

the Community Legal Fax

F a c t s & F . A . Q . s

an information newsletter published by Hamilton's Community Legal Clinics

find us online at www.hamiltonlegalclinics.ca

DUNDURN

COMMUNITY LEGAL SERVICES

110 King Street West, Plaza level
(In Jackson Square, up escalator from food court)
Hamilton, Ontario, L8N 3Y3

Telephone: (905)527-4572

HAMILTON MOUNTAIN

LEGAL & COMMUNITY SERVICES

550 Fennell Avenue,
(in the south-east corner of Fenworth Mall)
Hamilton, Ontario, L8V 4S9

Telephone: (905) 575-9590

McQUESTEN

LEGAL & COMMUNITY SERVICES

1440 Main Street East
(1 block east of Kenilworth)
Hamilton, Ontario, L8K 6M3

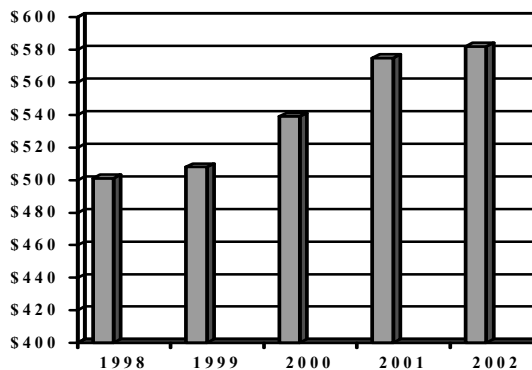
Telephone: (905) 545-0442

Tenants struggle at Rental Housing Tribunal

The lack of affordable housing is a growing concern in Hamilton. Rents have been rising steadily above cost of living increases for four years. Many tenants are paying far more than 30% of their incomes towards rent (a figure generally accepted as a housing affordability cutoff).

When trained volunteers from the Hamilton Tenant Early Intervention Project are able to reach tenants and educate them about their rights, responsibilities and community supports, they are often able to find an appropriate resolution that heads off eviction.

AVERAGE RENTS FOR 1 BEDROOM APTS. IN HAMILTON



Advocates and agencies in Hamilton believe strongly that it is far more efficient to keep people in affordable housing than to deal with homelessness once it has become a reality. The **Early Intervention Project** advanced this mantra by trying to bring tenants and landlords together to settle disputes before they led to an eviction order. Every week volunteers from Hamilton's community legal clinics would obtain a list from the provincial government of all the rental households that were facing an eviction order. An information package was then mailed to those tenants. A volunteer would make a follow-up phone call to offer further advice. The Hamilton Community Foundation supported the project financially and noted its success in their 2002 publication "Great Grant Stories".

By January, 2003 nearly 100 individuals and families were facing eviction during any given week in Hamilton. When tenants do not dispute a landlord's application to the Rental Housing Tribunal a default order will almost always result – forcing the tenant to vacate the rental unit. Default Orders are often the result of a tenants' lack of understanding of a complicated dispute procedure. Information is not readily available. Recent immigrants and individuals with difficulty reading English find the forms particularly perplexing. For example, most tenants do not realize that they only have 5 days to send a dispute to the Ontario Rental Housing Tribunal once the landlord has filed an *Application* to terminate their tenancy – and the 5 days include weekends and holidays.

The Early Intervention Project was highly successful in lowering the default rate at the Hamilton area Tribunal Office. Tenants were provided with the information they needed to make informed choices – often preventing homelessness.

Unfortunately, making tenants aware of their rights and responsibilities has become a little more difficult. The Early Intervention Project is on hold pending a review by the Ontario Privacy Commissioner. In the mean time, the legal clinics will continue to work towards promoting a more open and equitable process at the Ontario Rental Housing Tribunal.

Clinic Case Work:

Injured Workers get their day in...



On December 9th, 2002 the Supreme Court of Canada heard arguments in *Martin & Laseur v Workers' Compensation Board of Nova Scotia*. While this case is a Nova Scotia case, it is extremely important for Injured Workers' in Ontario. It may end up being the single most important Workers' Compensation Case that the Supreme Court of Canada has heard since the inception of the *Canadian Charter of Rights and Freedoms* (The Charter).

This case is about the treatment of Chronic Pain disability under the Nova Scotia Workers' Compensation legislation. Chronic Pain disability is pain that remains long after an injury is supposed to heal. This is real pain that can be very disabling and affects approximately 1/3 of all trauma victims.

The treatment of Chronic Pain Disability in Nova Scotia is appalling. Depending on the date of injury, an injured worker with Chronic Pain disability would get at most four weeks of benefits after the diagnosis of Chronic Pain Disability. The question for the Supreme Court of Canada is whether this legislation discriminates against people with Chronic Pain Disability. If the legislation did discriminate, did it violate *The Charter*?

The issue before the Court is very important for Injured Workers in Ontario. A decision by the Court supporting the Nova Scotia legislation would allow the Ontario Government to eliminate Workers' Compensation for severely disabled workers who suffer from chronic pain. More importantly, it would allow any government in Canada to decide which disabilities were worthy of compensation. Any provincial government could eliminate compensation for repetitive sprain injuries, occupational cancers, or any other disability, for any, or no reason.

Because of the importance of this issue, the Ontario Network of Injured Workers' Groups (ONIWG) intervened in the case. ONIWG is the provincial umbrella group for Injured Worker groups in Ontario and speaks as the voice of non-unionized injured workers. By intervening in this case, ONIWG was allowed to file written materials and make oral arguments that put the perspective of the injured workers' movement before the Court.

Ena Chadha of the Advocacy and Research Centre for the Handicapped excellently represented ONIWG at the hearing. Andrew C. Bomé a staff lawyer with McQuesten Legal & Community Services assisted in the preparation of the case. We expect a decision within the year.

Good News for grandparented recipients of ODSP Benefits



Recipients of Family Benefits for disability who were automatically transferred to the Ontario Disability Support Program in June 1998 are referred to as "grandparented recipients".

Individuals with "grandparented" benefits that have been terminated as a result of incarceration may qualify to have their odsp income reinstated currently and retroactively from the date of their release. It is important for them to obtain legal advice quickly about this possibility. They can do so by contacting the legal clinic located nearest to their address.

A recent case "Eluck" has clarified that ODSP should be suspended rather than canceled when a "grandparented" recipient is incarcerated, and on being released the individual can be reinstated without having to go through medical determination of eligibility. If you are not a grandparented recipient, you still may be eligible for reinstatement upon release.

Hydro Cut Off?

Over the winter months, hydro companies across Ontario were not allowed to shut off hydro for arrears. On March 31st all outstanding bills became immediately due. You may have to pay the full amount owing plus interest if your account has gone unpaid – you may also be required to pay a reconnection fee.

If you are on Ontario Works or ODSP contact your worker and inform them that you are in arrears. You may qualify for additional assistance in paying your hydro or gas bill. You will need to provide your worker with your account information. Also find out if you are receiving your maximum shelter allowance – if not you may be entitled to additional financial assistance for utility costs. Call the Housing Help Centre for more information (905)526-8100.

CONNECTIONS & DIRECTIONS

Sharing Visions for Clinic Law
> International Conference 2003



CONCERTATION ET ORIENTATION

Partage de perspectives sur les domaines de pratique des cliniques
> Conférence internationale 2003

Hamilton hosts International Legal Aid Conference: June 22nd – 25th, 2003

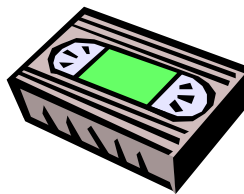
Hamilton's Community Legal Clinics are very pleased to announce that Hamilton will be hosting an international conference on community based legal aid services sponsored by Legal Aid Ontario. The "Connections and Directions" Conference is being held at the Hamilton Convention Centre beginning Sunday evening, June 22nd and runs through to Wednesday June 25th.

The Conference will identify best practices, emerging legal needs and generate new ideas from experiences around the world. The goal is to improve access to justice for the most isolated, marginalized and disadvantaged members of our communities. We will share successes in developing effective and innovative ways to meet client and community needs.

We also hope to showcase some of the innovative projects currently under way in Hamilton. If you would like to display information about your agency's work, please contact Tom Cooper at McQuesten at coopert@lao.on.ca

"The Search for Housing" & "Your Rights and Responsibilities as a Tenant"

**TWO EXCELLENT NEW PUBLIC EDUCATION VIDEOS
AVAILABLE IN ENGLISH, FRENCH, ARABIC,
HUNGARIAN AND TURKISH.**



Two videos, available on one VHS cassette aim to provide tenants with the information needed to find and keep rental housing and prevent homelessness. Produced by a coalition of community agencies in Hamilton, and starring volunteer cast members, the videos offer very valuable information. An excellent resource for all tenants, it is our hope that clients, students or members of your organization will find them useful and informative.

The videos were produced by MJM Productions of Hamilton and made possible by grants from the Ontario Trillium Foundation and the Government of Canada's Supporting Communities Partnership Initiative.

**Both videos come on
One Cassette for only \$20**

To Order by Phone:

Call the Hamilton Tenant Education Project at (905)526-8100 (*ask for Karen*)

To Order by Mail:

Include shipping information plus a cheque or money order made payable to the Housing Help Centre and send to Hamilton Tenant Education Project
c/o Housing Help Centre: 210 Napier Street,
Hamilton L8R 1S7.