



Community Advocacy & Legal Centre



Tenant Rights



Employment Law/WSIB Social Assistance



Human Rights

Your Community Legal Clinic

# 2013 ANNUAL REPORT

## Committed to innovation and increasing access to justice

This report provides an overview of the significant day-to-day work we undertook for individual clients in Hastings, Prince Edward, and Lennox & Addington Counties. We also describe how we carried out our public legal education, community development, systemic advocacy and law reform mandate. This article focuses on some of our broader innovative work that reflects our growing commitment to increasing access to justice in all areas of

law, and not just our traditional service area of "poverty law."

This year has been particularly rich in innovative developments. We worked collaboratively with a number of other clinics to create "legal health checklists". We are using these checklists to build the awareness of clients, supportive community members, and service providers about the type of legal issues we can help with. In our

experience, and documented by legal needs studies in Canada and internationally, many people do not recognize that they have a legal problem until it is too late. Prevention and early intervention are critical strategies for keeping people healthy, safely housed, and out of poverty. And we know that people don't tend to go to a lawyer for help—they go to a neighbour, a friend, a "trusted intermediary"—who could be a

(Continued on page 2)

*The World Justice Index 2011 ranked Canada as 16th out of 23 high income countries in terms of access to civil justice. ...The inaccessibility for many citizens of the civil justice system is a major weakness compared to many other high income countries. ...The biggest single impediment to improvement in access to civil and family justice is not lack of resources or lack of ideas or even mostly a lack of will to do it. The single biggest impediment is lack of ways and means of all who have important roles to play in the system to work together in a collaborative and cooperative manner in an atmosphere of mutual respect and trust.*

~ The Honourable Thomas A. Cromwell, Supreme Court of Canada — PLEAC Conference, Toronto, 2012

## Report from the Chair of the Board of Directors

This year has been a very productive year for the clinic as staff, volunteers and members have continued to provide quality legal services, advocacy and information for people living on a low income or in poverty.

The year started off in January with our endorsement of a new strategic plan for the Ontario clinic system. The clinic then

(Continued on page 2)

**Expand Client Access to Poverty Law Services**  
We will collaborate to expand client and community access to poverty law services to address challenges such as changing demographics and the racialization of poverty, evolving service needs, and limited resources.

**Strengthen Community Connections**  
We will increase clinic accountability to the clients and communities we serve, and pursue a range of ways for clinics to be an integral part of community efforts to meet the needs of persons living in poverty.

**Enhance Capacity for Systemic Work**  
We will strengthen our capacity to do preventive and systemic poverty law work, including community development, law reform, test cases, and public legal education to achieve the greatest positive impact for our client communities.

**Enhance System-Wide Coordination and Support**  
We will strengthen our capacity for provincial coordination and support to enable clinics collectively to provide the highest quality service and to ensure the clinic system is accountable for the services it provides with public funds.

**Ontario Community Legal Clinics PROVINCIAL STRATEGIC PLAN 2013 - 2017**

ASSOCIATION OF COMMUNITY LEGAL CLINICS OF ONTARIO 1974-2014  
ASSOCIATION DES CLINQUES JURIDIQUES COMMUNAUTAIRES DE L'ONTARIO  
425 Adelaide St. West, 16th Floor, Toronto, Ontario, M5H 1C1  
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LINKING POVERTY LAW CLINICS AND THEIR COMMUNITIES THROUGHOUT ONTARIO IN A COOPERATIVE MANNER TO IMPROVE ACCESS TO JUSTICE FOR ALL CITIZENS AND TO PROVIDE COMMUNITY SERVICES TO THE MOST VULNERABLE CITIZENS

### Our Mission

The Community Advocacy & Legal Centre provides access to justice through quality legal services, advocacy and information for people living on a low income or in poverty.

### Our Vision

We strive to achieve social justice with dignity by influencing change in our community, our institutions and the law.

## Recovered more than \$2.25 million for our clients!

We recovered more than \$2.25 million for clients this year.

This conservative estimate is based on the awards that people received in seven types of cases only, and not on the future value of the awards which is worth much more.

## Committed to innovation and increasing access to justice (cont'd from page 1)

health professional, a librarian, a hair stylist, a religious leader, a social worker or anyone else who can act as a bridge between the legal system and the person with a problem. We decided we should strengthen our efforts to work with these community partners by developing a renewed public legal education strategy and one that uses adult learning principles to provide deeper learning experiences. We've been able to do some amazing work this year providing legal education in the area of family law by working collaboratively with two wonderful groups of concerned service providers to develop special workshops – one in Belleville and one in Napanee in October. New Family Law Paths to Justice Resource Guides were created as a result of that project.

We were delighted to co-host Supreme Court of Canada's Justice Thomas Cromwell who addressed local lawyers about the growing crisis in access to justice in May. Inspired by Justice Cromwell's remarks, a number of local lawyers will be volunteering their time to provide free wills and powers of attorney to clinic clients who need them, or will be providing public legal information talks or legal information columns. Working with other legal professionals outside our community on access to justice efforts was also critical this year. We participated in the Canadian Bar

Association "Envisioning Equal Justice Summit: Envisioning Equal Justice for Everyone" in April and in the Law Society of Upper Canada's "Creating a Climate for Change" forum on access to justice in October.

Working with law students continues to inspire us. We've hosted four different articling students this year and six Queen's Law School Externs, in addition to summer law students, and law student volunteers. This provides a wonderful opportunity to strengthen the students' commitment to social justice and to support a more reflective practice as they develop as legal professionals. We also consider this work an important contribution to nurturing access to justice in the profession. We were asked to teach part of a course for the Queen's Interdisciplinary Professionals program that aims to introduce prospective rural practitioners to the challenges and promise of the non-urban life. This provided an opportunity to discuss the challenges of access to justice in rural areas and also to begin to build "legal literacy" and "legal capability" in professionals from other disciplines. This cross-disciplinary experience has been an eye-opener.

Exploration of "reflective practice" as a professional competency for legal professionals and as a tool for greater

engagement in access to justice issues was a project that began with a Law Foundation Community Leadership in Justice Fellowship in 2009. That research project continues to influence how we are doing our work and how we are interacting with others. Most of the staff, and all of the law students, are now oriented to the concept of reflective practice and it permeates our work. A workshop was also given to a group of Osgoode Hall law students and two Russian law professors who visited our clinic to learn more about how we were applying this in July. An academic article has been written about the promise of reflective practice and further study and exploration will form part of our Executive Director's upcoming self-funded sabbatical.

Furthermore, several special sessions were held with staff, law students and lawyers to discuss "Law as a Healing Profession" in Belleville and Toronto with a special guest, J. Kim Wright, at several of those events.

A day-long workshop on Compassion Fatigue attracted 80 participants including Legal Aid Ontario staff, local lawyers, and neighbouring clinic staff. Elder law topics were the focus of workshops in October.

## Report from the Chair of the Board of Directors (continued from page 1)

hosted a local poverty roundtable to help build the capacity of the community to engage in poverty eradication initiatives.

As the summer approached, we hosted Justice Cromwell of the Supreme Court of Canada. During his visit, Justice Cromwell discussed the "access to justice" movement with clinic staff, Board members and members of the local legal community. In the fall, we will host a forum to discuss vulnerable workers and the changing nature of work in Ontario. The pace never slows down!

Unfortunately, the clinic is facing challenges with our funders that has

required more deliberation and contingency planning by the Board to deal with anticipated cuts to our budget and with new strategic directions. The Board is exploring closer working relationships with neighbouring clinics to realize cost savings and a greater breadth of service. The Board has also spent a great deal of time working through a management review and a succession planning exercise in order to position the clinic for a sustainable and progressive future.

The Board is launching a "Friends of the Clinic" initiative and developing a fundraising strategy for social justice

internships. The Board also hosted a special session with our funders, Legal Aid Ontario, and four other clinics to discuss appropriate performance measures for clinic work.

The accomplishments of the clinic would not be possible without the dedication of the clinic staff and volunteers. We would like to take a moment to specifically thank Ingrid Wood, who is celebrating five years at the clinic, along with Carolyn Hamilton and Denise Bird, who are celebrating 10 years. We welcome Deirdre McDade as Acting Executive Director during Michele Leering's sabbatical.

## Securing stable income for people with disabilities

We had another very busy year helping disabled clients appeal Ontario Disability Support Program (ODSP) denials to the Social Benefits Tribunal (SBT). We opened 401 files and closed 390 files. We attended 177 SBT hearings throughout our catchment area. Over 83% of our cases were successful.

Our clients who were receiving Ontario Works (OW) benefits, prior to being deemed a person with a disability, will receive an estimated \$469 more per month to buy healthier food, pay their

bills and improve their standard of living. Each of our clients receives an estimated ODSP retroactive award of over \$6,278.41. In 2013 we recovered approximately \$1.6 million dollars in retroactive money owing to people with disabilities.

The clinic produced and distributed an educational pamphlet to 180 local health care providers to help them to complete better ODSP applications so that clients will be granted benefits earlier without having to file appeals. We also sent out

our CALC pamphlet to increase awareness of clinic services. We developed a database of all health care providers in our geographic catchment area. We are developing an interactive presentation with materials from Healthcare Providers Against Poverty (HPAP). HPAP aims to teach doctors to screen for and treat poverty as a social determinant of health.

### Demand for legal services increases

Demand for individual legal services increased slightly in 2013. We dealt with over 4,600 requests for information, advice, and brief services, an increase of 3% over last year. Of these requests, the majority were about housing, followed by social assistance,

Ontario Disability denials, and employment matters. We also took on 609 new client cases, a 9% decrease from last year. Overall, about 970 people per month benefited from our help (up 8%). We worked on more than 140 projects. Project files are opened for our outreach, legal education, community development, systemic advocacy and law reform initiatives, in addition to special internal projects that focus on quality improvements or innovations, staff training, or collaborative work with legal clinic colleagues and Legal Aid Ontario.

## Advocating for greater income security

One of our lawyers continues to provide leadership on income security law reform work by being on the Board of Directors for the Income Security Advocacy Centre (ISAC). This is a specialty legal clinic that serves low income Ontarians by conducting test case and Charter litigation relating to income security programs.

We wrote to Minister Piruzza, who is responsible for the poverty reduction strategy in October 2013 endorsing ISAC's poverty reduction submission. That submission focused on the need for the government to expand on social assistance transformation ensuring secure and livable incomes including quality employment services and supports for people receiving Ontario Works and ODSP benefits.

Locally we helped organize a high school outreach program on poverty. The

Poverty Challenge raised awareness in high school students about the reality of poverty and provided an authentic and empowering opportunity for low income community members to share their stories.

In January 2013 we organized an initial meeting of local partners and community members to develop a Poverty Roundtable to build the capacity of our community to engage in poverty eradication initiatives. The Poverty Roundtable developed a vision of a community where everyone experiences a standard of living which is sufficient for their physical, social, emotional and spiritual wellbeing without compromise of dignity or self respect. The Poverty Roundtable now meets regularly to develop local solutions to end poverty.

We continue to successfully represent ODSP recipients who face financial

hardship when their income is reduced because they are classified as a "boarder." We have been successful at the Social Benefits Tribunal in arguing that disabled people who reside with their parents or in care homes should receive a higher amount of assistance as renters.

Another area that we have focused on is representing people receiving social assistance who have been denied a medical travel allowance. We successfully represented people who have been denied the cost of transportation to attend mental health counseling programs or for methadone treatment. This is an especially important issue for individuals who live in a rural area and rely upon the travel allowance to access these programs.





## “Housing First” for our community

Year over year housing problems make up about 40% of the calls to our office for legal information and advice. We continue to receive funding from Hastings County to offer a hotline service to tenants, ensuring they get information to help prevent eviction on their first call to our office. Referrals are also made at this first phone call to resources that help with rent arrears, what steps to take to get repairs done and first steps to deal with other tenant problems. This eviction prevention strategy ensures tenants have information as early as possible to keep the tenant housed.

Arrears of rent and disrepair in a rental unit are the most common concerns of callers. Our housing work has, and continues to, focus on providing advice and support to callers by offering brief service, and reserving file work for the more complex cases. In files closed where there was a financial recovery or benefit the average award was more than \$1900 for the tenant. At Duty Counsel, there was more than \$90,000, or an average of \$1700 per case, that involved a financial benefit for tenants. In about 1/3 of the cases where a tenant was assisted by Tenant Duty Counsel an eviction was avoided or delayed. Tenant Duty Counsel provided service to 396 tenants.

Tenant School was launched in 2013. Short sessions provide practical information and tools for tenants and trusted intermediaries about the problems tenants most often contact us about. Our first school lesson was “Do you have things that haven’t been fixed in your apartment?” and gave tenants a precedent letter to use when writing to a landlord. Further tools will be developed including “Seven Steps to Solving Tenancy Problems” an easy to use and read publication adapted from Halton Legal Clinic’s Tenant School program.

“Spinning in the Cycle of Homelessness” is a report from our housing team that

was started in 2012 and will wrap up in 2013. The report reviews the clinic’s housing law work, identifies systemic issues and provides a snapshot of the prevalent issues facing low-income tenants in our community. The two main concerns identified in the report are a lack of affordability in rental accommodation, which often leads to economic eviction, and disrepair, including problems with the enforcement of municipal property maintenance

standards. These concerns inform our recommendations for moving forward. “Spinning” also reviews the progress that has been made in our community over the past decade in addressing affordable housing and homelessness concerns by reviewing how far we have come in implementing the recommendations contained in earlier reports. You can read this report at [www.communitylegalcentre.ca/news/Housing\\_news.htm](http://www.communitylegalcentre.ca/news/Housing_news.htm).

Local housing service managers were given responsibility under the Housing Services Act to create Housing and Homelessness plans. Prince Edward/Lennox & Addington (PE/LA) and Hastings Counties have completed their research and submitted their draft plans to the Ministry of Housing. A “Housing First” approach has been encouraged by the Ministry and is identified in the plans. We have been able to contribute to the development of these plans by providing details of the housing

problems and challenges we see our clients facing. In addition, in PE/LA we have contributed by the appointment of one of our staff lawyers to the Housing

Advisory Committee, which not only provided input into the Housing and Homelessness plan, but also reviewed

and approved a proposal to develop seven new affordable rental units in Prince Edward County.

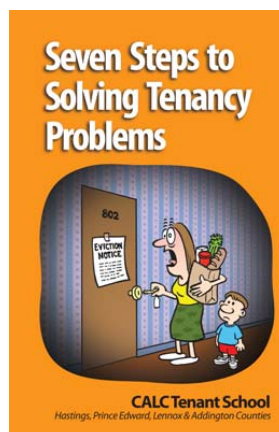
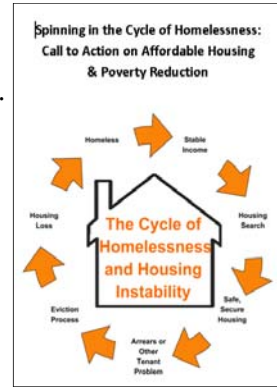
Local affordable housing working groups continued to be active in all three counties.

We provided support to the groups in Hastings and Prince Edward Counties by chairing or co-chairing the committees. The Affordable

Housing Action Network (AHAN) in Hastings County will host a National Housing Strategy Day in November 2013. In addition AHAN co-sponsored “Doors Open,” an interactive display at the Quinte Mall to raise awareness of the importance and benefits of affordable housing. AHAN has been preparing a research report, for release in November 2013, about affordable housing locally, which was supported with funding from the United Way of Quinte.

We participated in the Housing Action Lennox & Addington (HALA) group by attending meetings and assisting to lobby local politicians on a National Affordable Housing Strategy and reinstatement of the Community Start Up and Maintenance Benefit.

In Prince Edward County the housing working group (PEAHWG) prepared and presented a “report card” on the 2010 Strategic Action Plan for Housing in Prince Edward County at a community meeting in December 2012, which was organized by the committee and attended by more than 60 people. There has been much activity by the PEAHWG in reviewing plans for redevelopment of the McFarland Home property in Picton.



## Increasing access to justice for vulnerable workers

The workers' rights team continues to provide services to vulnerable workers in the communities we serve by providing advice and representation to workers who are experiencing a variety of issues in the workplace. We also continue to collaborate with service providers to increase their legal knowledge and improve our delivery of services, including training sessions. We have been successful in obtaining settlements or awards for workers in 100% of the human rights cases where we have provided representation.

We continue to provide legal information and advice to injured workers who have Workplace Safety and Insurance Board (WSIB) claims. There have been significant changes to the WSIB process in the last year. While these new changes may have the effect of making it more difficult for workers to assert their rights, the WSIB process is moving more quickly for our clients than in the past. We have also been successful in obtaining retroactive lump sum payments and an increase in ongoing WSIB payments for a number of our clients. In 2013 our Workers' Rights team recovered \$115,596 for our clients (includes cases involving employment law, human rights and WSIB).

We continue to participate in the Eastern Region Workers Compensation Clinic Advisory Group to keep up-to-date on changes in the WSIB process.

We are also participating in the local Living Wage campaign, to assist in bringing a living wage to the communities that we serve. The Living Wage is the required wage to allow individuals to survive and participate in their communities, including affording food, shelter and transportation. This campaign is currently in the process of calculating the appropriate Living Wage figure for Belleville and the surrounding communities.

We have also re-established our working relationship with the Workers Help Centre. The Workers Help Centre has moved into the lower level of our Belleville office. We are assisting the Workers Help Centre in re-establishing their presence in the community and their staff and volunteers have attended training organised by CALC and Parkdale Community Legal Services.

This year on November 28 we host a workers' rights forum, "Vulnerable Workers, Precarious Work: What Can We Do?" in which we have speakers from the Law Commission of Ontario,

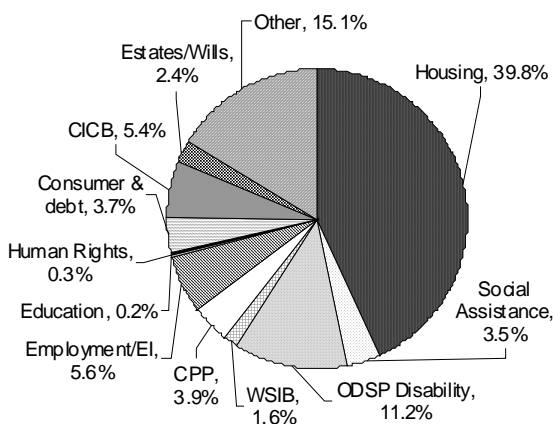
the Workers' Action Centre and the Workers' Help Centre.

Our involvement in creating a workers' rights wiki also continues. Using the technology and format that has made wikipedia and other group collaborations successful, CALC is working with Parkdale Community Legal Clinic in Toronto to create a 'one stop' resource for community legal workers and lawyers in the Ontario clinic system who are assisting workers with Employment Insurance, Employment Standards, wrongful dismissal, and workplace human rights matters. The wiki will assist in knowledge transfer by providing a repository for practices, precedents, and research legal workers have found useful in dealing with workers' rights matters.

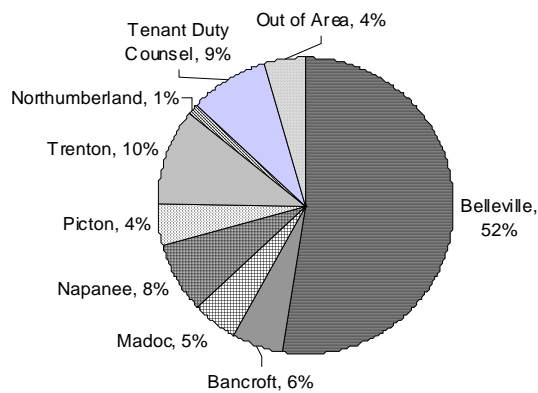
We continue to collaborate with Northumberland Community Legal Clinic to provide shared services related to Employment law and WSIB. Through this collaboration we are able to provide better services to both our communities.

## 2013 Individual client service statistics, by area of law and by geographic area:

Total Advice, Brief Services & Referrals (to Sep 30)



Service (Advice, Brief Service, Referrals) by Geographic Area (to Sep 30)



% Case Files Opened (to Sep 30)

ODSP Disability	67.3
Criminal Injuries	16.0
Housing	8.2
Employment	3.8
CPP Disability	2.0
Social Assistance	1.8
WSIB	0.2
Human Rights	0.2
Education	0.2
Other	0.2

## Seeking justice for victims of violent crime

Helping victims of crime is an important part of our work. We represent victims of crime with applications to the Criminal Injuries Compensation Board (CICB) and recovered a total of \$316,775 for our clients this year.

Our clients continue to report a strong sense of closure after receiving an award. CICB is now processing claims in 12 to 18 months; holding monthly hearings in Belleville; and delivering award cheques within a month, with most clients being given their decision verbally at the hearing. The majority of our clients also receive a pre-approved counselling award which allows them to access a therapist of their choice who is paid directly by CICB.

We received funding for a provincial CICB virtual study group which allows us to network with other legal clinics on a quarterly basis. We are actively involved with the Quinte Coordinating Committee Against Violence, attending monthly meetings and offering information about the CICB process and other clinic services. We will be hosting two webinars on the CICB process this year. One webinar will be directed towards legal clinic staff and the second will be for the public.

Unfortunately, the distressing practice of the CICB notifying offenders in cases where there has not been a criminal conviction persists. We continue to work with Queen's Legal Aid staff to

lobby MPP John Gerretsen (who is also the Attorney General) about this issue. We have asked him to introduce legislation to end this practice.

On a positive note, we recently had the pleasure of hosting three CICB staff at our clinic including a Tribunal Board member. They appreciate the way we organize our files, help them process claims and advocate on behalf of our clients. We also discussed further ways to improve the efficiency of the claim process. It was a very productive meeting resulting in a better understanding of issues for all concerned.

### Volunteers: A Great Asset

Our volunteer program continues to thrive and we cannot do without our volunteers! Twenty-eight people donated their time to the clinic this year which amounted to 1700 hours of community service. Volunteer Board Members contributed 800 hours. Our volunteer base includes retired people, community members, college students, law students, graduates and placement students. Our volunteers help with a range of activities including Tenant Duty Counsel support, legal research, client interviewing and contact, file work assistance, outreach, administrative and clerical help, Board of Director duties, and special projects. Five local lawyers continue to volunteer their time preparing pro bono Wills and Powers of Attorney.

## One Client's Story

Eleven years ago I was working as a transport truck driver when a woman committed suicide by running out in front of my truck. I was devastated. I started losing sleep because of nightmares and flashbacks and I was experiencing anxiety attacks.

A psychiatrist diagnosed me with Post-Traumatic Stress Disorder. I couldn't work, but the Workplace Safety and Insurance Board (WSIB) was paying me only \$640 a month in benefits because they said I could work as a heavy

equipment operator. I couldn't even leave my house let alone return to work. I couldn't afford to pay my mortgage on \$640 a month, so the bank foreclosed on my house. I lost everything. The only thing I had left were my debts and my bills, and I was receiving so little from the WSIB I couldn't even afford to pay my bills after I lost my house.

That is when I came to the Community Advocacy & Legal Centre for help. The clinic helped me through the difficult process of challenging the WSIB, and I

was able to prove to the WSIB I wasn't able to work as a heavy equipment operator because of the trauma I experienced. The WSIB increased my benefits and paid me \$80,000 in retroactive benefits. I now get an extra \$1,318 per month, which means I can pay off some debts while supporting myself.

I am extremely grateful for the work the clinic did to help me get my life back on track.

### Our International Work

Legal empowerment initiatives around the world are interested in the community law centre model. We were invited to make presentations at the following forums: Annual Ukrainian International Legal Aid Conference, Open Society Justice Initiative Regional Conference in Istanbul, International Legal Aid Group in The Hague, and the Irish Legal Aid Board in Dublin, Ireland.

## Community Advocacy & Legal Centre

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*Your community legal clinic*

### Client services rated highly!

Client satisfaction is tracked through an evaluation form sent to each client as his/her case is closed. The clinic's performance continues to rank highly.

Of the people returning the surveys, 90% were satisfied with the results of their case; 90% would refer us to others, and 90% said our help made a difference in their lives.

## 2012 – 2013 Board of Directors

**Chair** Matt Gemmell

**Vice Chair** Virginia Pearsall

**Treasurer** Rick Helman

**Secretary** Brad Smith

**Members** Neil Burrell  
Kim McMunn  
Marguerite Constable  
Michelle Rosebush  
Kim Sutherland  
Barbara Watson

## Thanks to our Volunteers!

Sheru Abdulhusein	Micheal Owsiany
Clark Armstrong	George Pakodi
Evan Barz	Hope Paterson
Janice Benjamin	Ashley Payette
Rebecca Bond	Beverly Pell
Jennifer Danch	Simone Ostroski
Antonella Del Sardo	Nathan Prato
Sarah Forsyth	Brenda Scruby
Jacqueline Goodman	Rebecca Shoom
Michael Green	Susan Simmons
Christopher Hamilton	Matthew Simms
Brent Larmer	Rachael Tracy
Philip Lawr	Sarah Taylor
Melissa McKay	Armenia Vance
Alice Mullins	Matthew Ward
Alyssa O'Connell	Jessica Wu

## Staff (2013 full-time, part-time and special project staff)

Te-Anna Bailey	Samantha Hayward	Lynda Morgan
Ali Black	Marieanne Langer	Teri Muszak
Denise Bird	Jordana Laporte	Jenna Pilon
Michelle Butlin	Maureen Lightfoot	Sharon Powell
Gina Cockburn	Melissa MacRae	Megan Quinton
Christopher Davidson	Liz Majic	Trisha Simpson
Diane French	Daniel McCabe	Carol Snell
Dari Haddon	Deirdre McDade	Lisa Turik
Carolyn Hamilton	Carrie McGeown	Ingrid Wood

Michele Leering, Executive Director

## Our work this year would not have been possible without support from the following funders:



Individual Private Donations

### From our clients:

“Thank you for your support. I found everyone I talked to and worked with to be professional and respectful. I never thought I would need ODSP but am very appreciative for it and for your help through the process. This allows me to focus on improving my health and my goal of a job and my own living space.”

“I can't think of anything to improve upon. You were always there when I needed you, you handled all the confusing paperwork and guided me through answering all the questions.”

“Thanks again, if it weren't for you I would not be where I am today!”

### From agencies:

“CALC has always been a supportive place for our clients to turn to and receive the information and help they need.”