

Community Legal

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Early Intervention tries to reduce evictions

Between 75 and 100 tenants in the Hamilton area face the possibility of eviction from their homes every week. You may find that number shocking. But you may be even more disturbed by the fact that many tenants don't know or understand that the landlord is trying to evict them and that they have a right to dispute the landlord's actions.

Hamilton's Community Legal Clinics and the Solutions for Housing Action Committee (SHAC) are trying to redress some of the imbalances presented by the Tenant Protection Act. Since the first week of August, volunteers have been calling tenants from a list purchased from the Ontario Rental Housing Tribunal. "We want to make sure tenants are aware of the proceedings against them, and what they can do to prevent the eviction" said Peter Hutton a Community Legal Worker at Dundurn Community Legal Services.

The Tenant Protection Act only allows a time period of 5 days for tenants to dispute an application served against them by their landlord. The dispute guarantees a hearing before the Tribunal and also extends the time in which a tenant can try to negotiate a resolution to the situation. This is particularly important because while most evictions are disputes about money, not all of them are. Often the tenant has monetary claims against the landlord as well.



Of course, not all tenants have phones where they can be reached. All tenants on the list are mailed an information package and a dispute form that includes numbers to call for help. Right now, the project is proceeding on a trial basis. The clinics have to pay for the list information. We will be seeking a more permanent solution to the lack of information that is currently provided to tenants. Our results indicate that the

contact has made a valuable difference in people's lives. This inspires us to work on expanding the project to not only consider continuing this work, but to also consider expanding it to assistance with tenants facing rent increases and other forms of tenant organizing. Contact any of the Hamilton clinics if you are interested in supporting or learning more about this effort.

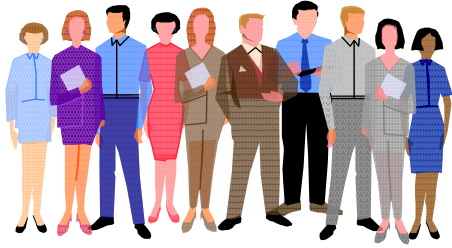
Housing Guide Hot Off The Press!

The 2000 edition of the "Survival Guide to Housing in Hamilton: What you should know about rental and emergency housing" is now available. First produced in 1994 and last updated in 1997, the 2000 edition includes important information on the *Tenant Protection Act* and the Ontario Rental Housing Tribunal. The publication is an extremely useful and practical guide to rental, Not for Profit, co-operative and emergency housing. It is a unique compendium of legal and housing information together with lists and descriptions of housing providers and the agencies and services available to those in search of housing. The Survival Guide is published by Dundurn Community Legal Services, Hamilton and Area Coalition of Tenants Associations, Hamilton Mountain Legal & Community Services, Housing Help Centre for Hamilton-Wentworth, McQuesten Legal & Community Services and the Social Planning & Research Council of Hamilton-Wentworth. These agencies gratefully acknowledge the generous support of Hamilton Community Foundation in funding this project.

To pick up copies of the Guide, please contact the Housing Help Centre at 528-0221.

EMPLOYMENT

STANDARDS



Currently the provincial government is proposing several changes to the Employment Standards Act (ESA). The ESA provides for the minimum standards by which all Ontario employers must abide (unionized workplaces excluded). Two of the proposals put forth by the government which this article will focus on are: minimum wage, and dispute resolution.

Minimum Wage Frozen

Currently Ontario's minimum wage is \$6.85/hour. This has not changed in 5 years. At this time, the government does not feel it necessary to raise the minimum wage. The changes to Ontario Works (OW) legislation that eliminate the STEP exemption after 2 years are partly premised on the idea that a recipient's wages will rise over time. Many OW recipients who are working, are unfortunately only able to find minimum wage employment. Therefore, without an increase to the minimum wage, not only does this person have their buying power reduced over time because of cost of living increases, but it may also force them (if they are on OW) to remain on assistance even longer. What is the benefit of looking for minimum wage work when that money is deducted from your cheque dollar for dollar and is also not enough to make ends meet? An increase to the minimum wage could be the 'helping hand' that some recipients need in order to get back into the workforce.

Dispute Resolution

Currently, a formal dispute resolution process exists under the ESA. In their proposals, the government has indicated that it would like to follow a direction in which disputes in non-unionized workplaces would be dealt with internally (and informally). As a deterrent to potential violators, more severe penalties would be instituted. The major problem with this proposal is that it assumes a balanced and equal relationship between employer and employee ie. there is an assumption that an employee shares equal power with their employer. This is rarely, if ever, the case. Severe penalties for violating the Act are only as effective as the willingness to investigate,

pursue, and prosecute them. If the government's track record on prosecutions in Tenant Protection Act offences is any indication, then this 'threat' to violators is indeed a hollow and ineffectual one. For low income workers, any termination of the employment relationship that results often has a direct (and usually negative) impact for those who are receiving/applying for OW and/or Employment Insurance benefits as a result of quit/fire penalties. How does a person who felt intimidated by the employer (in the workplace and throughout this informal resolution process) prove to OW or EI that they had just cause to leave? If they cannot prove this, then their assistance could be jeopardized.

A strong ESA is needed to maintain a fair balance between employers and employees. Changes to the ESA should not widen this gap, nor should they operate so as to further disempower low income workers.

SPECIAL ADVISORY...

Ontario Works Caseworkers Order Some Recipients to Move

A number of Ontario Works recipients have received a letter from their caseworkers telling them that, if they have not found a new place with a lower rent by a certain date, their benefits will be terminated. The letter is being sent to persons whose rent is 80% or more of the amount of their O.W. benefits.

If someone has received such a letter have them call their local legal clinic. The caseworker cannot stop benefits because the recipient did not find a cheaper place to live.

DO YOU HAVE ANY QUESTIONS ABOUT THE WORK OF HAMILTON'S COMMUNITY LEGAL CLINICS? WOULD YOU LIKE TO BECOME INVOLVED WITH OUR ACTIVITIES?

**Please e-mail Tom at coopert@olap.org
We will send you an information package about who we are and what we do...**