

# Community Legal

## Facts/*FAX*

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## 2001: A Legislative Odyssey

New legislation, new procedures and a new city structure mark Hamilton's entry into the 21<sup>st</sup> Century

years.

### DOWNLOADING OF SOCIAL HOUSING: ASSESSING PRIORITIES IN THE NEW CITY OF HAMILTON

The New City of Hamilton came into existence on January 1<sup>st</sup>, 2001. Now, more than a month later, political observers and community service agencies are struggling to understand what the changes will mean for social services and low-income housing in the new municipality. Hamilton's political amalgamation corresponded with the government of Ontario's downloading of responsibility for social housing to municipalities in Ontario. This means taxpayers in the City of Hamilton are now responsible for the cost of repairing and maintaining over 10,000 rent-geared-to-income units. Early estimates suggest that the city will need to pay tens of millions of dollars over the next few years to maintain the social housing stock that currently exists. Given the wide range of new responsibilities with which the city hopes to deal and the new political dynamics on City Council, it is unknown whether the political resolve will exist in local government to protect this affordable housing stock. Some community activists are concerned that when faced with economic pressures, City Council may give priority to other issues rather than institute necessary repairs to these low-income housing units. Currently over 3000 families are on the waiting list for public housing units; many wait an average of 5



### CHANGES TO THE TENANT PROTECTION ACT: MORE OR LESS PROTECTION FOR TENANTS?

As part of its Red Tape Reduction Act, 2000, the provincial government has introduced a number of amendments to the Tenant Protection Act. While they do not address the significant concerns of housing advocates about the Bill, the amendments do offer some help to tenants, but in one significant change, actually removes rights from one group of tenants, making their housing status much more vulnerable.

While the Bill was given Royal Assent on December 6, 2000, the changes are to take effect on a date still to be proclaimed. Two significant issues were clarified in the amendments. One gives specific definition of the right of the Tribunal to grant damages as a remedy to tenants. The other defines a new process to allow tenants to show that they have met the terms of an order and the order is no longer enforceable.

The most significant backward step was a series of changes removing any sub-tenant from coverage by the Tenant Protection Act. No substantial reasons have been brought forward by the government to justify this change. Removing the TPA legal framework to govern disputes in this type of arrangement may make it easier for the Ontario Rental Housing Tribunal, but won't make those disputes disappear. There will

either be no way of solving the dispute or it will have to be taken to other venues such as Small Claims Court.

Additional details on the changes can be obtained from the Community Legal Clinic near you.



## Employment Standards Act 2000

On November 23, 2000, the Ontario Government introduced Bill 147 in the Legislature. This was a Bill designed to re-write the Employment Standards Act. It made some very substantial changes to the existing legislation in the form of changes to: dispute resolution, hours of work, overtime, to name but a few. Unfortunately public consultation on this legislation was minimal despite the far reaching consequences and Third (and final) Reading of Bill 147, was completed within one month of First Reading. On December 21, 2000, the Bill received Royal Assent.

However, only s.143 of the new Employment Standards Act 2000 was proclaimed into force (on December 30, 2000). The remainder of the Act will come into force at a date to be named later.

Section 143 deals with parental leave. Parental Leave has been modified to allow a total of 37 weeks (35 weeks if you have also taken pregnancy leave). If a woman takes her maximum of 17 weeks of pregnancy leave, then she can take a total of 52 weeks off. This will correspond to the changes made to the Employment Insurance Act which allow benefits for up to 52 weeks now. There is also a bit more flexibility in terms of when a person can take their parental leave.

Stay tuned for further updates!

## INJURED WORKERS FIGHT FOR



## COST-OF-LIVING INCREASES

The Ontario Network of Injured Workers Groups has begun campaigning for the restoration of full indexing of Injured Workers' Benefits. In 1995, the Provincial Government introduced Bill 165 which eliminated full inflation protection for the majority of injured workers. This disturbing trend continued in 1998 under Bill 99 when most injured workers would only receive benefit increases that were 1% less than  $\frac{3}{4}$  of the rate of inflation. Even with low inflation, the de-indexing of benefits has had a significant impact on Injured Workers. Since 1995, the cost of living in Ontario has increased by 8.8% whereas most injured workers' benefits have only increased by 1.1%. The purchasing power of Injured Workers has been dramatically reduced; many are facing the prospect of extreme poverty and homelessness.

The Ontario Network of Injured Workers Groups has initiated a Petition Campaign to try to have benefits changed to reflect the real cost of living.

If you are interested in obtaining a copy of the petition, please contact the Hamilton & District Injured Workers' Office at 905-543-9090. Completed petitions (with original signatures) can be returned to the Hamilton & District Injured Workers' Group: 905 Main Street East, Hamilton, L8M1M6.

## Advocacy Training

For the last 4-years Hamilton's Community Legal Clinics, in partnership with the Housing Help Centre and the Social Planning and Research Council have co-sponsored advocacy training sessions for agency staff. Topics have included CPP Disability, Ontario Works, the Ontario Disability Support Program, the Tenant Protection Act, Workers' Compensation and Employment Insurance.

We would like to hear from you as we plan sessions for 2001. We are considering a session on Debtor/Creditor matters including bankruptcy, budgeting, collection agency contact and Small Claims Court actions. Employment Standards is very topical because of significant amendments to the legislation affecting non-unionized workers. As well, there are particular issues related to newcomers and Ontario Works which would merit a session on these topics, e.g. sponsorship, overseas property and status & eligibility. Attached to this newsletter is a short survey seeking your input. Please check off topics you feel you or other staff in your agency would like to learn about. It should just take a second **and we'd love to hear from you!**

Community Legal Facts/Fax is a quarterly, joint publication of Hamilton's Community Legal Clinics. If you would like more information about any of the articles that appear,

# A COMMUNITY LEGAL FACTS/FAX

# EXTRA!

## Big Changes coming for Ontario Disability Support Program Applicants

### DISABILITY APPLICANTS

Persons who have made an application for Ontario Disability Support Program benefits), can presently apply for Ontario Works, while they are waiting for their application to be considered by the Disability Adjudication Unit of the Ministry of Community & Social Services. Persons receiving disability benefits at this time are allowed to have assets, such as money in the bank, RRSPs, etc. A single person can have assets up to \$5,000.00, while receiving disability benefits, but only \$520.00, if receiving Ontario Works benefits. Until March 31<sup>st</sup> of this year, persons who have made an application for disability benefits, can receive Ontario Works benefits, even if their assets are higher than the amount allowed by Ontario Works, as long as the amount is within the maximum allowed for disability recipients.



**From April 1, 2001, if persons apply for Ontario Works, while waiting for their disability application to be processed, and they have assets higher than those allowed by Ontario Works, they will have to sign a document stating that they are aware that a repayment will be mandatory, if their application for disability benefits is unsuccessful.**

The repayment amount will be the total Ontario Works benefits received **or** the value of the assets at the time of application, **whichever amount is less**. For example, if a single person received a denial of disability benefits after 4 months and decided not to appeal or missed the appeal deadline, he/she would have been entitled to receive up to the maximum of \$2,080.00 (4 x \$520). If he/she had \$5,000.00 in assets at the time of application for Ontario Works, the lesser amount of \$2,080.00 would have to be repaid, but there would no longer be entitlement to Ontario Works, if he/she still had assets. A new application could not be made until the assets were reduced to \$520.00.

### LIENS

Presently, if Ontario Works' recipients own their home, a lien can be registered by Social & Public Health Services Division, after Ontario Works benefits have been received for 12 consecutive months. Therefore, if someone was on benefits for 6 months, went off for a month or more and then had to apply again, a lien could not be registered until the person was again in receipt of Ontario Works' benefits for 12 consecutive months.

The rules applying to liens will change on April 1, 2001. If the recipient goes off Ontario Works for periods of time, a lien can be registered, if they receive benefits for a total of 12 months in any five-year period. Ontario Works' administrators will "count" the months on assistance from **April 1, 2002, onwards**.



### PARTICIPATION REQUIREMENTS

At the present time, there is an automatic deferral granted to Ontario Works' recipients, who have applied for disability benefits. This means that they do not have to look for work or participate in any mandatory programs, retraining or volunteering.



From April 1, 2001, persons pending disability will have to provide a medical note to their caseworker, requesting a deferral. Otherwise, the participation requirements will apply to them in the same way as the requirements apply to all other Ontario Works' recipients.