

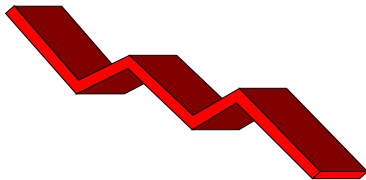


BAFFLEGAB

Community Legal Clinic of Hastings, Prince Edward and Lennox & Addington Counties Newsletter

DOMINO EFFECT

The "Domino Effect" will be presented on November 20 by the legal clinic's staff and members of our Board of Directors. Our new local members of Provincial Parliament are being invited to join us. We hope you can join us as well. This short dramatic play will look at how one misfortune can set off a series of personal disasters plunging a person into poverty and despair. The play will run from 7:00 p.m. to 7:45 p.m., including staff presentations about the clinic's work and followed by a brief opportunity for audience reactions and discussions. See our AGM notice inside for more details.



We are working hard to craft this event from real life situations we see so frequently affecting clients we help at the legal clinic. An eviction notice may be the last straw in a series of events that began with an injury or lost job, and included problems with employment insurance, Ontario Works and collection agencies.

Naming the "Domino Effect" gives us a window into the complexity of our clients' challenges. We know how important it is to work as productively as we can to prevent further misfortune. The "Domino Effect" also reminds us of our bigger goal -- our societal responsibility to provide a decent safety net.

CLINIC SATELLITE OFFICE IN NAPANEE

The Clinic provides free legal information, advice, assistance and representation to people living in southern and central Lennox and Addington County. We are located in downtown Napanee at 45 Dundas Street East. A lawyer staffs the Napanee office most Fridays. Legal help over the phone is available any weekday by calling 1-877-966-8686 extension 0. If an office appointment is needed in our Napanee office we will arrange this for you. You must call us first.

People living in Addington Highlands may contact Rural Legal Services, P. O. Box 359, Sharbot Lake, or call 1-888-777-8916. They have a satellite office in Northbrook on Wednesdays between 10 a.m. and 4 p.m. The satellite number is 613-336-8934.

Queen's Legal Aid holds an intake clinic at the Napanee Legal Aid Ontario office at 20 Market Square, Napanee, on Tuesdays from 7:00 p.m. to 9:00 p.m. QLA provides advice and representation in Small Claims Court matters and minor criminal offenses.

WHAT'S IN A NAME?

In the opinion of the members of this clinic's Board of Directors and our staff - a lot!



In our last newsletter, we talked about our plans to change our legal clinic's name from Hastings and Prince Edward Legal Services to one that better reflected our new

mission (see separate article) and our new geographic mandate. Since March 2002 we have served people who live in southern and central Lennox & Addington in addition to Hastings and Prince Edward Counties.

We think we have finally found a name that fits. We will ask our membership for approval to adopt the new name "Community Advocacy & Legal Centre" at our Annual General Meeting on November 20.

We believe Community Advocacy accurately portrays the kind of work we do which is:

- community lawyering
- advocacy within our community, and
- for our client community

We believe it reflects a community justice legal approach as outlined in our last newsletter including:

- Multifaceted advocacy on individual, systemic and preventative and proactive levels
- Community capacity building
- Working strategically to eliminate structural barriers that keep our clients in poverty
- Holistic approach to clients' legal needs
- Collaborative approaches with clients and the community

OUR NEW MISSION STATEMENT

Recently, the Board and Staff developed the following new mission statement for the clinic to go along with our new name:

"Community Advocacy & Legal Centre provides access to the justice system through quality legal services, advocacy and information for people living in poverty. We strive to achieve social justice with dignity by influencing change in our community, our institutions, and the law".

We all agreed on the wording except for the end of the first sentence. Are our clients "people living in

poverty"? Or, are our clients "people living on a low-income"?

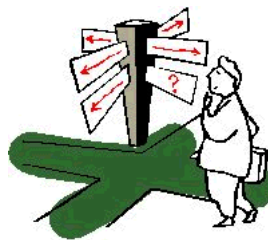
We are torn because the phrase "living in poverty" best describes the reality of our clients' lives. Many of our clients tell us that they don't have enough food to eat, that as parents they often go hungry to feed their children and that they can't pay their rent or buy clothes. It should outrage us that in a province as rich as Ontario nearly two million people live in poverty. We believe that by naming our client's experience as poverty, people may feel moved to work to end poverty.

On the other hand, we want to be careful not to offend anyone by describing them as living in poverty if they would rather be described as people living on a low-income. The word "poverty" carries a stigma for many.

What do you think? We would really like to hear from you especially if you are a person who has or may be using our services. We have set up a special voice mailbox to take your opinion. Just call us at 966-8686 (or toll-free at 1-877-966-8686) and press extension 60. Please tell us if you are a person who has or may be using our services or a member of a community agency or other organization and then tell us which phrase you prefer and why.

A GUIDE TO SELF-ADVOCACY

GETTING ORGANIZED, BEING PREPARED, TAKING ACTION, AND GETTING RESULTS



Self-Advocacy means being able to speak up for yourself so that you can get what you need and handle any problems and make sure you get satisfactory results.

Evictions, credit problems, problems with social service agencies, and utility shut-offs are a few examples of serious legal problems faced by many people. Self-advocacy allows you to know what needs to be done to take care of these legal problems yourself and many other problems before they become too serious.

There are four easy steps to becoming a self-advocate:

Step 1: Be Organized

- Make sure you keep all important papers
- Keep a record of all important phone calls including the name of the person you talked with and the date
- Keep your papers and records organized

Step 2: Develop a Plan for Action

- Identify the problem
- What are possible solutions to the problem?
- Choose the best solution that will get you the results you need

Step 3: Take Action

- **Be Prepared!**
 - Focus on why you are taking action and what you need from the person you are contacting
 - have the important papers and records with you in order to help resolve your problem
 - know what your next step will be if the person you contact cannot get you the results you need
- **Listen and Remain Calm!** A good conversation will help. Angry words may only annoy the person you are requesting help from and can make it more difficult to get what you need. You should also be treated with respect - be assertive.
- **Don't Give Up!** Present your information and problem and ask questions. If you are not getting the results you need, ask to speak to a supervisor, or, if necessary, the supervisor's supervisor. If appropriate, ask for a decision in writing.

Step 4: Don't be Afraid to Ask for Help

- Seek support from family, friends, church and community organizations
- Find out about community resources that can help you. Check your phone book, call your MP's or MPP's office or local social service agency

- The Volunteer & Information Quinte provides information about available resources in Hastings and Prince Edward Counties. Their number is 969-8862. Napanee residents can obtain resource information from the Kingston District Community Information Centre at 1-866-308-4636. "Community Key" and "Where to Turn" are reference materials published by these offices respectively and are available in most libraries
- Call the legal clinic for help or referral if you don't know how to handle your legal problem

(Adapted from a similar publication by Statewide Legal Services, in Connecticut, USA)

Emergency Legal Advice in Domestic Violence Situations

Women who have been abused by a male partner can receive advice and assistance about family law matters with a special Legal Aid Certificate which allows up to two hours of free legal advice.

Certificates can be picked up at the legal clinic or through any of the shelters, including Three Oaks Foundation (Belleville), Interval House (Napanee), and Alternatives for Women (Picton).

WHO USES FOOD BANKS AND WHY?



Recently, the Ontario Association of Food Banks (OAFB) and the Community Social Planning Council of Toronto (CSPC) surveyed food bank users in Toronto, Hamilton, Ottawa and Belleville. The report, "Looking for a Hand Up: A Profile of Food Bank Recipients in Four Ontario

Communities”, highlights some important findings.

The majority of food bank recipients across the four communities have incomes below the poverty line. While many recipients receive OW and ODSP, more than one-third of food bank recipients still experience frequent problems eating a balanced meal and providing one to their families.

- one-quarter of adults reported experiencing hunger at least a couple of times each week despite the assistance of a food bank
- 36.3% of all recipients were under the age of 19, even though only 26% of the population belongs to this age group
- 21.5% of food bank recipients had a college or university degree indicating that the use of food banks is not restricted to those with little education

Gleaners Food Bank provides Quinte families in need with emergency food hampers. The survey of food bank users revealed that the situation in Belleville is every bit as dire as elsewhere in Ontario, if not more so.

Survey Highlights: A Comparison of Belleville to the Average Figures:

Provincial Results	Belleville
More than 50% of all food bank recipients had household incomes that were less than 50% of the poverty line	52.7% of recipient households had incomes less than 50% the poverty line.
36.3% of all recipients were under the age of 19. 26% of the population is 19 years of age or younger.	42.9% of all recipients were under the age of 19. 25.8% of the population in Belleville is 19 years of age or younger.
\$593 is the median monthly income for individuals living alone.	\$520 is the median monthly income for individuals living alone.
49.5% of food bank recipients are on Ontario Works 20.2% are on Ontario Disability Support Program	54.1% of food bank recipients are on Ontario Works 14.4% are on Ontario Disability Support Program
At 13.6%, workers were the third largest group of food bank recipients	At 18.9%, workers were the second largest group of food bank recipients

(Article excerpted from study prepared by Beth Wilson, Community Social Planning Council of Toronto, June 2003)

(Thanks to Gleaners Food Bank for providing us with this report.)

DO YOU OWE AN OVERPAYMENT?

If the Social Services Department (Ontario Works) or the provincial Ministry office (Ontario Disability Support Program) believes they have overpaid you benefits, the law allows them to reduce your cheque to recover this money.

If there is a decision to reduce your cheque to recover an overpayment, you may challenge any or all of the following decisions:

- Whether the overpayment should exist
- Whether it has been correctly calculated
- Whether the overpayment should be recovered by reductions
- How much the benefits should be reduced to recover this overpayment (The law sets a maximum rate of recovery (10% of your monthly cheque and 100% of arrears) and the normal rate according to government policy is 5% of current benefits, but you can ask that the recovery rate be reduced.)

If you receive an overpayment decision that you do not agree with you can request an internal review of this decision within 10 days of receiving the decision and then appeal to the Social Benefits Tribunal. The legal clinic can help you do this.

If you or your spouse had an overpayment with another Social Services Department or Ministry office, this overpayment can also now be recovered. This has caused a big increase in the number of overpayment problems. Clients have been getting letters informing them of a decision to reduce their current benefits because of an overpayment that allegedly occurred a long time ago. In many cases, the client may have little or no recollection of the circumstances that led to this overpayment, and the

current office may have no knowledge of the circumstances either.

Deciding whether to accept or dispute an overpayment is difficult because the initial written notice gives little information about the reason for this overpayment, or the way it is calculated. Contacting the office may provide more information, but often it does not. We recommend that you request an internal review and appeal if you have any doubts about the correctness of the overpayment. Appeals can always be withdrawn if you become satisfied that the overpayment is correct.

We often find errors in the assessment and calculation of overpayments. There are also cases where the documentation is inadequate to prove an overpayment exists. In this respect, our experience is consistent with the findings of the Provincial Auditor, who investigated Ontario Works overpayment accounts in his 2002 Annual Report, and found that many of the individual account balances were in error.

If you appeal an overpayment, it may be found to be incorrect, and you will not have a deduction from your cheque. If not disputed, the overpayment will continue to be deducted from your cheque until it is paid in full.

NEED HELP PAYING THE COSTS FOR A MOVE?

If you are eligible for benefits from the Social Services Department (Ontario Works) or the provincial Ministry (Ontario Disability Support Plan), you may be able to get help with the costs of a move. You can apply for a Community Start Up benefit. If you qualify, you could receive up to \$799 as a single person or couple, or \$1500 if you have children. You should normally apply before you move. You can receive the benefit once in any twelve month period. However, if you have had to move two times in a twelve month period and did not use the full maximum of the benefit for the first move, you can apply to receive the remaining funds. (The reason for your move must still meet the qualification requirements.)

To qualify, your move must be

- considered necessary for your health and well-being; or
- to take a new job; or
- to prevent eviction; or
- because you are leaving an institution such as a prison, transition home or hostel

You must be moving into a permanent residence. You must also have proof of your expenses – receipts or estimates.

If you are denied this benefit, you must be given a decision in writing. Insist that you be given a written decision and that the reasons be set out in the decision. You can ask for an internal review and also appeal to the Social Benefits Tribunal.

We have found that many of our clients, especially those on disability pensions, are having difficulty getting a Community Start Up Benefit. **We've had a 300% increase in the number of calls we've had on this issue alone this year!** In addition to providing information, self-help advice and representation in a number of appeals, we have been meeting with the Ministry staff to find out why there is such a problem. Why are some people not being given decisions in writing when they are told they would not be eligible? Why do the decisions take so long to make? Why aren't more of the costs associated with the move covered? Why are some moves denied when they appear to qualify? Why is the money sometimes not available to help prevent eviction even when the Ministry has said (April 2000, Clearinghouse Question #335) that funds can be used for this purpose? We've begun to notice some improvements in recent weeks.

In our view, a Community Start-Up Benefit is very important as a "homelessness prevention" strategy. Many people who are living in unsafe accommodation (substandard, needing repairs, domestic violence) need to move. Providing them with money for the costs of the move and start up costs for a new home (if necessary, last month's rent or utility deposits, furniture, storage costs) helps them move safely and quickly and reduces

considerably the level of stress that they experience as a result of the need to move.

If you would like to know more about the Community Start-Up Benefit, we have a pamphlet available in our waiting rooms. You can also order it from CLEO at 119 Spadina Avenue, Suite 600, Toronto, Ontario M5V 2L1 or go on line and see it on their website at www.cleo.on.ca. You can also read both the law and the Ministry Policy Directives about the benefit on the government website at www.cfcs.gov.on.ca. There is also a short hand-out available now at the Ministry office. You can call the clinic for information and advice if you are having a problem. We're creating a "self-help" kit that you can use to ask for an internal review and an appeal.

HASTINGS COUNTY AFFORDABLE HOUSING RESEARCH PROJECT UPDATE

The Hastings County Affordable Housing Research Project is sponsored by a coalition of local non-profit organizations including the legal clinic, Three Oaks Foundation, Youth Habilitation Quinte, Hastings County Social Services Department and the Access to Permanent Housing Committee. Anne Balding is the project co-ordinator. The project will be officially launched on Friday, November 21, which is National Housing Strategy Day.

The project's research team is now in place and ready to hold interviews and focus groups in their respective areas. The team will complete a community analysis of housing needs in Hastings County and determine the capacity of the community to meet those needs.

Joan Gauthier, the Community Researcher for Deseronto and Quinte West and Scott Henderson, the team's Primary Researcher for Belleville, will be housed at 24 Brown Street in Belleville across from the Good Life Fitness Centre on Station Street. The office is located on the third floor and the phone number is 613-968-8428.

Beatrice Blair is the Community Researcher for the North Hastings area and she will be sharing the

offices at Career Edge, located in the Fairview Plaza beside the H.R.D.C. offices in Bancroft.

The Centre Hastings Community Researcher, Pat Ginther, will work from 68 Durham Street in Madoc. Pat will share space with the legal Clinic.

If you or someone you know is precariously housed or homeless, please get in touch with the project's researchers at the number noted to find out when focus groups are being held in your area.

Anne states, "We can't promise you housing but by filling out our survey we can promise that your voice will be heard."

(This article is provided by Anne Balding.)

FOR OUR COMMUNITY PARTNERS - NEW POLICIES FOR CANADIAN CHARITIES

Canada Customs and Revenue Agency has announced changes that allow charities a greater role in advocacy and public policy development, expand charitable eligibility for organizations that promote racial equality, and recognize the provision of housing to needy households as charitable.

Informing the public or politicians, or influencing public opinion about issues related to a charity's mission are now deemed charitable not 'political'. This allows charities greater ability to undertake public awareness initiatives and provide information or their positions to elected officials and civil servants. In doing so, charities must ensure that the information they convey is "presented in an informative, accurate, and well reasoned way".

Charities will be able to advocate on behalf of those they serve and to participate in public policy development.

For a copy of the policy statement on political activity, please visit:

<http://www.ccra-adrc.gc.ca/tax/charities/policy/cps/cps-022-e.html>

For a copy of the policy statement on registering charities that promote racial equality, please visit:

<http://www.ccra-adrc.gc.ca/tax/charities/policy/cps/cps-021-e.html>

For a copy of the policy statement on organizations established to relieve poverty by providing rental housing to low-income tenants, please visit:

<http://www.ccra-adrc.gc.ca/tax/charities/policy/cps/cps-020-e.html>

(Thanks to Bill Morris, United Ways of Ontario)

THE RIGHTS COMMISSION – A COMMUNITY INCLUSION PROJECT

One great advantage of living in Canada is that our rights are protected by law. In fact, we exercise our rights with such freedom that we hardly think about them. Now imagine that one day a person tells you, without any consultation, that you will be moving to another house. Imagine that you go to register to vote and the returns officer will not register you. Imagine you are 23 years old with a regular income, but all your cheques are given to someone else; you aren't even included in decisions as to how the money is spent.

This was the situation in the past for many people who have been labelled with an intellectual handicap. Regardless of their individual abilities, it was assumed that they could not make decisions for themselves. They were excluded from both risk and responsibility "for their own good".

But hold on – what about their rights! Doesn't every individual in Canada have the same right to have a say about where he lives, to vote, to control property? And what do "labelled" people themselves think about rights? What they say is that at every turn, their rights have been ignored, limited and even consciously violated. They are simply not treated as having equal rights. And they say - it has to change!

Part of the local response is to create a freestanding Rights Commission for the benefit of people with intellectual handicaps. The project is sponsored by

Plainfield Community Homes in partnership with several other local agencies, including the legal clinic.

Members of the Rights Commission will:

- be impartial members of the public
- include some of the members from key professions and services which play a critical role in the lives of all people
- be given orientation and training in due process and fairness
- sit from time to time as a member of a Rights Committee within developmental service agencies that are part of the project
- help sponsor public awareness functions to raise the profile of rights of the intellectually handicapped; and
- become spokespersons and ambassadors on issues of rights in their own circles, and in the larger community. One of the most important elements of raising awareness will be reaching the individuals with labels who live in the community, and engaging in conversation with them

And what *will* the Rights Commission do for an individual who has experienced a violation of his or her citizen rights? The Rights Commission will not have any legal status to make binding decisions in the public arena; however, the Commission could look into complaints on behalf of people with "labels", and attempt to arrive at some sort of redress. Working relationships with agencies, government and even businesses might be forged, whereby the Commission becomes an advisor by mutual consent.

At this point the project is in its early stages and the organizers are looking for input great and small from many more individuals in the community. If you have any suggestions, or an interest in contributing to the Commission, please contact the Project Coordinator, Marilyn Jackson, at 613- 962-7478, or by email at <haeberlinjackson@sympatico.ca>

(This article was provided by Marilyn Jackson.)

!!! ON-LINE INTELLIGENCE !!!

Eviction
How to make an application to the Tribunal?
When can your landlord take your stuff?
Moving out
Maintenance & Repairs
Harassment & Discrimination
If your landlord doesn't pay the mortgage
Rent Increases
Fighting an eviction
What tenants need to know about the law

Pamphlets now available online through
Community Legal Education Ontario at:
www.cleo.on.ca

Contact our Clinic for your free copy.

DON'T FORGET OUR...

ANNUAL GENERAL MEETING



Our Annual General Meeting will take place Thursday, November 20, 2003 from 7:00 p.m. to 9:00 p.m. at the Belleville (Corby) Public Library Gallery at 223 Pinnacle Street (corner of Pinnacle and Campbell Streets) in Belleville. Please enter from Campbell Street.

Please join us for an interesting feature presentation prior to our AGM entitled the "Domino Effect". The play starts at 7:00 p.m. The Annual General Meeting follows at approximately 8:00 p.m. Free childcare and refreshments will be provided.

If you require an interpreter, please call the clinic.

If you are interested in standing for election to the Board of Directors or voting at the AGM, your membership form must be received and accepted by the Board of Directors before November 18 for you to vote on November 20.

INFORMATION FOR INJURED WORKERS LIVING IN NORTH HASTINGS

The legal clinic, working with the Office of the Worker Advisor in Ottawa, is sponsoring a series of public information nights on Workers' Compensation issues in our service areas. We hope to provide information about the rights of injured workers and what might be done to make the compensation system work better for them. Each evening consists of a presentation and lots of time for questions and answers. Our next information night will be:

Monday, November 17, 2003 at 7 pm
Seniors Club 580
168 Hastings St. N.
Bancroft, Ontario

For more information, contact us at the legal clinic.

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is published by:

COMMUNITY LEGAL CLINIC OF HASTINGS, PRINCE EDWARD AND LENNOX & ADDINGTON COUNTIES

158 George Street, Level 1
Belleville, ON K8N 3H2

966-8686 or 1-877-966-8686

TTY: 966-8714 or 1-877-966-8714

If you would like to support our Clinic by becoming a member or if you would like additional copies of *Bafflegab*, please contact our Clinic.

The information in this newsletter is not meant to be taken as legal advice. If you have a legal problem in any of the areas of law mentioned in the newsletter, you should contact the legal clinic in your area.