education, and advocacy and law reform initiatives. We also implement several federal strategic initiatives, including a free tax clinic, which helps residents obtain the Canadian Child Benefit, and a Sexual Harassment in the Workplace project that is funded by the federal government.

In May 2019, the provincial government announced a "Legal Aid Modernization Project, directing LAO and clinics to work on "clinic modernization" together. The selection of a new Executive Director in 2019 was intended to further facilitate the use of innovation and technology at DCLC, in response to this call. The introduction of Bill 161¹ and its subsequent passage on July 8, 2020, appears to be intended to further facilitate this modernization process, though much of the focus internally appears to be Foundational Documents such as a new MOU, Funding Agreements, Policies and Clinic Funding Formulas.

¹ *Bill 161, Smarter and Stronger Justice Act, 2020, Schedules 14-15.*



In the meantime, DCLC has continued to move ahead with several innovation and technology initiatives,² which is consistent with the provisions retained under the *Legal Aid Services Act*,³ emphasizing the foundational role of clinics for the provision of legal aid services in the area of clinic.⁴ DCLC is uniquely positioned in this regard to determining poverty law services in the clinic system.

However, an unexpected result of the pandemic is that LAO is facing up to \$70 million in deficits. This is a separate and distinct issue from the cuts that clinics faced in 2019, as this shortfall comes from interest payments through the Law Foundation of Ontario. As we have noted in the media, the role of clinics is not simply to provide legal services to low-income populations, but to engage in poverty alleviation in a manner that ameliorates broader social conditions, including criminality and other anti-social behaviour.⁵

Without immediate attention from both levels of government, we anticipate significant challenges to the continuity of our operations. This would mean additional and unnecessary costs due to staff downsizing, and a direct impact on the services provided to your community. Given that the need for clinic services have never been as acute as in the aftermath of the pandemic, this financial situation requires prioritization and attention of this government.

Thank you for your consideration.

Sincerely,

Omar Ha-Redeye

Omar Ha-Redeye

AAS, BHA, PGCert, JD, LLM

CNMT, RT(N)(ARRT)

Executive Director

Durham Community Legal Clinic

² See, for example, OntarioTech, "Ontario Tech University students, researcher apply technology to improve access to justice, reduce poverty," June 25, 2020, available at: <https://news.ontariotechu.ca/archives/2020/06/ontario-tech-university-students-researcher-apply-technology-to-improve-access-to-justice-reduce-poverty.php>.

³ 1998, SO 1998, c 26.

⁴ *Ibid.* s. 14(3).

⁵ Alysha Hasham, "Legal Aid Ontario facing up to \$70 million funding drop amid COVID-19 'perfect storm'," July 13, 2020, available at: <https://www.thestar.com/news/canada/2020/07/13/legal-aid-ontario-facing-up-to-70-million-funding-drop-amid-covid-19-perfect-storm.html>.