

# B A F F L E G A B

Semi-annual newsletter of the Community Advocacy & Legal Centre

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## Supreme Court of Canada Judge visits Belleville to discuss the growing crisis in access to justice

Canadians may pride themselves on their legal system. However, many of those who work within it have serious concerns about access to justice.

On May 30, one of the biggest players in the access to justice movement, known informally as "A2J," addressed clinic staff, Board and members of the local legal community at a special forum.

Justice Thomas Cromwell, of the Supreme Court of Canada, chairs the National Action Committee on Access to Justice in Civil and Family Matters. The committee was convened because of concerns that the legal system is at risk of losing the public's faith unless

barriers to A2J, especially for civil matters, are removed. His message was clear. Justice system players—judges, lawyers, court staff, community legal clinic and Legal Aid Ontario staff and many

civil and family legal issues."

He was impressed by local efforts involving the clinic, the Hastings County Law Association, and volunteer lawyers who are thinking

"outside the box" and who are developing innovative pilot projects. These include: volunteer lawyers speaking on legal topics at public workshops, developing tip sheets on what to take to your family or

estates lawyer to reduce costs, a new pilot project providing free wills and powers of attorney to eligible clients, working with public library staff to make legal information more accessible, and free legal information in local newspapers.



Justice Cromwell (1st row, 2nd from right) with local judges, clinic staff & Board.



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### Navigating the Paths to Justice: New Family Law Resources Guide

As part of our Five County project to enhance legal aid services and increase access to justice, we have been hard at work creating new resources. We are piloting a new legal help guide to help people with family law problems find the legal information they need to resolve their issues earlier and with less stress and anxiety. While we do not provide family law help to individuals, after July 1, you can find the guide for people living in Hastings and Prince Edward Counties on our family law links page, [www.communitylegalcentre.ca/referrals/Family\\_Law.htm](http://www.communitylegalcentre.ca/referrals/Family_Law.htm). We welcome your feedback. The Lennox & Addington County version will be available September 1.

# LEGAL RIGHTS

## Living Wage Campaign

The current minimum wage does not give people enough money to support themselves and their families. The minimum wage does not reflect the actual cost of living. There has been a push towards putting in place a *living wage* in a number of communities. A *living wage* is the hourly rate needed for a family to afford basic expenses such as housing, food, utilities and childcare. In Ontario, there have been successful *living wage* campaigns in communities including Hamilton and Kingston.



community. The *living wage* is based on the real cost of resources in the community. Once the proper *living wage* has been calculated, the next step is to advocate for putting the *living wage* in place.

Paying the *living wage* is voluntary for employers. However, paying the *living wage* can have positive impacts for the employer including the ability to recruit and retain employees, and having more productive, healthy, and happy staff.

that the *living wage* will be paid to all employees of the municipality and all employees of all municipal subcontractors. A *living wage* has many benefits for the community, including: increasing the amount of money people have to spend in the community, reducing poverty, improving health, and reducing the need for community resources.

We will be involved in a *living wage* project in the communities we serve. A *living wage* benefits everyone. If you are interested in joining the *living wage* campaign, please contact us.

The first step is to calculate what the proper *living wage* is for our

The best way to encourage employers to put in place a *living wage* is for our local municipalities to pass a resolution

*Trisha Simpson, Clinic Lawyer*



### New "Law Talk" article – Avoiding telephone trickery

The Community Law School (Sarnia-Lambton) Inc. is a non-profit, charitable organization dedicated to public legal education. They publish a series of legal information articles, called "Law Talk" and have many articles on their website and on the [YourLegalRights.ca](http://YourLegalRights.ca) website. Their latest column advises how you can avoid becoming a victim of telephone scams. Read the article by visiting our website at [www.communitylegalcentre.ca/legal\\_information/Consumer/Links.htm](http://www.communitylegalcentre.ca/legal_information/Consumer/Links.htm) and clicking on the link "Avoiding Telephone Trickery," or you can call us and we will mail you a printed copy.

## Coming Soon? Easier to understand cell phone contracts



Ontario's Ministry of Consumer Services wants to make it easier for consumers to understand the costs and terms of their cell phone and wireless services contracts.

Late in April the government introduced a law that would:

- Limit the costs of cancelling a contract
  - Require the total price to be shown in wireless services advertisements.
  - Require contracts to be written in plain, easy-to-understand language
  - Ensure contracts clearly spell out which services come with the basic fee, and which would result in a higher bill
- The changes have to be approved by the provincial government before they can come into effect.

*Gina Cockburn, Clinic Lawyer*

## Improving access to adequate housing in Canada

Having a safe place to live is recognized as a human right in several international documents, including the United Nations' *Universal Declaration of Human Rights* and *International Covenant on Economic, Social and Cultural Rights*. Without a roof over your head, it is very hard to imagine how you can keep a job, stay healthy or have a family. Ensuring access to adequate housing is a basic part of promoting access to justice and respecting human dignity.

Even though most people accept the importance of access to housing, it is estimated that 400,000 people in Canada are homeless and another 1.5 million live in inadequate housing. Bill C-400, a recent private member's Bill, tried to change this. The Bill would have required the federal government to develop a national affordable housing strategy in consultation with the provinces, First Nations, non-profits, people who have been affected by homelessness, businesses, and others. The Bill also would have required the government to set targets for reducing homelessness and measuring its progress in making the right to housing a reality.

As part of its advocacy to increase access to affordable housing, legal clinic staff met

with Prince Edward-Hastings MP Daryl Kramp and wrote letters to other area MPs Rick Norlock and Scott Reid. The clinic asked our local MPs to vote in favour of Bill C-400 and to support a national affordable housing strategy.

Sadly, Bill C-400 was defeated at second reading in the House of Commons on February 27, 2013. All opposition parties supported the Bill, but in order for it to pass, it required the support of some Conservative MPs. No Conservatives voted in favour of Bill C-400. This means that we are still waiting for the federal government to adopt a national affordable housing strategy.

In the meantime, a legal challenge is working its way through the courts. Four people who are inadequately housed or homeless are taking the federal and provincial governments to court. The claimants are arguing that Canada and Ontario have violated their rights to equality and to life, liberty and security of the person, through decisions that have eroded access to affordable housing and by not developing effective strategies to address homelessness and

inadequate housing. They are trying to get a "right to adequate housing" recognized under the *Charter of Rights and Freedoms*. If the Charter challenge succeeds, the Canadian and Ontario governments would have to take steps to address the problems of homelessness and inadequate housing in our communities. Whatever happens, this case will raise awareness about housing issues, mobilize support for affordable housing, and hopefully lead our politicians to do more to make sure that everyone has a safe place to live.

Our legal clinic colleagues at the Advocacy Centre for Tenants Ontario (ACTO) and the Income Security Advocacy Centre (ISAC) are both taking part in this important case. ACTO is part of the group that represents the claimants. ISAC is intervening in the case as part of a coalition of anti-poverty groups that will provide perspective on the interpretation of Charter rights. We wish them the best as they try to advance the legal position of low-income communities.

*Daniel McCabe, Clinic Lawyer*



### A call to action on affordable housing and poverty reduction

The clinic is looking forward to the release of *Spinning in the Cycle of Homelessness*, its most recent report on issues facing low-income tenants in Hastings, Prince Edward and Lennox & Addington Counties. It will give recommendations on how to address the challenges of housing instability and serve as an outline for the advocacy work that is needed in our community over the next 3 to 5 years.

## LEGAL RIGHTS

### Special diet allowance changes – New conditions added

Do you get Ontario Works (OW) or Ontario Disability Support Program (ODSP) benefits? Do you have:

- Hepatitis C
- Prader Willi syndrome
- Unintended Weight Loss due to Renal Failure
- Diabetes or Pre-Diabetes?

You may now be eligible for the Special Diet Allowance (SDA).

In 2006, the government changed the rules for the SDA. When the government made this change, our clinic, the Income Security Advocacy Centre (ISAC), and the Clinic Resource Office started a number of legal cases together. We argued that there were medical conditions that were left off the SDA list, so people were losing an important benefit to help them stay well. We also argued that the amount



of money given for some of the medical conditions was too low.

In February 2010, the Human Rights Tribunal made a decision in the first legal case. The Tribunal agreed with us that the amount of money given for hypercholesterolemia, hypertension, and obesity was too low. Because of that decision, in April 2011, the government increased the monthly dietary allowance for these conditions, as well as for a number of other conditions.

We have been involved in ongoing legal action against the government based on the decision made by the Human Rights Tribunal in 2010. Some of that work involves pushing the government to add more medical conditions to the list. Now people who have pre-

diabetes are eligible for the diabetes special diet allowance.

In April 2012, the Tribunal agreed with us that the government should add Hepatitis C to the SDA list. As a result, Hepatitis C was added to the SDA list – but only for people with a “Body Mass Index” that is equal to or lower than 25. As well, in December 2012 – as a direct result of the legal action – the government added Prader Willi Syndrome and Unintended Weight Loss due to Renal Failure to the SDA list.

If you are on OW or ODSP and have been diagnosed with any of these conditions, you should apply for the Special Diet Allowance right away.

Contact us if you need more information about the Special Diet Allowance.

*Deirdre McDade, Clinic Lawyer*

### Medical reviews for people on Ontario Disability Support (ODSP)

If you are receiving ODSP benefits, you may be contacted by the Ministry of Community and Social Services to complete a medical review application.

Reviews of disability status – or “medical reviews” – are a normal part of the ODSP system. Many people are given a “review date” when they are found eligible for ODSP because their condition is expected to improve. However, medical reviews have not been done on a regular basis for many years.

ODSP has recently started doing medical reviews again.

If you are asked to do a medical review, you will have 90 days for your doctor to complete a new medical application (DDP form) and send it to the Disability Adjudication Unit (DAU) in Toronto. This time can be extended. If you do not send in your DDP form, your ODSP benefits will be cancelled.

However, you may still be able to get ODSP benefits even if the

DAU finds you are no longer disabled. You can appeal the DAU’s decision to the Social Benefits Tribunal (SBT). When you appeal to the SBT, you can also apply for interim assistance so you can continue receiving ODSP benefits until the SBT makes a decision about your case. If your benefits have been cancelled because of a medical review, or if you are unable to complete your DDP form on time, please contact us. We can help!

*Deirdre McDade, Clinic Lawyer*

## The new Social Security Tribunal – Better or worse?

On April 1, the new Social Security Tribunal (SST) was created to hear appeals about the denials of benefits from Employment Insurance (EI), the Canada Pension Plan (CPP) and Old Age Security (OAS).



A meaningful appeal process is essential for income security programs that protect the entitlement of seniors, people with disabilities and working people. The stakes are very high because these appeals are about people's ability to put food on the table and keep a roof over their head.

We are concerned that the following changes create barriers to access to justice:

- **All Tribunal matters will now be heard by a single member rather than a 3-member panel.** The previous 3-person panels were designed to bring expertise and local community knowledge to the Tribunal.

- **The Tribunal can now summarily dismiss an appeal if it is satisfied that it has "no reasonable chance of success."** We believe that a person's appeal should never be dismissed without a hearing where a person's livelihood is at risk because of the denial of government income benefits.
- **The Tribunal now has the right to choose which procedure to follow for its hearings. The Tribunal may hold a hearing by way of: written questions and answers; videoconference or teleconference; or the personal appearance of the parties.** Where a person's livelihood is at risk, a person must have the right to choose an oral hearing where they can testify in person.
- **There are stricter filing requirements.** People appealing decisions are now required to file a copy of the decision being appealed

even though the Tribunal receives a copy from the government. People appealing CPP decisions must file additional documents and submissions within one year of the day after their appeal was filed.

- **The Tribunal is required to conduct proceedings as "informally and quickly" as possible and interpret the regulations so as to secure the "most expeditious and least expensive" determination of appeals and applications.** We are concerned that this focus on cost and expediency offers minimal access to justice in the context of programs that are essential to vulnerable Canadians – people with disabilities, seniors, and the unemployed.

If you have been denied EI or CPP, we can help with your appeal before the new Tribunal!

*Teri Muszak, Articling Student  
Deirdre McDade, Clinic Lawyer*

### Do you receive cheques from the federal government?

If you receive cheques from the federal government (such as Canada Child Tax Benefit, Canada Pension Plan, Employment Insurance, GST/HST Credits and income tax refunds), you should be aware that, as of April 2016, the federal government will replace its cheques with direct deposits to people's bank accounts. After April 2016, the federal government says that cheques will only be issued in extenuating circumstances, such as for people who live in a remote place and don't have access to a bank. This change will have a big impact on people who don't have bank accounts. At this time, we don't know what the federal government will do to help people who do not have bank accounts. You can enroll in direct deposit at [www.tpsgc-pwgsc.gc.ca/recgen/txt/depot-deposit-eng.html](http://www.tpsgc-pwgsc.gc.ca/recgen/txt/depot-deposit-eng.html). Contact 1-800-593-1666 for more information. If you are concerned about these changes and how they will affect you, contact your MP. You can also contact the Receiver General of Canada at [www.tpsgc-pwgsc.gc.ca/recgen/txt/cn-cu-eng.html](http://www.tpsgc-pwgsc.gc.ca/recgen/txt/cn-cu-eng.html) or 1-800-593-1666 (toll free)/1-800-926-9105 (TTY).

## WHAT'S NEW AT THE CLINIC

### The Poverty Challenge – Outreach in high schools

The clinic has been actively participating in the organization of Belleville's very first high school outreach program on poverty issues. We are proud to be involved with the Committee for Social Justice of the Algonquin and Lakeshore Catholic District School Board and the *The Poverty Challenge* on May 14.

*The Poverty Challenge* ([www.thepovertychallenge.org](http://www.thepovertychallenge.org)) is an intensive one-day summit for high school students. It has four main objectives:

- 1) to raise awareness among high school students and adult volunteers about the realities of poverty and the social assistance system
- 2) to provide an authentic and empowering opportunity for low-income community members to share their stories
- 3) to build community
- 4) to increase participation in poverty reduction activities.

The event involved over 60 students from across the Board, teachers, and over 30 volunteers. Students engaged in a full day of role playing, taking on the character of a person living in poverty in Belleville, Napanee, Bancroft, and surrounding areas.

During two rounds of simulation activities, students attempted to solve personal challenges by visiting service agencies staffed by volunteers.

They had to navigate the social assistance "system" (such as Ontario Works, ODSP, EI, etc.) with their characters' particular challenges and responsibilities to simulate a lived experience of poverty.

The legal clinic values the insight of our client community into the challenges of living in poverty or on a low-income. *The Poverty Challenge* was an opportunity for community members to share their stories and shed light on the

myths and assumptions about living in poverty. Students participating in the event were surprised to find that many of the problems faced by their characters were so difficult to overcome. But the scenarios they faced are real, based on research and interviews with community members who have experienced poverty. The clinic is grateful to the brave "poverty experts" who agreed to share their stories for this event.



At the end of the day's activities, the students had an opportunity to meet the poverty expert

whose role they had taken on for the day. The students also took part in think tanks to discuss the challenges experienced by their characters and to brainstorm about improvements to the social safety net.

*Te-Anna Bailey, Articling Student*

May 14, 2013  
LAW AS A HEALING PROFESSION:  
A NEW PARADIGM



**"Law as a Healing Profession: A New Paradigm?"** was the topic of recent informal sessions for the clinic's staff and Board and private bar lawyers. On May 23, a special forum was held at the University of Toronto Faculty of Law. J. Kim Wright of [cuttingedgelaw.com](http://cuttingedgelaw.com)

presented her insights into holistic and integrated lawyering and the comprehensive law movement. We need to "make the legal system a more inspiring, humane, and hospitable place" for all (Daicoff, *Comprehensive Law Practice* (2011), p. 24).

### New Webinar – "Watch Your Step on the Internet"

The Community Law School has a new webinar, called "**Watch Your Step on the Internet.**" Learn about common internet scams and the risks of buying online. You can view it at <http://yourlegalrights.on.ca/webinar/watch-your-step-internet>.

To print the tip sheet, visit <http://bit.ly/14lIKY7> or you can call us to mail you a copy.

## WHAT'S NEW AT THE CLINIC

### Increasing legal literacy: A new "legal health" checklist

Clinic staff are experimenting with developing new holistic assessment tools to help service providers and community members identify legal problems before they get too serious.

This "early intervention" strategy for working with "trusted intermediaries" is an important part of the clinic's new

"CHI" (collaborative, holistic, integrated) approach. Trusted intermediaries are all those allies that want to help people, whether they are peers and volunteers or paid workers.

Working with clinic partners in Cobourg, Halton and Guelph and with ARCH, The Disability Law Centre, potential "legal health"

checklists are being developed to be screening or assessment tools.

If you would like to be part of testing this approach for poverty law issues, please contact Michele Leering at [calc@lao.on.ca](mailto:calc@lao.on.ca).



#### Housing Opens Doors Campaign

On June 20, the Community Development Council and the Affordable Housing Action Network are supporting the Ontario Non-Profit Housing Association's **Housing Opens Doors** campaign at the Quinte Mall in Belleville. Please come out to support affordable housing in Ontario!



#### More help for tenants!

With renewed Eviction Prevention Project funding, we are developing a "Tenant School" legal information program. To find out more, contact us!

### Working on our #1 goal – Increasing access to justice

Making it easier for people to get the legal information and help they need to resolve and transform their legal problems is an ongoing, underlying and important goal for our legal clinic. To that end, we have been learning, sharing, and strategizing in many different forums over the past six months.

Clinic Executive Director Michele Leering was invited to share again in Ukraine during a week-long visit in December where she attended the launch of their new legal aid plan.

"Access to Justice as a Social Determinant of Health" was the topic of a special forum in Toronto on January 31. The interconnection between health and people having access to legal information, advice, and representation was explored.

In April, she attended the Canadian Bar Association's amazing Access to Justice summit that was discussing this issue at a national level. People's every day legal problems are not being resolved and this is creating adverse health impacts and social exclusion.

In May, Michele was invited to speak at a Legal Empowerment meeting sponsored by the Open Society Justice Initiative in Istanbul, Turkey, about how Ontario's legal clinics contribute to legal empowerment and hence, access to justice.

In June, she and Dr. Ab Curry, of the Canadian Forum on Civil Justice, will be presenting at the International Legal Aid Group on the critical role of "trusted intermediaries" (community partners and members) in increasing access to justice. CLEO and community partners have provided invaluable input.

#### The year in review: Highlights of our work in 2012

If you are interested in reading more about our work last year, we've prepared a full report available at [www.communitylegalcentre.ca/about/Board/Annual\\_Reports.htm](http://www.communitylegalcentre.ca/about/Board/Annual_Reports.htm) or by mail. Just call the clinic for your copy of our **2012 Annual Report**. The report details some of the issues and projects we have been working on, the kind of results we've been able to achieve for our clients, a client's story, and our future directions.

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Do you prefer to receive **newsletters by email**? Email us at [calc@lao.on.ca](mailto:calc@lao.on.ca).

If you would like to support the clinic by **becoming a member**, please contact Lynda, ext. 25, or visit our website at [www.communitylegalcentre.ca/about/Membership.htm](http://www.communitylegalcentre.ca/about/Membership.htm) to learn more.

## **Where can I get emergency financial help?**

In the spring of 2012, the provincial government announced that the Community Start Up and Maintenance Benefit (CSUMB) was being cut at the end of the year. CSUMB was a benefit that people receiving social assistance could use to help stay in their homes, to find new permanent housing or to cover other emergency housing expenses.

Even though CSUMB has been gone since January 1, there are still programs available to help low-income people keep their housing or get out of homelessness. These programs are run by municipal governments. In our area, Hastings County has a Housing and Homelessness Fund (HHF) and Prince Edward and Lennox & Addington counties have a Community Homelessness Prevention Initiative (CHPI). These programs can provide emergency

assistance to help low-income people pay emergency housing expenses, such as rent and heating bills.

To apply to the HHF in Hastings County, call 1-866-414-0300. If you receive social assistance, you can contact your Ontario Works (OW) or Ontario Disability (ODSP) caseworker. To apply for CHPI in Prince Edward or Lennox & Addington counties, call 1-866-716-7991. If you are on OW, contact your caseworker. If you apply for benefits, you should ask for a decision letter. Please contact us if you are denied.

If you are denied emergency housing assistance, you can also contact your local MPP to protest the provincial government cuts to homelessness prevention benefits.

## **Congratulations to staff members celebrating 10 years of service!**

**Carolyn Hamilton and Denise Bird**

## **Volunteers welcome!**

We need volunteer help with office duties, working with clients, preparing legal education materials and more. For information, please check the clinic's website at: [www.communitylegalcentre.ca/about/volunteers.htm](http://www.communitylegalcentre.ca/about/volunteers.htm), or email Sharon Powell, Volunteer Facilitator, at [calc@lao.on.ca](mailto:calc@lao.on.ca), or call 613-966-8686, ext. 30.

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**The information in this newsletter is not legal advice. If you have a legal problem in any of the areas of law mentioned in this newsletter, please contact the community legal clinic in your area.**

**Go to [www.legalaid.on.ca](http://www.legalaid.on.ca) to find a clinic serving you.**