

# 2020/2021 Annual General Report

---

**NOVEMBER 24, 2021**

---

**Durham Community Legal Clinic**  
*Justice Through Advocacy*



**DCLC**  
Durham Community Legal Clinic

---

# Chair's Report

***Drew Samuels***



On behalf of the DCLC Board of Directors, it goes without saying that the past year has meant change and adaptation for all of us and with change comes the opportunity to pause and reflect on how success can be achieved. DCLC has been able to pause, reflect and show its resilience during the pandemic. DCLC had to refrain from accepting new clients for a short while to ensure the staff could maintain its mental health and a positive work environment. We are aware of the impact this had on the community, but I am happy to say that we are back to serving our clients competently to ensure each person has access to justice.

We also experienced a major change to our Board of Directors. The previous Board resigned within weeks of one another which led to a Special Notice Meeting to elect an entire Board. Thank you to all who were able to attend that meeting and vote in the election for this Board. We are excited to help govern DCLC and ensure its mandate is fulfilled. Our Board's transition has been challenging because by and large, we are all new to the positions and there were not any previous Board members to gain historical context. But we have weathered the storm and we have leaned on each other for support. I am happy to say we are moving forward and trending in a positive direction.

Along with change comes restored hope and new beginnings. The pandemic has affected us all differently. In particular, low income and marginalized individuals have been impacted in ways other groups have not been. Ontario Disability Support Program Benefits and Employment law continue to be problematic for Durham Residents, and housing continues to be precarious for many low-income individuals. It is up to DCLC to be the voice for the people who often go unheard. The DCLC staff are passionate about what they do, and they will continue to fight for justice. I have had the pleasure of getting to know DCLC staff and I understand how deeply they all care about clients and the barriers they face.

***"It is up to DCLC to be the voice for the people who often go unheard. The DCLC staff are passionate about what they do, and they will continue to fight for justice."***

One fundamental aspect to operating a Community Legal Clinic is to ensure its financial stability. I am delighted to report that we are financially healthy despite all the obstacles we had to overcome. Clinics in Ontario have recently transitioned to new funding agreements with *Legal Aid Services Act, 2020* coming into force. While there were some fundamental shifts from our previous funding agreement, we have a renewed sense of hope that we can use this as a pivotal moment to strengthen our relationship with LAO. After much deliberation between Clinics across Ontario and LAO, we have willingly entered into a new agreement, and we look forward the future. I would also be remiss if I did not comment on how supportive LAO has been. Throughout all the changes that we have experienced, LAO has been patient, understanding and supportive of our Board and DCLC. We appreciate its assistance during these trying times and look forward to future collaboration.

We also want to take this time to thank the Access to Justice Hub – in particular, the partnership with Durham College has remained a success. We are looking forward to further stakeholder engagement with our community partners to share ideas and determine areas of intersectionality. We also want to acknowledge the strategic support of the Association of Community Legal Clinic of Ontario and our brother / sister clinics across Ontario. Together we were a force during newly implemented legislation, a freeze in the court system, and the pandemic. What we accomplished is nothing short of a miracle and there is still so much more work to do. Most importantly a big thanks to the DCLC staff. We are nothing without the dedicated team of people who serve this community. Having the opportunity to briefly meet some of them has given the Board a renewed sense of determination and a fresh perspective. The staff were there for clients, and Durham Region is better because of their service.

Looking forward, we expect to work towards being accredited through Imagine Canada, to work toward modernization, and to continue to serve Durham Region Residents. We are currently conducting a search for a new Executive Director and we hope to have the search finalized by early 2022. We want to thank our past ED for his support and we wish him well in his future endeavours. We also are grateful for Nick Perera stepping in as our interim ED while DCLC makes this transition.

---

# Interim Executive Director's Report

***Nick Perera***



As we enter our 37th year of serving the Durham community, the past year has indeed been a year of change! As of April 27, 2021, a diverse new Board of Directors comprised of individuals with legal knowledge and social services experience; a new service agreement with Legal Aid Ontario as part of LASA 2020; the first Collective Agreement between the Clinic and OPSEU; and, continuing to deliver services during the COVID-19 Pandemic. It is important to recognize that all through these changes, clinic staff have maintained professional services to the community albeit limited at times due to the pandemic and resource restrictions.

As the new interim ED, I was pleased to find the clinic in good hands thanks to the hard work, dedication and commitment of the staff in serving our clients. It is fair to say that there have been challenges along the way. We are now in a phase of rebuilding the staffing levels, community partnerships and attracting leadership that will promote the clinic's profile and services to the highest possible standards. The Durham clinic as you may know has one of the largest and most diverse catchment areas in all of the provincial clinic system.

The clinic has already begun to reinstate opening of new files and to begin representation. These services were suspended due to limited resources. The clinic is rebuilding staff capacity in a methodical and sustainable way that will promote future success. A vital part of this rebuild is to engage with all of our community partners (new and old) to ensure that clinic services reach as many of the needs of our community as possible. The Access to Justice Hub with the involvement and leadership of Durham College, plays a major role in this.

As we look to 2022, the Clinic will have new leadership with the recruitment of a new executive director. With the support of the dedicated staff, this individual will continue to build capacity to deliver representation for landlord tenancy matters, social benefits matters and other poverty law matters. The Clinic will also continue to explore opportunities to provide financial empowerment to low-income clients. The new Board of Directors who have shown exemplary leadership through this year of change, will through its continued governance, be a great asset in achieving the Clinic's mission to...promote the diverse needs of the community through social justice and equitable access in an integrative and client-centered manner.

---

**~ Annual General Meeting ~  
November 24, 2021  
By Zoom Video Conference**

**AGENDA**

- 7:00 p.m.** Welcome and Opening Remarks  
Drew Samuels and Dave Musgrave (Chair and Vice Chair)
- 7:05 p.m.** Land Acknowledgement  
Shay Babb (Board Member)
- 7:15 p.m.** Adoption of the Minutes from the 2020 Annual General Meeting  
Owais Hashmi (Secretary)
- 7:20 p.m.** Chair's Report  
Drew Samuels (Chair)
- 7:30 p.m.** Receiving, considering and adopting the Financial Statements for the  
year ended March 31 2021  
Ramana Sivapathasundaram (Treasurer)  
TBD (Hilborn - Auditor)
- 7:45 p.m.** Appointment of auditors  
Ramana Sivapathasundaram (Treasurer)
- 8:00 p.m.** Staff Highlights  
Danielle (Paralegal Staff)
- 8:15 p.m.** Closing Remarks & Adjournment

---

## 2020/2021 Intake & Cases Stats

Month/Year	# of Intake/Referrals	Cases
Apr 2020	204	99
May 2020	244	115
Jun 2020	411	118
Jul 2020	486	145
Aug 2020	339	169
Sep 2020	556	265
Oct 2020	537	219
Nov 2020	547	293
Dec 2020	461	165
Jan 2021	551	298
Feb 2021	479	177
Mar 2021	742	326
<b>Total: 5557</b>		<b>Total: 2389</b>

---

# Treasurer's Report

2021 Fiscal Year (April 2020 to March 2021)

## *Ramana Sivapathasundaram*



### Highlights include:

- The auditors, Hilborn LLP gave DCLC a passing “Unqualified” Opinion for our fiscal 2021.
  
- Overall excess of revenues over expenses (expenses over revenues) was \$20,343 compared to \$(167,271).
  - o Revenue features:
    - Overall revenues were up 5.7%.
    - Funding from Legal Aid Ontario has increased by 3.5% to \$1,351,460. These funds are recorded under “General Fund” and are used to provide a range of legal and paralegal services, including information, advice and representation to low-income individuals and families.
    - Disbursements recovered has reduced by 86% to \$2,947. These are recorded under Legal Disbursements Fund and are used to provide for certain direct expenses incurred in representing Organization clients in legal proceedings.
    - \$40,000 was received from Durham College and the Regional Municipality of Durham. These amounts are reported under Access to Justice Hub Fund and are used to provide services pertaining to financial literacy, benefits, and transfers to low-income individuals with Durham Region.
    - \$15,000 was received from Durham Community Foundation and are used towards addressing Pandemic Housing. These amounts are reported Emergency Community Support Fund.
  - o Expenditure features:
    - Overall expenses were down 6.5%.
    - Salaries and benefits decreased by approximately 10% and this is due to accruals of staff settlement in fiscal 2020.
    - Legal fees have decreased due to various issues dealt by the clinic in fiscal 2021 versus in fiscal 2020. We anticipate it will be higher in fiscal 2022.
    - Supplies and services has decreased by 26% and decrease in office expense has been the main driver for this decrease.
    - Audit fees has been up significantly. This is due to prior invoices that were not recorded in the previous years were all recorded in the current year.
    - Project expenses is up 28%. This is mainly due to wages spent in Sexual Harassment in the Workplace projects.
  
- **Upcoming 2022 Fiscal Year**
  - o We anticipate our revenues to be around close to \$1.5 million, expenses to be slightly higher than the revenue number. This is due to various increase in funding from LAO offset by increase in wages and benefits due to collective bargaining; additional hiring of paralegals and lawyer; and legal settlements.

---

# Staff Reports

## List of current services and programs:

The information below describes the work of DCLC staff in supporting residents of Durham Region on a daily basis. In addition to the work noted below, the DCLC also provides front-counter services for walk-in clients including telephone and email queries. These services are provided by our two Support Staff: Lisa Petit and Jeremy Arnott.



## Social Benefits Tribunal - ODSP and OW appeals

**Paralegal Staffing: Cathy Duignan; Danielle Scheffel (shared with Housing); and, Kelsey Henderson.**

Staff in this area support our clients with income maintenance matters, which are predominantly social assistance cases. Many changes to the delivery model of the Ontario Disability Support Program (ODSP) and Ontario Works (OW) took place, including the implementation of email and telephone contact with ODSP and OW by applicants and recipients. Additionally, effective August 21, 2021, the Ontario government introduced new forms for people applying for benefits under ODSP. The new forms are intended to make it easier for health care professionals and applicants to complete the application.

The Social Benefits Tribunal (SBT), which hears appeals related to these benefits, and the other Social Justice Tribunals in Ontario, adopted a “Digital First” policy for their hearings. Hearings are now conducted by videoconference or telephone unless the appellant is able to successfully argue for the accommodation of an in-person hearing.

Our caseload has continued to increase. As we build capacity to represent everyone who wishes to appeal a decision to the SBT, we strive to help as much as we can by providing summary advice and resources such a self-help kit that we have developed to guide self-represented appellants before the SBT.

## Employment/Human Rights/WSIB

**Paralegal Staffing: Reid Jackson**

This area handles the Employment, Human Rights and Workplace Safety and Insurance Board (WSIB) law matters. Fiscal 2020/2021 was a unique year for Employment/Human Rights/WSIB law at the clinic. Both our intakes and cases

---

declined significantly during the majority of the pandemic once income support programs (CERB/CRB) had been established by provincial and federal governments.

We are now seeing the reversal of this trend in our numbers, and heading into 2021/2022 the situation has changed significantly. We are now seeing a significant increase in clients seeking Employment/Human Rights/WSIB law services. The clinic has also been seeing an increasing number of callers who are associated with the anti-vaccination movement, especially as these populations find their employment increasingly compromised. Beyond this we are also seeing an increase in cases related to “the great resignation,” which is still unfolding across Canada as a result of the pandemic.

The most significant employment law decision from the previous fiscal year has been *Waksdale v. Swegon North America Inc.*, 2020 ONCA 391 (CanLII), which has had the effect of invalidating most existing termination clauses in employment contracts and has led to our clients having much greater entitlements upon termination in many situations. Essentially this case establishes that all termination provisions in an employment contract must be valid, or they are all invalid. As many existing employment contracts have a “termination with cause” clause which is now invalid, many of our clients have been enjoying greater entitlements upon termination than they might have otherwise.

## **Housing – Landlord and Tenant Law**

**Paralegal Staffing: Ashley Somerville; Austin Campbell; and, Danielle Scheffel) shared with SBT.**

Landlord and Tenant law has always made up a large part of the work of the clinic system, and 2020-2021 has been no different. March to August 2020, saw an eviction freeze with the Landlord and Tenant Board shutting down all hearings except for serious safety/illegal act eviction hearings. The housing team experienced a reduced number of calls and open files during this time period.

However, when the eviction freeze ended, the volume of tenant issues began to increase.

The Landlord and Tenant Board started doing full hearings again in the week of August 17, 2020, and it has been holding multiple (usually simultaneous) hearing “blocks” on a daily basis ever since. The Landlord and Tenant Board has fully transitioned to a “Digital First” approach which means all eviction and tenant application hearings are done via Zoom or telephone; all parties involved (Landlords, Tenants, and their respective representatives) have been transitioning.

The biggest change in housing law has been the implementation of Bill 184. The changes came into effect in September 2021.

### **The biggest changes are as follows:**

- Landlords can now bring former tenants to the Landlord and Tenant Board for damage to the unit, up to one year (12 months) after a tenant has vacated.
- If a landlord illegally increases the rent and the tenant pays the illegal increase for 12 consecutive months, it becomes the legal monthly rent after one year.



- 
- With respect to no-fault evictions, landlords are now subject to: the payment of increased compensation to tenants; disclosure requirements; and fines for bad faith no-fault evictions. Landlords must now include an affidavit and disclose whether they have served another no-fault eviction notice in the past two years.

The housing team has been providing daily Tenant Duty Counsel service at the Landlord and Tenant Board, as well as continuing to serve walk-ins and give summary legal advice by telephone. Housing has usually been an extremely busy area for the Clinic and with the transition to the Digital First approach to hearings, as well as the increasing number of renters in the Durham Region, we expect it to only get busier.

After a period of having ceased to represent clients at hearings, we are now slowly starting to provide full representation once again on eviction matters. We look forward to building our case load in 2022, and further supporting low-income tenants at risk of eviction in the Durham region.