

# B A F F L E G A B

Semi-annual newsletter of the Community Advocacy & Legal Centre

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Fall 2012

## Prevent Homelessness! Save the CSUMB and HRB

Two key benefits for Ontario Works (OW) and Ontario Disability Support Program (ODSP) recipients are being cut by Ontario's 2012 budget.

- Prevent them from having their heat, electricity or other utilities shut off.

usually spent on the CSUMB will instead be put into a new program along with other funding from

housing-related programs that is already managed by municipalities. However, cuts in excess of 50% are expected and the Ministry of



HRB helps people on assistance who own their home to keep it in a decent state of repair. It has helped people pay for things like plumbing repairs, patching a leaky roof, or fixing damage from fire or floods so that they do not have to give up their home.

Municipal Affairs and Housing is not asking municipalities to make plans for how they will deal with housing and homelessness until January 2014.

*(Continued on page 2)*

The Community Start-Up and Maintenance Benefit (CSUMB) will end on December 31, 2012 and the Home Repairs Benefit (HRB) already ended on June 30, 2012.

CSUMB is used to pay for expenses which help people on assistance to:

- Get a new place to live;
- Stop their eviction;

Starting in January 2013, half of the money which is



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## Legal awareness workshop: Emerging rights for people with disabilities

Are you interested in knowing what the emerging legal rights issues are for people with disabilities? What challenges do people with disabilities face due to cutbacks in special funding programs? How can we improve our services to make them more accessible to people with disabilities?

Centre, will be hosting a legal information workshop focusing on disability rights issues.



The workshop will touch on various issues facing people with disabilities and provide a chance for discussion.

The workshop will be held at Quinte Gardens, 30 College Street West, Belleville, from 9:00 a.m. to 1:00 p.m., including lunch, and is open to everyone. We would appreciate a RSVP by calling Lynda Morgan at 613-966-8686, ext. 25.

In addition, ASL Interpretation and FM Devices will be provided.

For more information, please call the clinic.

# LEGAL RIGHTS

## Save the CSUMB and HRB (Continued from page 1)

Municipalities are struggling without provincial guidelines about how they can spend this money.

CSUMB and the HRB are **homelessness prevention benefits**. The loss of these benefits will put more pressure on other services in our community such as homeless shelters, transition houses, hospitals, food banks, social and public housing providers, etc. It

is also not clear how this will impact First Nations people.

### What you can do

Please speak out against these cuts!

Call or visit your local MPP to voice your concerns and ask the government to reverse these cuts (see chart below for the MPPs in our area). MPP Todd Smith has offered to bring a petition forward

to the provincial government to oppose these cuts. To sign the petition, go to his office, or alternatively, you can come to the clinic's Belleville office.

You can also go online to send an email to the government: <http://sareview.ca/isac-news/act-now-to-save-housing-supports-for-people-on-ow-and-odsp/>.

*Teri Muszak, Student-at-law*

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## Do you want to learn more about consumer law?

The Community Law School of Sarnia-Lambton is releasing monthly columns and other valuable resources to help people learn more about how to deal with problems from pay day loan companies, energy resellers, cell phone contracts, and collection agencies, just to name a few.



You can find many of these articles by visiting their website, <http://communitylawschool.org/lawtalk>.

The School has also just developed more than a dozen webinars on these topics. You can watch these webinars at <http://yourlegalrights.on.ca/training-topic/consumer-law>.

You can also go to the Consumer Law part of our clinic's website at [www.communitylegalcentre.ca/legal\\_information/Consumer/Links.htm](http://www.communitylegalcentre.ca/legal_information/Consumer/Links.htm) to link to all these materials as well as many other resources on consumer law.

*Michele Leering, Executive Director/  
Lawyer*

## Where can I find more information about family law online?

*The following is a copy of our recently published LEARN LAW column on online family law resources.*

If you are struggling with a breakdown in your relationship with your spouse, you may be confused about your legal rights and obligations or frustrated about the way our legal system works. There are a number of reliable and easy to understand online resources available to help you. You should be very careful when you read legal information on the internet. You must make sure the information is correct, up-to-date, and applicable to your jurisdiction (i.e. to make sure that you are looking at information that applies to Ontario). Legal information online is not a substitute for legal advice, consult a lawyer if you have a legal problem.

Legal Aid Ontario's (LAO's) website also has special legal information videos called the "Family Law Information Program" ([www.legalaid.on.ca/en/getting/flip.asp](http://www.legalaid.on.ca/en/getting/flip.asp)), which provides a lot of information and explains the family law process from start to finish.

Community legal clinics in Ontario do not practice family law, but the Community Advocacy & Legal Centre's website has a special section full of family law information and referrals at [www.communitylegalcentre.ca/referrals/Family\\_Law.htm](http://www.communitylegalcentre.ca/referrals/Family_Law.htm).

Community Legal Education Ontario (CLEO) has resources that are designed to take the mystery out of this system and help you understand what needs to be done to protect your rights at [www.yourlegalrights.on.ca](http://www.yourlegalrights.on.ca). CLEO's information is also available in pamphlets that can be picked up at your local community legal clinic.

The Law Society of Upper Canada hosts a website at <http://yourontariolaw.com>, containing lots of information and links to other resources.

Another excellent online resource is Family Law Education for Women (FLEW), which is available at [www.onefamilylaw.ca](http://www.onefamilylaw.ca). Here you will find more detailed legal information available in 14 languages, including American

Sign Language. This website also allows you to listen to the information through your speakers or headphones.

Ontario's Ministry of the Attorney General's website, has a great section about family law at [www.attorneygeneral.jus.gov.on.ca/english/family/](http://www.attorneygeneral.jus.gov.on.ca/english/family/). This website can help you if you are wondering what to expect when you have to go to court. It also has a section with links to websites and books for children, which can help them understand what is happening.

If you are looking for Family Court forms, you can find them at [www.ontariocourtforms.on.ca/english/](http://www.ontariocourtforms.on.ca/english/). This website also has a "Forms Assistant" that will guide you through filling out the most common court forms.

If you are wondering about monthly payments for child support, you can check out the Department of Justice's "Child Support Online Lookup" tool at [www.justice.gc.ca/eng/pi/fcy-fea/lib-bib/tool-util/apps/look-rech/index.asp](http://www.justice.gc.ca/eng/pi/fcy-fea/lib-bib/tool-util/apps/look-rech/index.asp).

### Have you been hurt while at work?

Remember to make a claim with the Workplace Safety and Insurance Board (WSIB) as soon as possible, **even if you don't take time off work**. You can find the claim form (Form 6) online at [www.wsib.on.ca](http://www.wsib.on.ca) or call the WSIB at 1-800-387-0750 to have one sent to you.

You must complete Form 6 and your doctor must complete Form 8 (your doctor should have a copy or he/she can download one from the WSIB website). If your claim is denied, call us for help.

### Annual General Meeting

All are welcome to attend the clinic's Annual General Meeting on November 23, 2012.

It is being held at 30 College Street West, Belleville, from 1:00 to 2:00 p.m.

# LEGAL RIGHTS

## Dealing with a former landlord

At this time of year, many tenants are moving into new places. And while moving can be a fresh start, sometimes problems with a previous landlord can linger. We will look at some of the most common scenarios.

### Damage to the unit

Most landlords do inspections after tenants move out, and they often find various things wrong that they then want the tenant to pay for.

Tenants are responsible to pay for "undue" damage, which is more than ordinary wear and tear, if it was caused by them or their guests, either on purpose or through carelessness.

So if a former landlord wants the tenant to pay for damage that is really ordinary wear and tear, or that was caused through no fault of the tenant or their guests, the tenant can simply refuse.

But if the landlord takes legal action, usually in Small Claims Court or at the Landlord and Tenant Board, the tenant must respond within the time limit, or the landlord may win their case by default.

### Not giving proper notice

When a tenant decides to move out, they must give the landlord proper notice. If they don't, they could continue to be responsible for the rent even after they move.

Giving proper notice can be tricky. Here are the main requirements: It must be in writing, and dated and signed by

In Ontario, landlords cannot ask for a damage deposit or use a tenant's last month rent deposit to cover damage. If the landlord does this, the tenant can apply to the Landlord and Tenant Board for an order that the deposit be returned.

the tenant. It is best to use the form that is on the Landlord and Tenant Board's website at <http://www.ltb.gov.on.ca/en/Forms/>.

In most cases, tenants must give at least 60 days' notice if they pay by the month and 28 days if they pay by the day or week. Usually, the tenant must

choose a date to move out (the "termination date" on the form) that is the last day of a rental period. (This is the rule that trips up many tenants – and landlords.)

If there is a lease, the termination date cannot be earlier than the last day of the lease.

Even if the tenant did not give proper notice, there are rules that limit how many extra rent payments they can be held responsible for. Also, the landlord must try to minimize the amount of rent they are losing before they can claim money from the outgoing tenant. For example, the landlord should rent the unit to a new tenant as quickly as possible.

As with damage claims, the tenant can simply refuse to pay if they think the landlord's claim is not justified. But they must respond to any legal action the landlord takes.

*Reprinted with the permission of Community Legal Education Ontario. Original article available at: <http://us4.campaign-archive2.com/?u=acaeece29df8d07c95ef84a763&id=505082cbf1>.*

### Do you or your clients need an ASL interpreter?

We have a Video Remote Interpreting (VRI) system to better serve our Deaf community. This interpreting service supplements the in-person interpreters available from the local Canadian Hearing Society. Call us for more information. We can also be contacted by TTY or email. (See back page.)



### National Housing Strategy Day

AHAN is hosting the 7<sup>th</sup> Annual National Housing Strategy Day, with the support of Canada Mortgage and Housing Corporation.

The event, "Supportive Housing and Shelter Solutions," will be held at the "Straw House" in Madoc on Tuesday, November 20. Details can be found on the CALC or AHAN website. The clinic will present our 2012 Housing Issues Review and Recommendations in follow up to 2001's Eviction Prevention Report "Beyond Band-aids."

## LEGAL RIGHTS

### Unemployed workers affected by proposed changes to EI

The Government of Canada has proposed a number of changes to the Employment Insurance (EI) benefits system. New requirements are expected to be put into place in early 2013.



Unemployed workers will face stricter job search requirements and be expected to take jobs at a rate as low as 70% of their previous earnings. This means that workers may have to work for lower wages

and take jobs outside of their field. Workers may also be required to commute up to one hour to get to their jobs. The proposed changes will particularly impact seasonal workers, who will now be expected to take lower paying jobs during their seasonal lay-off period.

The Government is also making changes to connect unemployed Canadian workers with the

Temporary Foreign Worker program. The Government wants to encourage Canadian workers to fill these jobs before employers would be approved to hire migrant or temporary foreign workers for the positions.

Special benefits, such as parental, compassionate or sick benefits are not affected by the proposed changes.

*Samantha Hayward, Clinic Lawyer*

#### Free Family Law Consultations in Bancroft

The clinic is hosting a Legal Aid Ontario-funded family law lawyer at our office in Bancroft as part of a pilot project. The lawyer will be able to see you on a drop-in basis in Bancroft on Tuesdays, October 23 and November 27. If you are hoping to see a lawyer in the month of December, please call 613-962-4422 early in the month to see if there will be an additional drop-in family law session scheduled in mid-December.

You can ask the lawyer about issues such as child custody, access to your children, child support and spousal support. The lawyer will be at our Bancroft satellite office at 23 Bridge Street (in the Mental Health Support Network office) from 9:30 a.m. to 12:00 p.m. and from 12:30 p.m. to 2:30 p.m.

These drop-in appointments will be offered on a first-come, first-serve basis. Financial eligibility limits may apply.

### LEARN LAW legal information columns: Update

The legal information column, LEARN LAW, has been appearing in local newspapers since February. The column is a public service organized by members of Legal Aid's Five County Service Coordination Network and written by volunteer lawyers as well as staff at community legal clinics and Legal Aid Ontario.

The articles aim to increase legal literacy in small urban, rural, and remote areas of Hastings,

Prince Edward, and Lennox & Addington counties.

Articles published so far include:

- Legal Information Column—Introduction
- Legal Separation
- Changes to Income Tax Refunds
- Where can I find more information about Family Law Online? (see page 3)
- Why Make a Will?

- What can I do if I've been fired?
- Making an Employment Standards claim
- Thinking about renting? How does the RTA apply?
- Have your Human Rights been violated at work?

These articles are on our website at: [www.communitylegalcentre.ca/news/Latest\\_News.htm](http://www.communitylegalcentre.ca/news/Latest_News.htm).

*Ali Black, Access to Justice Coordinator*

## WHAT'S NEW AT THE CLINIC

### Library collaboration: Legal information available in rural areas!

The clinic continues to work closely with local public libraries to make reliable legal information more accessible to patrons. We worked with Community Legal Education Ontario (CLEO) to provide training to Belleville, Deseronto, Napanee, Prince Edward County, Quinte West, Stirling, Tweed, and Tyendinaga public libraries on where to find legal information and how to refer library patrons to these resources. The clinic and CLEO also visited libraries in Bancroft,

Carlo-Mayo, Coe Hill, and Maynooth to provide copies of CLEO's print materials and information on where to find reliable online legal information.

Public libraries work with limited budgets and limited staff. It is difficult to keep print copies of legal material up to date and most legal books are not written in a way that is easy to understand. So reliable online legal resources are an important source of referral information.

Many library patrons are concerned about confidentiality when dealing with a legal issue. The availability of CLEO pamphlets and online resources in local libraries makes it easier for patrons to find the information they are looking for.

You can attend any of the libraries listed above to access legal information sources or call us for more information.

*Samantha Hayward, Clinic Lawyer*

### Creating paths to justice: Reporting on special projects

Our March 2011 report *Paths to Justice: Navigating with the Wandering Lost* spurred on new initiatives with other LAO-funded service providers with the help of an Innovations grant from Legal Aid Ontario (LAO).

Working locally in the last 6 months, clinic staff identified a whole host of potential "Access to Justice partners."

In Phase I of the project, with the aim of better coordinating available LAO-funded services, we proceeded to meet and discuss with these partners how we could improve the paths to justice for people who are poor and vulnerable.

We discovered that some service providers were not aware of our poverty law services and that many were struggling to find information and help for people who have family law problems.

As a result of what we learned, we developed and delivered learning sessions on how to get legal help, where to find credible legal information, and how to "red flag" legal problems.

Although clinic staff do not provide family law services, we began working with the Durham-Frontenac District Office and the Provincial Office of Legal Aid Ontario to create a LEARN LAW series on family law issues and several informative newspaper

columns (one is reprinted in this newsletter). We also developed a resource package on family law resources for the new Mediation and Information and Referral program. Working closely with LAO's new Family Law Staff Lawyer, we worked out space-sharing arrangements and ensured better information resources for clients visiting Family Law Information Centres.

In Phase II, we hope to work more closely with local lawyers, court staff, victim service organizations, family court workers, and Government Information Centres, among others.

*Michele Leering, Executive Director/ Lawyer*



#### **Our Trenton office has moved!**

We are excited to announce that effective September 1, 2012, our Trenton Satellite office is now located at 50 Elgin Street in Trenton, inside the Community Partners for Success building. Our Trenton Satellite office is open most Fridays by appointment only. Clients are able to park at the Community Health Centre around the corner for their appointments with the clinic. Please call us to make an appointment.

## WHAT'S NEW AT THE CLINIC

### LEARN LAW sessions for service providers

As part of our Legal Aid Services Together project (@LAST), the clinic has organized LEARN LAW lunch sessions. The sessions are aimed at increasing the legal awareness of various services providers and providing them with training on how to make the most appropriate referrals.

With the help of the Family Law Staff Lawyer and a volunteer lawyer from the

private bar, we have offered sessions on family law issues in Picton, Madoc and Bancroft. The clinic is working to expand the family law presentation to other locations and to offer similar sessions on wills and powers of attorney with the help of local private bar lawyers.

Call us for more information.

*Ali Black, Access to Justice Coordinator*

### Board members sought: Want to give back to your community?

Do you want to know more about how poverty impacts on access to justice? Have you wondered how you might get involved? Now could be the time!

CALC is looking for members of the community to stand for election to the clinic's Board of Directors. If you think you might be interested and want more information please visit our website at [www.communitylegalcentre.ca/about/Board.htm](http://www.communitylegalcentre.ca/about/Board.htm), call Lynda Morgan at ext. 25, or contact us by TTY. We will need your membership and nomination forms by **November 20, 2012**.

### Access to justice: Encouraging new and emerging lawyers

The legal system and Legal Aid need lawyers and paralegals who are dedicated to access to justice and working towards social justice outcomes. We have developed new programs to help train law and paralegal students to become better advocates on behalf of poor people and marginalized groups. With the help of the Law Foundation of Ontario and Service Canada, we created 2 articling positions to help serve rural and remote residents of our 3-county service area. We set up a pilot Law Intern program with Queen's Law School and have welcomed 4 law students 1 day a week. We are working more closely with the Loyalist Paralegal Program

and hope to welcome 4 paralegal students for 4-week placements. We have committed to hiring at least 3 law students each summer for 16 weeks to expose them to "the law as lived." We recently became a registered charity so that we could fundraise for our Law Intern program. Finally, we are finding that a number of our volunteers are people who intend to go to law school.

Our training focuses on creating skills in "reflective practice" which ensures that the students are sensitive to issues of injustice and inequity, and can build the necessary personal and professional capacities to

dedicate their careers to improving access to justice. In addition to learning traditional legal skills, students participate in special projects. These have included developing public legal education presentations on Wills and Powers of Attorney, creating a resource on Compassion Fatigue for clinic staff, and contributing to an important reference resource in employment law - an innovative wiki on Employment Standards issues.

If you are interested in learning more about our training program or want to be a volunteer or intern, call us or go to our website for more information.

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

What do the legal clinic staff and Board of Directors achieve each year for our clients and community? What difference do we make? If you are interested in this question, you will want to read our **2012 Annual Report**.

The report will be released at our Annual General Meeting on November 23. Once released, you can find the full report at [www.communitylegalcentre.ca/about/Board/Annual\\_Reports.htm](http://www.communitylegalcentre.ca/about/Board/Annual_Reports.htm) or we can send it to you by mail. Just call the clinic for your copy.

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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.

## Clinic staff & Board news — Comings and goings

### Welcome to:

- Articling Student **Te-Anna Bailey**
- Access to Justice Project Coordinator **Ali Black**
- Wills and Power of Attorney Pro Bono Project Coordinator **Dari Haddon**
- Law Intern **Jillian Burford-Grinnell**
- Queen's Law Externs **Jessica Wu, George Pakozdi, and Sheru Abdulhusein**
- Volunteers **Evan Barz and Jane Pohler**

### Goodbye and thanks to:

- Summer Law Students **Chris Robertson, Greg Parker, and Matt Taft**
- Administrative Assistant **Anne Sweet**
- Volunteers **Jane Boyle, Colleen Bovay, Nadia Lampkin, Yan Gao, and Jeanette VandenEykel**
- Board of Directors **Ruth James**, who has served 6 years

### Congratulations to our volunteer named "Volunteer of the Week"!

Michael Green — August 2012

## Volunteers welcome

The clinic appreciates past volunteers and placement students and thanks them for their hard work and dedication. We need volunteer help with office duties, working with clients, preparing legal education materials and more. For information about volunteer placement opportunities at the clinic, 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 [powells@lao.on.ca](mailto:powells@lao.on.ca).

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