

Community Legal

Facts/*FAX*

DUNDURN

COMMUNITY LEGAL SERVICES
10 West Avenue South (in First Place)
Hamilton, Ontario, L8N 3Y8
Telephone: (905) 527-4572

HAMILTON MOUNTAIN

LEGAL & COMMUNITY SERVICES
550 Fennell Avenue, (Fenworth Mall)
Hamilton, Ontario, L8V 4S9
Telephone: (905) 575-9590

McQUESTEN

LEGAL & COMMUNITY SERVICES
1440 Main Street East (2 blocks east of Kenilworth)
Hamilton, Ontario, L8K 6M3
Telephone: (905) 545-0442

HAMILTON LODGING HOME TENANTS HAVE "THEIR DAY" IN THE LEGISLATURE

"Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has..."

-Margaret Mead

The Personal Needs Allowance (PNA) Campaign was set in motion by the Second Level Lodging Home Tenants Committee just over a year ago. The intent of the campaign was to raise awareness and to work towards improving the condition of life for people living in lodging or care homes who receive a \$112 Personal Needs Allowance from the provincial government. As it stands currently, individuals with mental and/or physical disabilities who live in residential care homes and receive financial assistance from the Ontario Disability Support Program are supplied with basic meals and a lodging. Any additional items – hygiene products, toiletries, clothing, shoes, haircuts, social activities and the like – must be paid for out of the \$112 PNA. One critically flagged point of concern is that the PNA has not been increased since 1991; once the rate of inflation over the last ten years is taken into consideration, the current amount afforded by the PNA is reduced to a comparative equivalent of \$96.66. This amount has been determined insufficient to meet the daily and monthly needs of the population. Hamilton's Second Level Lodging Home Tenants centered a great deal of their efforts around the circulation of a petition requesting the provincial government to review and increase the PNA from \$112 to \$160.

The campaign was the result of a collaborative effort involving a number of interested community groups, organizations and individuals in Hamilton, including Hamilton's Community Legal Clinics. Dr. Robert Wilton, of McMaster University released a research paper outlining the difficulties faced by lodging home tenants. His research indicated that

living in poverty relegated lodging home tenants in Hamilton to a status that prevented them from fully participating in society. These concerns have been echoed by the lodging home tenants themselves:

"Different people want different things. Maybe some would like some extra food. Maybe some would like to do something special like go shopping or have dinner or even be able to have a boyfriend or girlfriend...it's not possible because you just don't have any money"

--A Lodging Home tenant receiving the Personal Needs Allowance

On June 14, 2001, after a successful "petition-send-off" event at Hamilton's Self Help Centre, representatives from the Second Level Lodging Home Tenants' Committee made their way up the QEW to



Second Level Lodging Home Tenants' Committee Chair, Lance Dingman presented 3200 signatures to MPP David Christopherson.

watch as more than 3000 signatures were presented in the Ontario Legislature at Queen's Park by Hamilton-West MPP David Christopherson.

Ultimately, the efforts of the PNA petition campaign failed to bring the Minister of Community and Social Services to consider the request. The Hon. John Baird stated that "there was no thought being given that" (increasing the

P.N.A.).

Noted one observer in attendance at Queen's Park "...in a province comparatively swollen with resources and affluence, the government's refusal to raise the PNA to a reasonable \$160 is an example of how money is being unevenly distributed". Those involved will continue in an effort to ossify support, raise awareness and, ultimately, work

towards policy change which will recognize and rectify the inadequacy of the current PNA. □

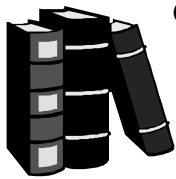
Community Legal Facts/FAX briefs-

Feds release \$4.9 million to fight homelessness

Hamilton's Community Advisory Board on Homelessness announced funding for 17 projects that hope to address and alleviate homelessness in our city. Funding for these undertakings comes from the Government of Canada's 'Supporting Communities Partnership Initiative'.

The Housing Emergency Loan Program (H.E.L.P.) was one of the recipients of the federal grant. The preventative community program offers emergency, interest-free loans to individuals at risk of losing their rental housing. A number of other capital and preventative projects were also approved for funding. These include- renovations to shelters as well as greater resources for emergency food distribution. It is expected that another call for proposals will be announced shortly to allow other community groups to apply for funding. For more information, please check www.pichamilton.net/homelessness

Province to test O.W. recipients for literacy and drugs!



On June 11, 2001, the provincial government announced that Ontario Works ("welfare") recipients will have to undergo literacy testing. There is no information available as to how this testing will be carried out. The announcement from the government stated that "Literacy Testing and Training" will become law from October 1, 2001. This means that refusal to take a test could result in benefits being cancelled. The test is described as a basic language and math test. If the testing shows that the person receiving Ontario Works benefits needs help in these subjects, remedial training will be provided.

In the same press release, the government announced that there will be mandatory addiction treatment for "welfare" recipients. Again, there is no information available yet, as to how the testing will be carried out, or who will be responsible for identifying that someone may have an addiction. Updated information will be provided, as it becomes available.

Injured Workers successful against Mega-Tribunal

The Hamilton & District Injured Workers Group was among many workers' advocates across Ontario that expressed concern to the provincial government about plans to establish a 'mega-tribunal' for employment-related hearings. This would have meant that the Workplace Safety and Insurance Appeals Tribunal would no longer serve as a stand-alone, specialized body. Injured Workers and Legal Clinics felt strongly that it was essential for WSIAT to maintain its independence to understand the issues related to workers' compensation. Last month, the provincial

government agreed and dropped plans to merge the Ministry of Labour tribunals.

THE ONTARIO DISABILITY SUPPORT PROGRAM

INHERITANCE & TRUSTS

SOME THINGS YOU SHOULD KNOW

There are limits on the assets and income a recipient of the Ontario Disability Support Program can possess. Usually, this amounts to \$5000.00 (not including other exempt assets such as a primary vehicle). These financial restrictions present difficulties for parents when it comes to establishing an inheritance or setting up trusts for disabled children.

If a person has the intention of planning their estate by leaving an inheritance or designating the ODSP recipient as a beneficiary of a life insurance policy, it is a good idea to let their legal representative know about some regulations that could affect that income.

Ontario Disability Support Program regulations provide a list of the types of assets that are excluded from the overall ODSP asset



calculation. One of them reads: "the person's beneficial interest in assets held in one or more trust, and available to be used for maintenance if the capital of the trusts is derived from an inheritance or from the proceeds of a life insurance policy." The combined total of funds held in trust and any cash surrender value from life insurance policies must not exceed \$100,000.00.

ODSP has adopted a policy which excludes the value of funds held in discretionary trusts where payments out are at the absolute and sole discretion of the trustee. The source of these trust funds need not be inheritance or proceeds of life insurance. Moreover, the funds within a qualifying discretionary trust are not included in the \$100,000.00 limit on assets not covered by the regulation. The beneficiary can receive amounts from the trust to pay for disability related items that have been specifically approved by the Director of the local ODSP office. Over and above those expenses, a beneficiary may also receive up to \$4000 within a 12 month period without restrictions as to how the money may be spent.

So long as conditions are met, trusts can be an effective way of improving the quality of life experienced by people with disabilities relying on social assistance for their basic income. □