

HAMILTON COMMUNITY LEGAL BRIEFS

November 10, 2009

An Information update from Hamilton's Community Legal Clinics

Improving Our Rental Housing

by Bob Wood, Community Development Co-ordinator at McQuesten Legal and Community Services

The City of Hamilton is looking at the idea of regulating rental housing.

There are a number of ways that this could be done. Licensing all units, proactive enforcement of the property standards by-law, and mandatory registration of rental properties are possibilities. Doing nothing is an option, too, favoured by many landlords and the property management business.

Hamilton's Community Legal Clinics don't see "doing nothing" as a viable option. We work with thousands of tenants every year who encounter rodent infestations, mould, the withholding of vital services and many other problems.

We'd like to see:

- more proactive enforcement
- increased fines and
- the posting of orders and notice of infractions in some manner that

tenants can quickly and easily access.

Improving rental housing stock will have long term benefits to the community as a whole. For example, a recent study from Great Britain found that health care costs for occupants were reduced by 7-fold when housing was substantially rehabilitated.

Any kind of regulation should benefit tenants and allow them to make better housing choices. Bad landlords will find it harder to continue renting substandard housing. Good landlords will thrive in this environment.

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Community Legal Clinics To Bring Charter Challenge To The Minimum Necessary Income Requirement

A notice Posted October 15, 2009 from the Metro Toronto Chinese & Southeast Asian Legal Clinic:

Do you have clients who are not able to sponsor their family members to Canada because their income is too low? If so, we need your help.

Under the Immigration and Refugee Protection Act (IRPA), Canadian permanent residents and citizens who wish to be reunited with their families from abroad are subject to a Minimum Necessary Income requirement imposed on family class sponsors.

In order to sponsor their family members, the sponsors must make a certain amount of income within the 12 months prior to sponsorship. This provision applies to people who wish to sponsor their parents, grandparents, and other family members (other than spouse and dependent children).

Immigrant and refugee advocates have long expressed concerns about the financial eligibility requirement under the immigration law and the barrier it creates to family reunification for immigrants. While all immigrants and refugees are affected by this financial restriction, we believe that there is a more severe impact on women, racial minorities and people with disabilities because of the multiple disadvantages they face, and the fact that they are

more likely to come from low income families.

A group of lawyers and community legal clinics are working together to bring a challenge to the income requirement. We will be asking the Immigration Refugee Board to repeal the provisions in the IRPA requiring sponsors to meet the minimum necessary income requirement. The hearing of this case will take place sometime in 2010.

In order to achieve our goal, we need your help. In particular, we are seeking individuals to share their experiences with us in the form of affidavits in order to show the systemic impact of the law on the communities. As service providers, if you come across any client who might be affected by the LICO provision and/or the social assistance bar to sponsoring immediate family from abroad, we ask you to advise your client of our legal challenge and to seek their permission to refer his/her case to us. Specifically, we are looking for clients who are unable to sponsor their families, or their sponsorship has recently been turned down, because of the LICO requirements, and who are facing additional barriers because they are: immigrants, refugees, women, racial minorities, or people with disability.

We thank you for your help. If you need any further information, or have any question, please do not hesitate to contact Avvy Go, Metro Toronto Chinese & Southeast Asian Legal Clinic, 180 Dundas Street West, Suite 1701, Toronto, Ontario, tel: (416) 971-9674, fax: (416) 971-6780, email: goa@lao.on.ca.

Gathering Stories from ODSP Recipients

The ODSP Action Coalition is collecting stories.

Are you on ODSP? Are you related to or a friend of an ODSP recipient? Do you work with people on ODSP?

The Coalition is looking for personal stories from people facing the challenges of living on ODSP. They're going to use the stories to lobby elected officials to improve the ODSP system and make it a more humane, accessible and generous one.

They're collecting stories up until January 15, 2010. for more information go to:

www.odspaction.ca/

Why don't we want the poor to own anything?

by Bob Wood, Community Development Coordinator

John Stapleton is a well respected social policy expert who has written a report entitled "Why don't we want the poor to own anything? Our Relentless Social Policy Journey toward Destitution for the 900,000 Poorest People in Ontario." (www.metcalffoundation.com)

The title says a lot.

The report is about asset testing and a "Coles notes" summary of its findings can be found at the Spectator's Poverty blog at <http://poverty.thespec.com>

Asset testing limits eligibility to welfare benefits when applicants have certain liquid assets above an established limit.

While most programs in Canada have abandoned asset testing approximately 7 per cent of Ontario's population is subject to often stringent asset testing mostly in social assistance programs.

Below one reader of the Poverty Blog shares his insights on what asset testing means to him:

"As a person who is caught in the trap of having had a total of about \$2,500 in a chequing and a savings account, and who must now live on that bit of savings until I have no more than \$572 in these accounts, I can tell you that it feels like being stripped naked and thrown out in the cold.

I don't have an RRSP or anything like that. I don't own a home or a car. That savings account was the only retirement fund I had and now it's gone.

I'm 58. I'm still looking for work. What chance will I have of rebuilding any kind of retirement fund?

How will I live on only Canada and Old Age pensions when I am forced to retire? How will anyone?

This is only one of the ways that it will cost more in the long run to help the thousands of people like me, who have been forced to use up everything they had worked years to accumulate before they lost the often low paying jobs that they had. Even low paying jobs are essential. Somebody has to do them.

And raising the minimum wage only succeeds in making everything cost more. No one wins."

Hopefully, asset stripping is one area that will be changed when the province finally gets around to reforming the social assistance system.

Fairness To Tenants

Bob Wood is Community Development Coordinator at McQuesten Legal and Community Services. A longer version of this story originally appeared on the Hamilton Spectator's Poverty Blog.

Feel like getting out of town? The cottage life might not be as difficult to obtain as you think.

In fact, it is easily available to you at King and Bay as the Regal Hotel undergoes what Hamilton Spectator reporter Nicole McIntyre called a "Muskoka Makeover." ("It's the Cottage Life at King and Bay streets" August 26).

We in the Community Legal Clinics had a tough time with this story and we wrote the Spectator to tell them why.

Our argument went like this:

It might be nice to see that an old Hamilton building is being fixed up but people actually lived at the Regal. They lost their housing in the "makeover." Those 15 to 20 individuals may not have received proper notification as they are entitled to under the law - 120 days notice. There may not have even been legal grounds to evict the tenants in the first place.

There is a serious shortage of affordable housing in our city. With the Regal's transformation into a "really expensive cottage," Hamilton lost 20 units of affordable housing.

What's Next?

Some of us met with municipal officials recently. We think it is important to understand what approvals the municipality has given on this property as it facilitated its transformation into a Muskoka paradise. We want to find ways to ensure what happened at the Regal doesn't happen again.

In the meantime, those who were tossed out this spring may be entitled to some compensation. A hearing before the Housing Tribunal could determine that. If you know any of these men, please have them contact me at 905-545-0442.

Make no mistake, the Regal was no paradise but it was home to many individuals — and they have rights.

More information on items in this newsletter can be obtained by contacting r_wood@lao.on.ca or by calling 905-545-0442.

