



BAFFLEGAB

Community Advocacy & Legal Centre Newsletter

The Income Security Advocacy Centre is coordinating a campaign to stop the clawback of the National Child Benefit Supplement. The Hands Off campaign asks the provincial government to:

- Immediately end the clawback of the National Child Benefit Supplement from families on social assistance
- Fund the reinvestment programs that work for low-income families out of other revenue

The National Child Benefit Supplement (NCBS) was introduced in 1997 to prevent and reduce child poverty in Canada. The NCBS is part of the Canada Child Tax Benefit (CCTB).

In Ontario, families on social assistance get the maximum NCBS, but the province “claws back” the benefit by reducing their social assistance benefits by almost 100% of the NCBS payment, leaving them no further ahead. The money that is saved by clawing back the NCBS is used to fund “reinvestment programs” for



low income families, but not necessarily for families on social assistance.

Families on social assistance are among the poorest families in our communities. Clawing back the NCBS from these families, just because they are on social assistance, is unfair and discriminatory. Clawing back the NCBS leaves these parents unable to meet the basic needs of their families.

During the last Ontario election campaign, Dalton McGuinty agreed that the clawback was wrong and promised to end it in his first mandate, if he was elected Premier. In April 2004, the new Liberal government announced that, instead of ending the clawback, they would “cap” it at the July 2003 level while they conducted a review of the program. To date there has been no action on ending the clawback altogether

and the “cap” puts less than \$50.00 a year, per child, in the pockets of needy families.

If you want to help make the Hands Off campaign work take action now!

Our politicians need to hear from you that the clawback is wrong and must be ended.

For more information log on to www.handsoffnow.ca. From that website you can send an e-card to Premier McGuinty and Prime Minister Martin to tell them that you support this campaign. You can sign a postcard at the clinic to tell the Ontario Government to end the clawback.

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Inside This Issue **you will find articles** **about:**

- Legal Rights
- Law Reform & Systemic Advocacy Activity
- Community Development Activities: Working With Our Community
- Where Else Can You Go For Help?
- What's New at the Clinic?

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Please call your local MPP at the following numbers to tell them that you endorse the campaign to end the clawback:

Lou Rinaldi, MPP
Northumberland
613-392-3038
1-800-263-3980

Leona Dombrowsky, MPP
Lennox & Addington
1-613-354-6630
1-877-536-6248

Ernie Parsons, MPP
Hastings & Prince Edward
613-962-1144
1-866-796-1888

Deirdre McDade, Clinic Lawyer

National Child Benefit Supplement (NCBS): Low-Income Parents Take the Government to Court

On December 10, 2004 three people started a Charter challenge against the Canadian and Ontario governments. They argue that the clawback of the NCBS violates section 15 of the Charter by discriminating against parents and children because they receive social assistance. They will also be arguing that the clawback discriminates against women, single mothers, Aboriginal persons, persons of different races, and persons with disabilities.

The applicants are three single parents who have been struggling on Ontario Works or Ontario Disability benefits trying to make ends meet. They live in Timmins, Port Colbourne, and Toronto. The applicants are represented by the Income Security Advocacy Centre, the Centre for Equality Rights in Accommodation and the Charter Committee on Poverty Issues.

The applicants made the following comments: "I desperately need the \$226.00 that gets taken away from my benefit every month. My kids are being punished for being on social assistance," says Dave Lance, father of two young children. "I constantly worry about my inability to feed my children properly," says Lynne Prine (who has two teenagers). "The fact I'm disabled shouldn't be an excuse for the government to take \$226.00 from my children every month."

Our clients in Hastings, Lennox and Addington, and Prince Edward Counties face the same struggles trying to pay the bills on the limited amount of money from social assistance. The taking back of money by the Ontario government means these children are stuck in deep poverty.

Mary McCormick, Clinic Lawyer

Ontario Works Liens – Good Riddance!

It was exciting to hear that the Ontario Government repealed the law that required Ontario Works people who owned homes to sign liens when they were applying for Ontario Works assistance. Under the old law, if someone received assistance for a total period of 12 months in a five-year period, the lien would be registered against the person's home for the amount of all future assistance received.

This was a terrible law that was very unfair to people who live in small cities, villages, and in the country. People in rural areas own their own homes because there is very little available to rent, or these homes may have been handed down from generation to generation. Since this law came into effect at the same time as Workfare, it effectively meant that people were working for their Ontario Works and their "employer" also put a lien on their homes.

The new law states that upon request, the Ontario Works offices are to prepare discharges of liens at their cost. This applies whether the lien has been paid off or not. The new law also states that the Administrator "may" register the discharge of lien.

We have been told by the Ontario Works offices for Hastings, Lennox and Addington, and Prince Edward Counties that all liens have been discharged by Ontario Works. If you did not receive a copy of the discharge of lien for your property, or to make sure your lien was not registered, you should contact your local Ontario Works office.

Our clinic staff actively worked to get his law repealed. We would like to thank our local MPPs for their help in getting this law repealed. Ms. Dombrowsky was particularly vocal in her opposition to the registering of liens on the homes of Ontario Works recipients.

Mary McCormick, Clinic Lawyer

Improvements to Social Assistance

In December, 2004 the Matthews Report was released. Ms. Matthews is a MPP and Parliamentary Assistant to the Minister of Community and Social Services. She travelled around Ontario meeting with people, including people on social assistance, staff of legal clinics, and staff of Ontario Works offices. Clinic lawyers John McKean, David Little, and Mary McCormick met with her in the summer of 2004.

The Matthews Report is an excellent report dealing mainly with Ontario Works. It shows that Ms. Matthews listened carefully to the people the programs are meant to serve. She stated at the beginning of the report that the philosophy of the current system is that people will abuse social assistance if they are given the opportunity. But she said that the government needs to communicate the following:

“The vast majority of people on social assistance desperately want to be self-sufficient; many have valuable abilities and skills, and are ready to work once the barriers are lifted. We need to treat people with respect and dignity, and we need to offer hope for a better future and the supports to get there.”

In December the government made many of the changes recommended in the Matthews report. Some of these changes are:

- People on Ontario Works who start earning enough money that they no longer qualify for financial assistance, but who have high health care costs, will be entitled to prescription drug coverage and other health benefits during the transition period. (This was

already available to people on Ontario Disability benefits).

- The money that children save from their earnings does not count as part of their parents' assets. Therefore parents will not be cut off assistance because their children have saved their earnings (such as saving for future education costs).
- People who receive disability benefits are now entitled to receive up to \$5,000.00 a year in gifts or “voluntary payments”, instead of the previous limit of \$4,000.00 a year. (This does not apply to people receiving Ontario Works who can only receive a casual gift of “small value” or a donation from a religious or charitable organization).
- Families will not be disqualified from receiving benefits because they have saved money for their children in a Registered Education Savings Plan.

Mary McCormick, Clinic Lawyer



Social Assistance Overpayments: Alert!

In our last few newsletters, we have tried to stress how important it is to challenge overpayments - current or historical - that are assessed against people who are receiving or who have received Ontario Works or Ontario Disability.

People are often successful in reducing how much overpayment is recovered each month and the amount of the debt. This is because there is often problems with **why** and **how** the overpayments have been calculated.

Now there is a new wrinkle! Many people have found themselves receiving notices from the federal government that they will lose their GST credit or income tax refund because the provincial government is trying to get the overpayments paid back that way - especially from people who are no longer on social assistance. If this has happened to you it is important to send objection letters and to get legal advice as soon as possible. Please contact the clinic for help or for examples of letters to send both to the provincial government's Overpayment Recovery Unit and the Canada

Revenue Agency's Revenue Collections Department.

*Michele Leering, Executive
Director/Clinic Lawyer*

Have You Been A Victim Of Abuse?



If you have been a victim of abuse you may be able to get monetary compensation by applying to the Criminal Injuries Compensation Board (CICB). The Board provides compensation to people who have been injured as a result of a violent crime in Ontario.

The clinic provides representation in CICB claims to victims of childhood abuse, sexual assault victims and to women abused by an intimate partner.

Compensation may be awarded even if no charges are laid or no one is found guilty.

Compensation may be awarded for emergency expenses resulting from the injury, medical expenses such as prescription drugs and counselling, loss of wages and pain and suffering.

You should apply within two years of the crime or when you turn 18. The CICB can extend this time period. If you want more information about the process, please contact the legal clinic. You can also call the Board directly at 1-800-372-7463.

Deirdre McDade, Clinic Lawyer

Employment Rights are Only as Good as Their Remedies

Over the last decade or so, laws have been put in place to better protect employees in the workplace, and to preserve their employment when they are sick, pregnant or need to take time off for various kinds of family emergencies. These rights are scattered throughout health and safety, employment standards, human rights and workers' compensation laws.

All these new rights are helpful only if there are meaningful remedies available to employees against employers who ignore these rights. How does a woman reclaim her original position after her pregnancy leave ends and her employer tells her that she will have to take another job because her replacement will remain in the position? Can an office worker require her employer to buy proper ergonomic equipment to

accommodate her hand injury? What does a factory worker do when he is fired within a week of calling the Ministry of Labour complaining about safety problems on his machine?

Fortunately, our laws can provide meaningful remedies - which can even include job reinstatement. However, job protection laws, and the way employees go about enforcing them, are complex and can be intimidating and tricky. At the clinic we treat these "job security" cases as our highest priority in our new expanded workplace law services.

We are ready to assist people living on a low income with their employment law concerns. Our help is not limited to individual advice and representation - we would be pleased to speak to your group about workplace rights.

Please call us if we can be of assistance.

David Little, Clinic Lawyer

How to Get More Money for Food

People receiving Ontario Works (OW), Ontario Disability Support Program (ODSP), and members of their family may be eligible for a special diet allowance of up to \$250.00 per

month. **A special note (OW) or form (ODSP) completed by your doctor or a registered dietician is needed.**

For more information contact your Ontario Works or Ontario Disability office, or the clinic. We have an information kit. If you are refused a special diet, contact the clinic for advice as you can appeal this decision.

The special diet guidelines are available at <http://www.cfcs.gov.on.ca/CFCS/en/programs/IES/OntarioDisabilitySupportProgram/Publications/odspidir.htm> or <http://www.cfcs.gov.on.ca/CFCS/en/programs/IES/OntarioWorks/Publications/ow-policydirectives.htm>

Alert: We are seeing diabetic clients who receive funding for their diabetic supplies such as test strips, but are not receiving funds for the diabetic special diet. If you are diabetic, you are eligible for a special diet allowance with a signed note/form from your doctor or dietician.

Mary McCormick, Clinic Lawyer

How to get an Appointment to Receive Nutrition Counselling from a Dietician at Your Local Hospital

In Belleville and Bancroft you must be referred by a doctor before you can meet with a

dietician. In Picton, Trenton and Napanee you can self-refer to a dietician by calling your local hospital at the numbers below:

Picton	613-476-2181
Trenton	613-392-2489
Napanee	613-354-3301
Belleville	613-969-5511
Bancroft	613-332-2825

Mary McCormick, Clinic Lawyer

Legal Aid and Legal Clinics: How Do They Work Together??

We are working hard to make it easier for low income clients to get the legal help they need. Where to go for help can be confusing for everyone! What kind of legal services are available in each of the communities we serve?

For the past few years we've been working more closely with the two Legal Aid Area Offices, the Queen's Student Legal Aid Society, and with our sister clinic in North Frontenac, Rural Legal Services, to come up with new ideas on how to provide "seamless legal services for people living on a low income".

To that end we are working with the Legal Aid Area office in Napanee to produce a joint brochure about all the services available to residents of Lennox

& Addington residents. It will be available by July 2005. For copies, you can contact the Legal Aid Area office at 1-613-354-4773 or 1-866-294-0658 or our clinic. By September 2005 we hope to have the same brochure available for people who live in Hastings and Prince Edward Counties.

We also intend to update our "Where Else to Go for Help" reference sheet. We hope to make it available on our website in the fall and also as a "tip sheet" from our offices. Stay tuned for more developments!

Michele Leering, Executive Director/Clinic Lawyer

A Time for Action to Prevent Homelessness

Community members and agencies in Hastings County are rallying and beginning to work together collaboratively through the Affordable Housing Action Network (AHAN). A public forum in February resulted in the creation of two Task Forces. On April 26, another public forum held in Belleville heard reports back about the Task Forces' plans and there was a lively discussion of next steps. The report "Boxed In: The Affordable Housing Crisis in Hastings County" was officially released. The AHAN is now a reality!

The Bricks and Mortar Task Force wants to create new housing opportunities by looking at "outside the box" solutions. They are developing an action plan with innovative ideas to explore and possibly implement over the next year. They are planning a forum called "Neighbouring Communities Taking Action" in the fall. They are also putting together a workshop on low cost home ownership. Contact Scott Robertson at 613-968-3465 or by e-mail at robertsons@hastingscounty.com.

The members of the Community Capacity Building, Advocacy and Awareness Task Force want to work on several projects including networking, information sharing, advocacy and awareness. They want to develop linkages locally, provincially, and federally to others concerned about homelessness. For more information about the work of this Task Force, please contact Patty Park at 613-967-1416 or by e-mail at pattypark@sympatico.ca.

The next public forum will be held Tuesday, June 14, from 2:00 p.m. to 4:00 p.m. at the Health Unit, 179 North Park Street, in Belleville. If you want to be kept informed by e-mail about the AHAN activities, please e-mail Jennifer Davis at firefly2000@sympatico.ca.

You can get a copy of the "Boxed In" report online at www.hastingscounty.com/Departments/SocialHousing/Social_Housing.htm.

Copies of the report cost **\$10.00** and can be obtained from Scott Robertson. People living on a low income can receive a **free** copy of the report by calling Diane French at the clinic at ext. 31.

Michele Leering, Executive Director/Clinic Lawyer

Affordable Housing At Risk – Mobile Home Parks

Mobile home parks provide affordable home ownership for many in our community. Although the home itself is owned, the land is rented and the homeowner is also a tenant of the property owner.

Most mobile home parks are in rural areas and the quality of drinking water has been a concern for many years. This concern has increased since the Government of Ontario has passed the *Safe Water Drinking Act*.

Property owners can often pass the cost of compliance on to their tenants through an increase in rent. The relationship between the homeowner and the property owner is a landlord/tenant relationship and is governed by the *Tenant*

Protection Act (TPA). To increase rent above the allowed guideline (1.9% in 2005) the property owner must apply to the Ontario Rental Housing Tribunal for an “above-guideline increase” if he/she wishes to recoup capital costs for upgrading a water system.

The TPA may allow “reasonable” water testing costs to be recouped directly by the property owner from the tenant, without going through the process of the TPA application. If you are a tenant, you should call the clinic for advice about this.

The *Safe Water Drinking Act* regulations contain provisions that apply to mobile home parks for the testing and treatment of water. There has been much controversy about these regulations, as the cost to comply is often very high. The regulations were to take effect December 31, 2005 but that deadline has been extended to July 1, 2006.

If the cost of compliance is too high for property owners, we may see mobile home parks being closed and tenants being given eviction notices. There are few options for homeowners when it comes to relocating their mobile home. Affordable housing is at risk.

Gina Cockburn, Clinic Lawyer

A Day at the Housing Tribunal



If you have a hearing at the Housing Tribunal, you must go to the hearing in order to have your side of the story heard. (Hopefully this will allow you to have the eviction stopped or postponed). Remember, if the Tribunal does not get your “Dispute” form within 5 days of when you got the landlord’s application, the Tribunal will normally cancel your hearing and evict you automatically! When you go to your hearing there are a number of people who can help you:

1. Duty Counsel
2. Mediators
3. Adjudicators

Duty Counsel:

The role of Duty Counsel is to assist tenants who have a hearing scheduled at the Housing Tribunal. Duty Counsel can provide you with free legal advice. Duty Counsel can also represent you if you want to request an adjournment or if you are trying to set aside a default order. Duty Counsel does not normally represent you at a full blown hearing, but they

sometimes can in certain special situations.

Duty Counsel can also assist you in negotiating a repayment plan and reaching a settlement with your landlord. When a settlement is reached, Duty Counsel prepares what is often called a proposed consent order which reflects the agreement you have reached with the landlord. Duty Counsel will then go before the adjudicator and read the proposed consent order to the adjudicator. The adjudicator will then make an order that is binding on both parties.

Prior to the start of the hearing, Duty Counsel will put a sign up sheet on the hearing room door so tenants who want assistance can put their names down for help. Sometimes Duty Counsel is occupied giving advice to other tenants when the adjudicator calls you up to have your hearing. If you have not had a chance to speak to Duty Counsel yet when this happens, tell the adjudicator that you want to speak to Duty Counsel before you have your hearing.

Mediators:

There are also mediators at the Housing Tribunal who can assist tenants and landlords to reach a settlement. The mediator is a neutral third party who will help tenants and

Who Else Can Help?

landlords reach an agreement. If mediation fails the tenant will have the opportunity to go before the adjudicator. If mediation is successful and an agreement is reached, that becomes binding on both parties. Remember, mediation is completely voluntary so if you are not satisfied with the settlement the mediator is proposing, you do not have to agree with it. If you do not reach a settlement with the mediator, the hearing will proceed before the adjudicator on that same day.

Adjudicators:

The role of the adjudicator is similar to a 'judge' in that they hear all the facts and evidence and they make a final decision at your hearing based on this information.

(Adapted from an article by South Ottawa Community Legal Services)

Waiver of Court Fees Access to Justice

The Attorney General for Ontario has implemented a fee waiver program for low-income users of the justice system. Attorney General Michael Bryant says "The courts are an important part of our democracy. It is imperative that people have access to the courts regardless of financial circumstances...

We are also ensuring that low-income Ontarians have access to the court services they need."

Fees will be waived for most court fees, including those for civil, small claims and family proceedings and to most court enforcement fees. Fees will not be waived for criminal or quasi-criminal fees, and to other services such as a court reporter's fee.

People who meet the eligibility criteria will automatically qualify for fee waivers, and those who do not qualify may ask a judge, in writing, for one.

For further information, contact your local court office or the clinic.

You can also visit the Ministry website at www.attorneygeneral.jus.gov.on.ca/english/courts/.

(with acknowledgement to the Law Times, Kristen McMahon, January 24, 2005)

Rent Bank for Tenants

Hastings County Social Services continue to offer a "Rent Bank" program to tenants living on low income in Hastings County. Anyone NOT on Ontario Works or Ontario Disability Support Program can apply at Ontario Works to receive funds from the rent

bank for assistance with up to two months of rent.

To access funds, contact your local Ontario Works office by telephone.

Tenants can access the "Rent Bank" once in a two-year period.

In Prince Edward and Lennox & Addington Counties, the Housing Assistance Program provides "one time" loans of up to \$1000.00. Low income families may qualify for help with rent, heat or hydro debts. Contact Ontario Works at 1-613-354-3364, select #3, to apply.

(with acknowledgement to the Social Services Newsletter, September 2004)

Pro Bono Corner

Child Advocacy Project:

Is Your Child:

- Suspended Or Expelled From School?
- Identified As "Exceptional"?

Does Your Student Have Special Needs?

As part of the clinic's ongoing Three Counties Pro Bono

Project we are now offering some service and advice in the area of Education Law, including special education issues. If you have questions about your child's right to education, dealing with the school or school board, concerns about identification, placement, suspensions or expulsions, we may be able to assist.

We also welcome our private bar lawyers who have volunteered to assist the Child Advocacy Project. Referrals to the private bar must be made through the clinic.

Survey Of Lawyers:

The clinic will be conducting a survey of local lawyers to determine the kind and scope of volunteer legal work being done in our communities. Our Steering Committee, with Barb Burford and Harry Rands as co-chairs, will review the survey results and make recommendations about recognition for these contributions.

We are also looking for volunteer lawyers to do radio spots, newspaper columns and Cable television shows on legal issues in consumer and debt, family and criminal law.

Gina Cockburn, Clinic Lawyer

Launching our Legal Clinic's Website



You can expect to see our new website up on the net this summer. Our address will be www.communitylegalcentre.ca.

Phase I of our website will be humble. You can expect to find information about our clinic and the services we offer, our locations and special projects. You'll also be able to find useful links to advocacy and legal resources. Newsletters will also be posted to the site.

Phase II in 2006 will link you to more legal information on line as we create new tip sheets on issues affecting people living on a low income and a FAQ (Frequently Asked Questions) section.

Michele Leering, Executive Director/Clinic Lawyer

10 Copies Left - Walking on Eggshells - Report by Janet Mosher

“Walking on Eggshells” is a report that calls on the Government of Ontario to make substantial changes to Ontario's

welfare system to better serve abused women. It concludes that abused women have profoundly negative experiences with the welfare system.

If you are interested in obtaining a copy, please contact Diane French at the clinic at ext. 31.

New Clinic Pamphlets now Available

If you require pamphlets for your clients or others who may need our services, please call Denise at the clinic at ext. 0.

CALC - Smooth Sailing at Quinte West

We have been successfully running our satellite office in Quinte West since June 4, 2004. The office is located at 80 Division Street, 2nd floor (Victorian Order of Nurses), Trenton. There is an elevator for clients that cannot use the stairs. The buzzer is located next to the elevator and the VON staff will operate it. The office is usually staffed by John McKean, clinic lawyer, most Fridays. To make an appointment at our Quinte West office, or any of our other satellite offices in Bancroft, Madoc, Picton or Napanee, please call the clinic first at 613-966-8686 or toll free at 1-877-966-8686.

What's New at the Clinic?

20 Years of Service

On March 25, 2005, Michele Leering, Executive Director/Clinic Lawyer celebrated 20 years of service at the clinic. Michele's holistic approach on legal and systemic issues and her involvement with community partners, agencies and support groups, have empowered the people in our community and have given them back the strength and hope to carry on. Thanks Michele for your dedication and keeping our vision strong!!



Congratulations *BAFFLEGAB*

On October 21, 2004, Community Advocacy & Legal Centre was presented with an award for "media" by the Ontario Adult Protective Service Worker Association. Many thanks extended to the clinic lawyers and support staff for their time and efforts, and to our dedicated readers, who make it all possible.

*Diane French, Legal
Secretary/Intake Worker*

How May We Help You?

We are a non-profit community legal clinic. Staff offer **free** legal information, advice, assistance, and representation to people living on a low income in Hastings, Prince Edward, and central & southern Lennox & Addington Counties in the following areas of law:

- Tenant rights
- Social Assistance including Ontario Works and Ontario Disability Support Plan
- Canada Pension
- Employment Insurance
- Employment Rights
- Workplace Safety & Insurance Board
- Criminal Injuries Compensation
- Human Rights
- Referrals to other sources of legal help

The clinic does not do Real Estate, Family, or Criminal Law, nor do we issue Legal Aid Certificates. If you have other legal problems, you may wish to contact:

* **Legal Aid Ontario:**

⇒ Hastings & Prince Edward Counties:
613-962-9634 or toll free at 1-888-551-9755 (Belleville)

⇒ Lennox & Addington County:
1-613-354-4773 or toll free at 1-866-294-0658 (Napanee)

* **Lawyer Referral Service:** 1-900-565-4577

(a \$6.00 fee will be charged to your phone bill)

BAFFLEGAB is published by:

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If you would prefer to receive future newsletters electronically, please contact the clinic at bafflegab@communitylegalcentre.ca.

If you would like to support the clinic by becoming a member or if you would like additional copies of ***Bafflegab***, please contact the 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 clinic in your area.