

Canada Disability Benefit: A tragic missed opportunity

The Federal Government announced in their April budget that the long-awaited Canada Disability Benefit (CDB) would be capped at a maximum of \$2,400 per year, or \$200 per month.

The government's initial talking points led people to believe this program would lift people with disabilities out of poverty.

If the CDB remains capped at \$2,400, it will do nothing of the sort. This would be a shocking and tragic missed opportunity to lessen the deep poverty affecting many people with disabilities.

To make matters worse, the CDB will have restrictive eligibility criteria: only people eligible for the Disability Tax Credit (DTC) will be able to get it. It is widely known that the DTC is under-used, and hard to get.

Another challenge is only people with specific kinds of medical restrictions (for example walking, hearing, or

people who are most in need of the CDB, including those living on a low income.



CALC is urging the federal government to increase the CDB amount and develop better eligibility criteria. There is still time for the government to change course and deliver on the original promise of the CDB that gave hope to people with disabilities for a future without poverty.

memory) can get the DTC, meaning people with disabilities outside these narrow categories will not be eligible. Only a doctor or nurse practitioner can fill in the DTC forms, and many people in Ontario do not have one because of the current family doctor shortage.

Making the DTC the gateway to the CDB will only increase barriers for

You can learn more about the CDB on the government of Canada's website: <https://www.canada.ca/en/employment-social-development/programs/disabilities-benefits.html>.

Lisa Turik, Executive Director/Lawyer

ODSP rate increase

The Ontario Disability Support Program (ODSP) rates are set to increase by 4.5% effective July 1, 2024.

This inflation-based increase applies to basic needs and shelter maximum amounts, board and lodge amounts, the amount provided for a couple where both have disabilities, and amounts for services provided by a long-term care home or specialized care residence.

This will be the second annual inflation adjustment to ODSP rates – the first one, in July 2023, was a 6.5% increase.

Unfortunately, no changes are being made to Ontario Works rates.



Sexual harassment in the workplace update

CALC's 5-year project to end Sexual Harassment in the Workplace (SHIW) concluded on March 31, 2024.

The project's goals were to help workers understand what sexual harassment is, how it can show up in the workplace, and their rights.

CALC provided education to over 1300 people, ran a social media and poster campaign, and gave free legal advice to workers who had experienced sexual harassment.

We also worked to build employers' understanding of their legal responsibility to investigate and respond to all complaints of sexual harassment.

Education session participants told us that they learned a lot from our

project – for example, that what they thought were acceptable remarks about someone's gender or sexual orientation were in fact forms of sexual harassment.



We were honored to support Survivors of SHIW who came to our clinic for legal advice about their specific experiences.

Although the project has formally ended, it doesn't change much at

CALC: we will continue to provide educational sessions about SHIW, discrimination and workers' rights, and also continue to provide legal advice to workers who have experienced SHIW and are financially eligible for our services.

We are very grateful for the funding from the Federal Government that made this project possible.

Let us keep working to #EndSHIW in our region!

Please contact us if you are experiencing sexual harassment in your workplace.

Claire McMenemy, Clinic Lawyer



All about last month's rent

Last month's rent deposits can cause a lot of confusion for tenants and landlords alike.

When you are renting a unit, a landlord is allowed to ask for a last month's rent deposit, or LMR. This is meant to cover rent for the last month of your tenancy.

If you move out without notice, it provides some security to the landlord. If you give proper notice (60 days for most month to month tenancies), the landlord must use the LMR for the last month that you live in the rental unit.

The LMR can't be more than the agreed on monthly rent. If a landlord doesn't ask you for an LMR before

you move in, you don't have to pay one.

Tenants are owed interest on their LMR each year. The amount of



interest payable is the same amount as the annual rent increase guideline. Often, if a landlord raises the rent that year, they will pay the interest to the tenant by adding it to the LMR, so the deposit equals the monthly rent.

If you receive an above-guideline rent increase (which would need to be approved by the Landlord & Tenant Board), the landlord is allowed to ask you to "top up" the LMR so your rent and LMR stay equal.

A landlord can ONLY use the LMR for the last month of your tenancy.

They can't use it to pay for damages in the rental unit, or use it to pay off arrears that you owe.

If you have questions about last month's rent deposits, call CALC for more information.

Samantha Hayward, Director of Legal Services



What you should know if you get income from tips

Tipping is often a significant source of income for employees in the hospitality industry. It is important for employees to understand how tips are regulated to prevent abuses in the workplace.

In Ontario, the Ministry of Labour enforces the *Employment Standards Act (ESA)*, which provides minimum employment standards in Ontario. It also provides some rules for tips.

A tip or gratuity is defined as a voluntary payment (including cash and electronic payments) intended for the employee(s), such as:

- a payment left by a customer for an employee (Example: cash tip left on table);
- a payment made to an employer but intended for an employee (Example: when paying a tip through a debit machine); or
- a service charge payment intended to be for an employee (Example: a mandatory service charge which represents a percentage of the final bill).

Under the ESA, an employer cannot withhold tips or make deductions from tips except in limited circumstances. The ESA outlines 2 situations when an employer can withhold tips:

- if there is a law requiring deductions (such as taxes, Employment Insurance, Canada Pension Plan) or a court order; or
- if the employer intends to redistribute the tips among some or all of the employees ("tip pooling").

Tips determined to be held illegally by an employer are treated as if it were wages owed to an employee.

The ESA limits employers or owners from joining tip pools. But if an employer or owner regularly does similar work as employees "to a substantial degree," they may be able to share in tips. It's decided case by case. For instance, if an employer only pitches in occasionally, like during slow times, they probably can't join the tip sharing.

The ESA does not require tips or provide rights to tips - the employer is given significant control in forming the terms of the tip pool.

There is no rule requiring regular payment of tips, but the Ministry of Labour requires payment of tips within a "reasonable time." If withheld unreasonably, the Ministry of Labour can force payment as if it were wages.

There is no requirement for rules on tips to be written, however, if an employer does not allow tips in their business, then this should be clear to customers and staff.

If you have questions about your rights as an employee, call us!

Justin Chong, Clinic Lawyer

**WELCOME ✖
to the TEAM**

We would like to welcome 3 new summer law students, Shayna, Matthew and Tamara, who will be working with us from May through to August!



Staying safe from scams

Every month scammers are getting more and more creative about stealing from people. Here are some tips to stay safe and avoid getting taken.

1. Verify who is calling. If it's really your bank or your credit card company, you will be able to call them back at the number on the back of your bank or credit card. Is that really your grandson calling and asking for financial help? Ask a question only they would know the answer to before you fork over your credit card number.
2. Be wary about gift cards. Reputable businesses and organizations do not require you to pay by gift card. If someone on the phone is insisting you need to go and buy a gift card, this is almost guaranteed to be a scam.
3. Don't cash suspicious cheques. If it seems too good to be true, it probably is. If you aren't expecting a payment, do your homework before cashing a cheque that appears in your mailbox and avoid cashing

cheques for people who ask you to do it "as a favour."

4. Be cautious with your information on social media. Facebook quizzes might seem like harmless fun, but scammers can use these to get personal information from you.

These are only a handful of ways scammers can take advantage of people. Being cautious and vigilant can help you avoid being taken in.

Samantha Hayward, Director of Legal Services

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**COMMUNITY ADVOCACY
& LEGAL CENTRE**

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

Phone: 613-966-8686
Toll-Free Phone: 1-877-966-8686
Fax: 613-966-6251
Email: contact@calc.clcj.ca

www.communitylegalcentre.ca



<http://twitter.com/calctweets>



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What is a NOSI and why should you know about them?

A Notice of Security Interest ("NOSI") is a notice registered by a business against a homeowner's real property. This can happen when a homeowner rents or buys equipment with a loan, such as a furnace, water heater, carbon filter or air purifier. Part of the rental or purchase and financing agreement includes a term that allows the vendor to register a NOSI against the title to the buyer's home.

A NOSI can be registered with Ontario's Land Registry System so that the business has priority and can remove and sell the equipment (or fixture) if the homeowner defaults on payments.

What is the problem?

Unfortunately, some bad actors have misused NOSIs against vulnerable people, including seniors and persons with disabilities, who only find out a NOSI has been registered against their home when they are trying to sell their home or re-finance it.

These 'bad actor' businesses and lenders will register a NOSI that is often many times the value of the equipment and

charge high interest rates. NOSIs have also been used as part of mortgage fraud schemes. Problems can arise when the homeowner wants to sell their home and needs to pay large amounts of money to remove the NOSI from title, which they cannot afford.

Government consultation and proposed legislation to end NOSI?

In Fall 2023, the Ministry of Public and Business Service Delivery launched a public consultation and obtained input from various sectors on these problems.

The Ministry has now proposed to ban NOSIs and allow homeowners to remove existing NOSIs from their title. This should provide greater protection for homeowners against bad actors from preying on vulnerable consumers.

Stay tuned to CALC's social media pages for updates as they become available.

Karen McClellan, Clinic Lawyer



Upcoming office closures for Indigenous days

In recognition of Indigenous Peoples, including the traditional Mohawk, Chippewa, Anishnaabe, and Haudenosaunee territory on which we work, CALC offices will be closed on National Indigenous Peoples day, Friday, June 21.



We will also be closed on Monday, September 30, the National Day for Truth and Reconciliation, so that staff can engage in cultural awareness activities.

We are committed to supporting reconciliation and recognize it as our duty.

Lisa Turik, Executive Director/Lawyer

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 a [community legal clinic](#) near you.