

ANNUAL REPORT 2013

REXDALE COMMUNITY LEGAL CLINIC
REXDALE COMMUNITY HUB
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THANK YOU TO OUR

Volunteers and Students

PRO-BONO STUDENTS

Zain Atcha
Nathaniel Hill
Nora Sleeth

HUMBER PLACEMENT STUDENTS

Tameka Francis
Natalie Snow
Deborah Young

HIGH SCHOOL PLACEMENT STUDENT:

Amy Jessome

VOLUNTEERS

Ami Brahmakshatriya
Jinepher Koduah

MESSAGE FROM THE CHAIR

Rexdale Community Legal Clinic's Annual General Meeting is an opportunity to reflect on events from the past year and consider the challenges of the coming year. "Transition" is the current buzz word to describe planned change; however, there is still much concern and uncertainty about how the changes will affect Clinics and the people whom they serve.

Clinics traditionally have worked to provide access to justice for a diverse population in our community. We have been a friendly and welcoming face that confirms that society has not excluded those who are unfamiliar with legal issues or unable to afford legal assistance. Financial constraints and the use of new technology are two realities that will shape each clinic's delivery of service. Problem solving and collaborative planning will be needed to ensure that legal assistance is readily available to those who need it.

Change, whether it is planned or unexpected, requires resilience. RCLC has taken an active role in transition initiatives and we will continue to be a part of planned change. Change has compelled us to adjust to new leadership. Jayne's departure and Ann's return to the clinic illustrates RCLC's flexibility. The Rexdale Community Clinic continues to thrive, adapt and provide service to the community. Thanks to the board and staff of the clinic for their continued service. A special thank you is extended to Jayne Mallin and Ann McRae for their work and commitment. There is no doubt that RCLC will continue to serve our community as we prepare for the future.

Robert Reynolds

STAFF

DIRECTORS

Italica Battiston,
Administration

Jayne Mallin, Legal Services
(Resigned)

Ann McRae, Legal Services

STAFF LAWYERS

Yodit Edemariam
Kimberly Roach

CASEWORKERS/PARALEGALS

Amanda Bitton
Rose Brunetta
Tameka Francis
Yodi Garcia
Alrica Gordon

YOUTH JUSTICE COORDINATOR

Camieka Woodhouse

SUPPORT STAFF

Aytaj Aliyeva
Sandra Jordan
Daniel O'Handley (IT)
Ann Schweighofer

MESSAGE FROM THE DIRECTORS

Another year has already gone by, and a second year at the Hub. It has been a stabilizing year in that we have built and strengthened relationships with our Hub partners.

The Hub was incorporated and now it is its own entity. Rexdale Community Legal Clinic was instrumental in achieving this goal; and we continue to work with the partners to ensure its stability.

On the legal front, we continue with the Ontario Disability case management. This program has grown substantially and also undergone changes; we are continually fine tuning it. Landlord and tenant issues are also an important part of our work, with an emphasis on Toronto Community Housing Corporation tenants.

Last year, as part of our service delivery we began to use law students who used interactive web based technology (known as A2J) to interview clients and produce documents for tenants to use at the Landlord and Tenant Board. This has proven to be so successful that some of the law students have continued the project on a voluntary basis. In conjunction with LAO, we have just implemented Refugee Law services. It is a pilot project, and at its beginning stage.

LAO duty counsel continues to provide criminal law summary advice two days a week. As well, the immigration and family law summary advice is underway. The latest addition to the LAO services is a family law lawyer who will attend at the clinic three days a week.

Many of these innovations have occurred thanks to the creative approach of Jayne Mallin. Congratulations are also due to Jayne as she was awarded the Queen's Diamond Jubilee Medal. It was presented to her by Etobicoke North Member of Parliament, Kirsty Duncan. But we have also had to say good bye to Jayne who left us to take a job with LAO as Senior Counsel, Clinic Modernisation. We wish her the very best in her new job!

Finally, Ann McRae has returned from her secondment to take the position of Director of Legal Services. Welcome home Ann!

There have been many changes in the past year and more are sure to come. Even when changes are for the better it can be difficult and harried. The staff and board of this wonderful clinic deserve our thanks for the support and work on making the way smoother especially for our clients.



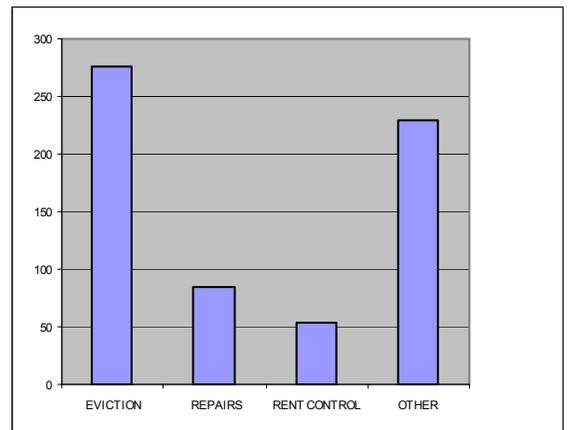
**ONTARIO COMMUNITY
LEGAL CLINICS
PROVINCIAL STRATEGIC PLAN**

- To expand client access to poverty law services;**
- To strengthen community connections;**
- To enhance capacity for systemic work; and**
- To enhance system-wide coordination and support.**

CASEWORK—LANDLORD AND TENANT

Landlord and Tenant issues continue to be our highest demand at intake. We continue to see evictions and repair issues, but also issues related to landlords' disregard for their responsibility under the Residential Tenancies Act. In one case, the landlord changed the lock to a tenant's unit on more than one occasion. The tenant was only let back inside after calling the police, but was eventually locked out again without any notice. The personal belongings were also disposed of by the landlord.

The clinic assisted the tenant in preparing an application to the Landlord and Tenant Board and provided representation. At the end of the final hearing, the Member found the tenant's evidence credible while the landlord's evidence was inconsistent and not supported by facts. We were successful in obtaining a substantial order against the landlord. The Tribunal also fined the landlord \$500.00.



LAW REFORM

In the past year, we have undertaken two appeals to the *Divisional Court* of decisions by the Social Benefits Tribunal to deny disability benefits to our clients. Appeals to the Divisional Court can only be about questions of law and cannot simply be based on the fact that one disagrees with a negative decision. We challenged these two particular decisions on many grounds, including the Tribunal's failure to take into account essential evidence; its mistreatment of key evidence; its failure to provide adequate reasons; its misinterpretation of the legal test defining "disability" under the *Ontario Disability Support Program Act*; its coming to conclusions not supported by the evidence; and, its failure to accommodate an appellant's disability when assessing the reliability of testimony. Our desire to challenge these decisions, despite our limited resources, comes from a deep frustration with a disability appeal system that is encumbered by bureaucracy and which can be incredibly harsh on our clients. Mainly, we wanted to emphasize the importance of consistency, transparency and – perhaps most significantly – that appellants in this difficult process must be respected and accommodated appropriately by the Social Benefits Tribunal. Both appeals involved the work of a staff lawyer; paralegals; input from many of the staff at our clinic; and invaluable guidance from experts at the Clinic Resource Office and the Income Security Advocacy Centre. Appeals such as these require a tremendous amount of resources, work, and patience on the part of everyone at the clinic; we feel proud to have followed through with them.

Our first appeal was settled with the Ministry of Community and Social Services and has been sent back to the Social Benefits Tribunal for a fresh hearing. We know that the other appeal will likely conclude similarly. While in settling these cases we lose a potential opportunity to effect systemic change by contributing to a body of positive case law, we believe that a fresh hearing is the best and least risky practical outcome for clients fighting for essential disability benefits. We also trust that we have sent a strong message to the Social Benefits Tribunal that flawed decisions will not go unchallenged.

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CASEWORK—CRIMINAL INJURIES COMPENSATION

The Criminal Injuries Compensation Board provides compensation for individuals who have been injured or harmed as a result of a violent crime that took place in Ontario.

Individuals have two years to apply for compensation; however this deadline can be extended in some cases. The CICB provides compensation for pain and suffering that results from the injury, lost income, death and funeral expenses and can also provide funds to pay for ongoing treatment including counselling and physical therapy.

Compensation awarded for pain and suffering is not considered as income or assets for the purpose of determining Ontario Works or ODSP eligibility. This allows OW and ODSP recipients to receive compensation while retaining their OW and ODSP benefits.

This year, the clinic assisted two individuals with their applications. We were able to obtain substantial awards for pain and suffering for each client. One of the applicants also received funds to pay for physiotherapy and counselling.

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CASEWORK—REFUGEE SERVICES

This past July, a pilot project began whereby the clinic is providing refugee law services. It is being funded by Legal Aid Ontario in an effort to respond to legislative changes to refugee law. The clinic provides supervised paralegal services to refugee claimants in preparing their Basis of Claim and representation at the Refugee Protection Division. Our staff has worked closely with the Refugee Law Office and has gone through a number of training sessions in order to ensure quality legal services for our clients. We have informed our community partners and a number of settlement agencies of our services and have found overwhelming support for the new program. We look forward to providing refugee services to our community with the same compassionate and diligent approach the clinic takes in other areas of law.

YOUTH JUSTICE INITIATIVE

The Youth Justice Initiative has been in existence for two and a half years and has provided service to youth residing predominantly in Rexdale and the surrounding community. We are happy to announce that Legal Aid Ontario has committed to continuing the program through to August 2014. Over the past year community development and the enhancement of an integrated service model for possible program expansion has been and will continue to be a priority for the program. With the focus on the enhancement of a seamless integrated service model, the Youth Justice Coordinator was involved in the organization, development and implementation of many initiatives across various sectors addressing systemic issues which impede the progression of youth within the GTA.

In May 2013 the Youth Justice Initiative along with George Brown College's Social Justice Institute worked collaboratively to host N.O.W. (No one Without Education). The premise of this forum was to engage and connect practitioners in the education sector to share ideas and identify solutions that will aid in the development of access to education programs and provide resources to youth and families who are experiencing social exclusion.

The Youth Justice Initiatives Coordinator continues to maintain a presence in the community as a support for those who are involved in at risk lifestyles which could potentially lead to criminal charges. In the area of criminal justice, Youth Justice staff has provided supports to over 10 families who were impacted by the Dixon raids which occurred in June 2013. In conjunction with the City of Toronto's Crisis Response team and the African Canadian Legal Clinic, the youth justice coordinator and the clinic's Director of Legal Services aided the Somali community in lobbying the Chief of Police to examine the force utilized in the enforcement of the warrants. Collectively, we lent support to those families who experienced physical injuries as a result of the incident which occurred. Furthermore, public legal education was provided to community members to help advance community healing and strategize on new and innovative approaches to create safer and better communities.

To broaden the scope of community development, the Youth Justice Initiative has become a resource to many organizations and community based working groups such as Breaking the Cycle, Toronto Crisis Response Team and the Resident Engagement Association Jamestown Community Development project. It is our hope to continue to expand our portfolio in the area of Youth Justice as we are aware of the pressing needs of the youth and the current climate of our community.

PARTNERSHIPS

With Other Clinics:

The clinic continues its membership on several interclinic workgroups including the Social Assistance Action Committee, Tenant Advocacy Group, the Public Housing Workgroup and the Toronto Community Development Group.

With the Clinic System:

The clinic continues to support the ACLCO administratively and on their AGM Planning Committee. The clinic is grateful for the case-work support we receive from the Clinic Resource Office, the Income Security Advocacy Centre and our clinic colleagues.

With Community Partners:

The clinic has provided public legal education sessions to William Osler Health Centre's Mental Health Clinic staff, to 23 Division platoons, to clients of Microskills and Rexdale Women's Centre. We continue to be represented on several committees of the Rexdale Community Hub, including the Board, Partnership Committee, the Resident Engagement Committee, the Health & Safety Committee and the Grand Opening Committee.

With Legal Aid Ontario:

One of our staff lawyers was asked to speak to Criminal Duty Counsel on the intersection of poverty law with criminal matters. Immigration, criminal and family law matters often intersect with the areas of law that the clinic provides and we are developing an approach whereby the LAO duty counsel staff and the clinic staff can consult and streamline services for the ease of clients.

CASEWORK—ONTARIO DISABILITY

ODSP continues to be a high demand, with 246 open cases at the end of March 2013. A committee was struck to consider how the clinic could continue to meet the high demand while at the same time not committing all our resources to one area of law. This past summer we embarked on the "Guided Appeal Preparation Program" in which clients will be guided through the appeal process from internal review through to hearing preparation, and will then attend the hearing on their own. It is our belief that this process will not be detrimental to our clients in that we will continue to provide them with the necessary preliminary assistance to obtain verification of their medical conditions, and with the tools

to present their case. There will no doubt be instances where it becomes apparent during the course of preparing the client for their appeal that they will require representation and the clinic is committed to ensuring that a case-worker attends those hearings.

While we have not had any hearings scheduled to date under this process, we will be monitoring the success of the new program carefully.

ODSP Outcomes of files closed show favourable outcomes for our clients in 66% of the files.

