Canadian and World History

History of Legal Aid and the Clinic System in Ontario

1967

The Legal Aid Act, 1967, is established
Ontario Legal Aid Plan to be governed by the Law Society and funded by the province on a demand basis.

1970

The Canadian Environmental Law Association (CELA) is established
Uses existing laws to protect the environment and to advocate environmental law reforms.

1971

Parkdale Community Legal Services Established
Delivers legal services to Parkdale's low income community. PCLS is both a teaching clinic and a community clinic and is co-funded by Osgoode Hall law-school.

1973

Equal Rights Amendment Passed By U.S. Congress

Task Force on Legal Aid
Appointed by the AG of Ontario to perform an in depth review of the operation of the Legal Aid Plan.

1974

RCMP Admits First Four Women

Community Legal Education of Ontario is founded.
CLEO specializes in public legal education and producing clear language material for people with low incomes.

1975

Pajelle Investments Ltd. v. Herbold
(1975), 62 DLR (3d) 749 (SCC)
The SCC sets the scope of a landlord's responsibility to maintain rental premises, including the common areas of a building, and the scope of an application for an abatement that is available to a tenant.

Funded
Parkdale Community Legal Services

1976

Canada Abolishes Death Penalty

Canada ratifies the International Covenant of Economic, Social and Cultural Rights (CESCR)
Article 11 provides: The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.

Funded
Canadian Environmental Law Association
Injured Workers' Consultants
Legal Assistance of Windsor
London Legal Clinic
Metro Tenants Legal Services
Neighbourhood Legal Services
New Welfare Action Centre
People & Law Research Foundation
Problem Central Tenant Hotline
Kensington-Bellwoods Community Legal Services
Dundurn Community Legal Services

1977

Funded
Kinna-aweya Legal Clinic
McQuesten Legal & Community Services
Queen's Correctional Law Project
East Toronto Community Legal Services
Preventive Law Programme
Industrial Accident Victims
Group of Ontario Oshawa Tenants
Educational & Legal Services
Rexdale Community Legal Clinic
Injured Workers Legal Assistance Group
Mississauga Community Legal Services
Landlord's Self-Help Centre
Halton Community Legal Services
Black Resources & Information Centre
West Toronto Community Legal Services
Kenora Community Legal Clinic

1978

Funded
Centre for Spanish-Speaking Peoples
Sudbury Community Legal Clinic
Community Legal Education Ontario
Community Legal Services of Niagara South
Rural Legal Services
York Community Services

No Longer Funded
Problem Central
New Welfare Action Group
People and the Law
Oshawa Tenants

1979

The Clinic Funding Regulation under the Legal Aid Act establishes a more elaborate structure for provincial funding of clinics. The Plan is to fund an "independent community-based clinical delivery system," and legal clinics are to operate as "independent community organizations."

Funded
Community Legal Services
Flemingdon Community Legal Services
Waterloo Region Community Legal Services
Advocacy Resource Centre for the Handicapped

No Longer Funded
Preventive Law

1980

ARCH is founded
ARCH is a Legal Resource Centre dedicated to defending and advancing the equality-rights of persons with disabilities.

"O Canada" Proclaimed National Anthem

Funded
Jane Finch Community Legal Services
Chatham-Kent Legal Clinic
Hastings & Prince Edward Legal Services
Keewaytinok Native Legal Services

No Longer Funded
Black Resources and Information Centre
Injured Workers' Legal Assistance Group

1981

Reference re Residential Tenancies Act
SCC finds that an attempt to give an administrative body the power to resolve disputes regarding residential properties and tenancies is ultra vires the province.

Funded
Scarborough Community Legal Services
Niagara North Community Legal Assistance
West End Legal Services
Community Legal Clinic
Simcoe, Haliburton, Kawartha Lakes

1982

Charter of Rights and Freedoms

Funded
Sioux Lookout Community Legal Services
Justice for Children and Youth

1983

Willis v. Ministry of Community and Social Services
Div. Ct. holds that SARB must have more than mere suspicion before taking away a social assistance allowance.

Jean Sauvé becomes Canada's First Female Governor

Funded
Algoma Community Legal Clinic
Clinique juridique populaire de Prescott et Russell

1984

The Advocacy Centre for the Elderly is established
Provides a range of legal services to low income seniors in the Province of Ontario. ACE is the first community legal clinic in Canada providing legal services to seniors with a focus on "elder law" issues.

Discovery of Hole in Ozone Layer

Funded
Advocacy Centre for the Elderly
Clinique juridique Stormont, Dundas & Glengarry Legal Clinic
Durham Community Legal Clinic
Renfrew County Legal Clinic
Nipissing Community Legal Clinic

1985

Section 15 of the Charter (equality rights) comes into effect

Red Cross Implements National Blood Screening

Funded
South Etobicoke Community Legal Services
Neighbourhood Legal Services
Hamilton Mountain Legal & Community Services
Downsview Community Legal Services

1986

A paper, produced by PCLS students, on legal approaches to the problem of homelessness was presented at a national conference on the United Nations' International Year of Shelter for the Homeless.

Chernobyl Nuclear Disaster

Funded
Brant County Community Legal Clinic
Willowdale Community Legal Services
Windsor-Essex Bilingual Legal Clinic
South Ottawa Community Legal Services
Community Legal Assistance Sarnia
Metro Toronto Chinese & Southeast Asian Legal Clinic
Georgina Community Legal Services

1987

Dennhardt v. Ontario (Ministry of Community & Social Services)
Div. Ct. holds that the FBA should be given liberal interpretation, with ambiguities resolved in favour of claimant

Stock Market Crash

Meech Lake Accord

Funded
West Scarborough Community Legal Services
Toronto Workers' Health & Safety Legal Clinic
Kingston Community Legal Clinic
Clinique juridique Grand Nord
Peterborough Community Legal Centre
Rainy River District Community Legal Clinic
Manitoulin Legal Clinic

No Longer Funded
Tenant Hotline
London Legal Clinic

1988

Supreme Court Strikes Down Ban on Abortion

The federal government caps its contribution to civil legal aid, which had represented about one-third of the total cost, to an annual maximum increase of 5 percent per year.

1989

Fall of Berlin Wall

Thousands of Protesting Students Killed in Tiananmen Square

Exxon Valdez

Canada and U.S. Sign Free Trade Agreement

Andrews v. Law Society of British Columbia
The purpose of the s.15 equality provision in the Charter is to benefit those who have been historically disadvantaged and the "similarly situated" test for finding discrimination was rejected by the SCC

Funded
Brampton Community Legal Services
Lake Country Community Clinic
Lanark, Leeds & Grenville Legal Clinic

1990

Oka Standof

Aboriginal Legal Services of Toronto is established
Supports and advocates for the Aboriginal community and its members in Toronto to gain control over the legal and justice issues that affect them.

Funded
Aboriginal Legal Services of Toronto
Elliot Lake & Northshore Community Legal Clinic
Northumberland Community Legal Centre

1991

Apartheid Abolished in South Africa

Funded
Pay Equity Advocacy & Legal Services
[project funding only]

1992

Charlottetown Accord

Westray Coal Mine Disaster

The Queen v. Schachter
SCC finds that the failure to extend UIC maternity benefits available to natural parents to "adoptive" parents was unconstitutional, dealing at length with the relationship between s. 24(1) and s.52.

"A Time for Action" released
Report on New Social Assistance Legislation.

The Rent Control Act takes effect

K.M. v. H.M.
The SCC recognizes how the particular kind of harm suffered by sexually abused children affects their ability to access justice in adulthood finding that in cases of childhood sexual abuse, the limitation period for bringing a civil action should not begin to run until the plaintiff was aware of the harm they had suffered.

1993

Dartmouth/Halifax County Regional Housing Authority v. Sparks
The NSSC establishes that providing security of tenure to private sector residential tenants but denying it to public housing tenants amounts to discrimination based on race, sex and income and is not justified.

Finlay v. Canada (Minister of Finance)
SCC holds that a province does not violate its undertaking under the Canada Assistance Plan by deducting from social assistance benefits to recover an overpayment.

Funded
African Legal Clinic

1994

Isreali Prime Minister Yitzhak Rabin assassinated

Quebec Separation Referendum

The **Court Challenges Program of Canada** is set up to provide financial assistance for important court cases that advance language and equality rights guaranteed under the Charter.

In **Roberts v. Ontario**, The OCA holds that "special programs" that are aimed at assisting a disadvantaged individual or group are protected by s.14(1) of the Human Rights Code.

. The "demand-driven" funding structure for legal aid certificates is replaced when the Law Society and the provincial government sign a Memorandum of Understanding (MOU). For the first time since its inception, the Plan is to function within a pre-set funding level for certificates.

The **Environmental Bill of Rights** is proclaimed in force after years of lobbying.

The **Refugee Law Office** is established as a 3-year pilot project and is the first staff legal aid office in Ontario.

1995

Four linked pieces of legislation, that had been introduced to the legislature in 1991, are proclaimed in force: **Mental Health Act, Substitute Decisions Act, Consent to Treatment Act, and Advocacy Act**.

In **Thibaudeau v. Canada**, the SCC finds that the provisions of the ITA, requiring a parent to include in income any amounts received as maintenance of children, while allowing a parent who has paid such amounts to deduct them from income did not offend the s.15 of the Charter.

Ontario slashes welfare rates by 21.6%.

The **HIV & AIDS Legal Clinic** begins operating as a full service legal clinic serving low income people with HIV and AIDS in Ontario.

Funded
Canadian Environmental Law Association
Injured Workers' Consultants
Legal Assistance of Windsor
London Legal Clinic
Metro Tenants Legal Services
Neighbourhood Legal Services
New Welfare Action Centre
People & Law Research Foundation
Problem Central Tenant Hotline
Kensington-Bellwoods Community Legal Services
Dundurn Community Legal Services

1996

No Longer Funded
Metro Tenants Legal Services

In **Masse v. Ontario (Ministry of Community and Social Services)**, Div. Ct. dismisses application for a declaration that the 21.6% reduction in social assistance benefits violated sections 7 and 15 of the Charter. Applications for leave to appeal to the OCA and the SCC are later refused.

Effectively overturning its earlier decision in Pajelle, the SCC's decision in **Reference re Amendments to the Residential Tenancies Act (N.S.)** paves the way for provinces to set up administrative tribunals to deal with housing issues.

Despite massive opposition, the Canada Assistance Plan is repealed.

The provincial government establishes an independent task force, the Ontario Legal Aid Review, to undertake a comprehensive review of legal aid in Ontario.

1997

Sheep Cloned

Advocates and representatives from community organizations across Canada meet for day-long conference on Charter challenges to the EIA.

Standing Committee on Social Development holds public hearings on proposed Social Assistance Reform Act.

SCC holds that governments must ensure that the benefits they provide are provided equally to all in **Eldridge v. British Columbia (Attorney General).**

The failure to fund sign language interpretation for deaf persons meant that they did not receive equal access to medical care and that this was discriminatory on the basis of a disability.

No Longer Funded
Pay Equity Advocacy and Legal Services

1998

Nanavut Officially Established

Substantial amendments to Canada Pension Plan, including change in eligibility requirements for disability benefits, are proclaimed in effect.

The **Workplace Safety and Insurance Act 1997**, is proclaimed in effect. The General Welfare Assistance Act is repealed and most of the **Ontario Works Act, 1997** is proclaimed in force.

The **Ontario Disability Support Program Act, 1997** takes effect.

Tenant Protection Act, 1997 is proclaimed in force, and establishes the new **Ontario Rental Housing Tribunal (ORHT)**.

In **Kearney et al. v. Bramalea Ltd** et al., the Ontario Human Rights Board of Inquiry decides that a landlord's use of minimum income criteria constitutes discrimination under the Code on the basis of age, sex, race, marital status, family status, and receipt of public assistance. On appeal, Div. Ct. upholds the Board's finding.

1999

The **Legal Aid Services Act, 1998**, which creates the independent agency Legal Aid Ontario (LAO), is proclaimed in force, and the Legal Aid Act is repealed.

In **R. v. Gladue** the SCC interprets s.718.2(e) of the Criminal Code finding that when imposing a sentence, courts should look at alternatives to custody and pay particular attention to the circumstances of Aboriginal people leading to the creation of the Gladue Court.

In **J.G. v. New Brunswick** the SCC finds a positive constitutional obligation in provincial governments to provide legal aid in a child protection proceeding where state removal of children was a possible consequence.

Clinic Resource Office (CRO) website launched.

2000

Funded
Advocacy Centre for Tenants - Ontario
Income Security Legal Clinic
Legal Clinic Elgin-Oxford
Grey-Bruce Community Legal Clinic
Huron/Perth Community Legal Clinic
Clinique Juridique Communautaire Timmins-Temiskaming Community Legal Clinic
Legal Clinic of Guelph and Wellington County

Ontario's Safe Streets Act, 1999 is proclaimed in force

In **Muskegowuk Council v. Ontario**, Ont. CA affirms in the result a decision staying the imposition of mandatory workfare policies on reserves.

Ontario introduces the lifetime ban on receipt of social assistance where recipient convicted of welfare fraud. Div. Ct. rules that FB "spouse in house" rule is unconstitutional in **Falkiner v. Ontario (Ministry of Community and Social Services, Income Maintenance Branch)**.

Div. Ct. holds, in **Ontario (Director, Disability Support Program) v. Gallier**, that socio-economic factors are relevant to determination of disability under ODSPA, and directs decision-makers to consider applicants in context of their individual situations.

Most of Social Housing Reform Act, 2000 is proclaimed in force.

2001

World Trade Center Attack

In **R. v. Banks**, The OCJ finds Safe Streets Act violates s. 2(b) but is justified.

Toronto's Report Card on Homelessness finds homelessness continues to rise even though the city's economy has been growing strongly and unemployment has been dropping.

FCA restores "real world" test for CPP benefits in **Villani v. Canada (Attorney General)**.

Kimberly Rogers is found dead in her sweltering Sudbury, Ontario apartment. She had been serving a six-month conditional sentence for welfare fraud. Ms Rogers, 40, was 8 months pregnant.

Ont. SCJ orders Ontario to pay costs forthwith on motion for interim relief in case of Kimberly Rogers, and holds that making Charter litigation accessible to ordinary citizens is a "legitimate and important policy objective" in **Rogers v. Sudbury (Administrator of Ontario Works)**.

Ontario government begins a controversial plan of mandatory literacy testing for welfare recipients.

2002

Creation Of International Criminal Court

Ont. CA holds that ODSP definition of "person with a disability" is intended to provide assistance to persons with "significant but not severe long-term functional barriers" and that "substantial" should be given flexible meaning in **Gray v. Ontario (Disability Support Program, Director)**.

OCA affirms that the cohabitation test ("spouse in the house") in the FB definition of "spouse" is unconstitutional, and holds that the Charter protects against discrimination on the basis of receipt of social assistance in **Falkiner v. Ontario (Ministry of Community and Social Services)**. SCC later grants leave to appeal.

Most provisions of the **Ontarians with Disabilities Act, 2001** are proclaimed in force.

Verdict released in Kimberly Rogers Inquest - among the coroner's recommendations: that the ban for welfare fraud be eliminated, that Administrators be given discretion as to whether to suspend assistance in life-threatening situations, and that adequacy of social assistance rates be reassessed.

2003

Ontario Court Of Appeal Revokes Ban on Same-Sex Marriage

Criminal Code Modifications Make Corporations Criminally Responsible For Unsafe Workplaces

Clinic report detailing problems with ODSP application and adjudication process is released: **Denial by Design...The Ontario Disability Support Program**.

Members of ODSP Action Coalition meet with Minister of CFCS and agree to establish 4 joint working groups to improve access to ODSP.

The **Youth Criminal Justice Act** is proclaimed in force, replacing the Young Offenders Act and the Juvenile Delinquents Act.

Opening of Toronto's first completely Francophone legal clinic: **Services d'aide juridique du Centre médico-social communautaire de Toronto** (CMSC French Legal Aid Services)