

Willowdale Community Legal Services **Annual Report – 2022/2023**

Clinic Overview

Willowdale Community Legal Services (WCLS) opened in February 1987, making this our thirty-sixth anniversary. WCLS is one of approximately 70 community legal clinics throughout Ontario, and receives all of its funding from Legal Aid Ontario (LAO). Many clinics are general service clinics like ours, which serve a specific geographic area. Others provide specialized legal help in areas such as income maintenance or environmental law, or serve a particular community, such as Aboriginal peoples or seniors.

Our clinic is mandated to provide summary advice, information and referrals, client representation, public legal education, law reform, and community organizing and development. Tenancy, social assistance/income maintenance, immigration and employment law are our main areas of practice. We also may assist with matters concerning domestic violence and consumer/debt problems.

Clinics provide quarterly statistics and financial reports to LAO. Our financial year runs from April 1 to March 31. Each year, we submit a report to LAO outlining the previous year's activities and request funding for the next year. Last year our report was due on January 31, 2023. We expect to receive our service proposal (funding application) for 2024-2025, which we must submit by January 31, 2024.

Board of Directors

We are governed by a community-based Board of Directors as an incorporated non-profit. Our Board consists of a diverse group of volunteers, most of whom live or work in our community. WCLS is fortunate to have such committed Directors; we value and appreciate their contributions. Our Board plays an essential role and is responsible for:

- providing direction on policy issues;
- planning and evaluating;
- overseeing personnel and financial management;
- reporting to the community; and,
- reporting to LAO.

Directors are elected at our October Annual General Meeting. For the past year, our directors have been: **Lynn Wheatley** [Chair], **PJ Dawda** [Vice-Chair], **Elvis Prifti**

[Treasurer], **Kelsey Miki** [Secretary], **Irma Spahiu, Shobha Oza, Cajaanan Jey, Sam Davalu, Sarah Modesta Sepillo, Misha Hossein and Michael Cowan.**

In addition to our monthly Board meetings, we held our annual Board & Staff Planning Meeting in April 2023. We discussed a number of matters at our Planning Meeting, including a review of our annual goals and objectives, a review of WCLS's Case Selection Criteria, outreach initiatives, and the role of the Association of Community Legal Clinics Ontario (ACLCO). In addition, the Board and staff reviewed and discussed the clinic's anti-racism and anti-oppression work over the past year.

The joint Staff-Board Outreach Committee was active throughout the year. During the early part of the year the committee's focus was on the 2023 Toronto Mayoral election. Among the activities and issues the committee was involved in was organizing a public meeting at which WCLS staff outlined the positions of the leading mayoral candidates as it related to key areas of the clinics' practice – housing, social assistance, and employment law. The public meeting was held on May 30th.

The other area of attention for the committee is the Build a Better Fairview Campaign, organized to provide local community input to the proposed condominium development project at the northeast corner of Sheppard Avenue East and Don Mills Road. Members of the campaign include former WCLS clients as well as area residents directly affected by the development project. This is a multi-year initiative. To date the committee has helped produce flyers and information posts about the proposed development and started communicating with and obtaining information from the City of Toronto's Planning Department about the development.

A subcommittee of WCLS's Board developed an ED evaluation tool which was finalized in late 2022. The evaluation tool includes obtaining input and feedback from staff and community partners. The ED's Evaluation was completed earlier in this year and will be done again in the next two to three years.

The Board reviewed and passed an updated version of the clinic's COVID 19 Policy in November 2022. At the May 2023 meeting the Board adopted an updated WCLS Case Selection Policy. In July 2023 the Board adopted a WCLS Intake Protocol and at its September 2023 meeting the Board passed a Digital Tickler Policy which replaces the former Tickler Policy. The Digital Tickler Policy is coordinated with LAO's Clinic Information Management (CIMS) program.

WCLS Staff

Joe Myers
Gillian Reiss
Nir Gepner

Executive Director / Lawyer
Staff Lawyer / Managing Director
Staff Lawyer

Sara Ageorlo	Staff Lawyer
Rebecca Ward	Staff Lawyer (contract)
Irma Spahiu	Law Practice Placement Student
Rola Hamdan	Community Legal Worker
Monica Raeli	Community Legal Worker
Jessica Fletcher	Community Legal Worker
Tamara Pruyn-Mahmoudi	Community Legal Worker (contract)
Shoghig Bedros	Intake Worker
Lorena Zelaya	Receptionist/Administrative Assistant)

Jessica Fletcher began her parental leave in July 2022 and the clinic hired Tamara Pruyn-Mahmoudi to fill in for Jessica. Tamara left her position in November 2022 and Rebecca Ward was hired. Rebecca remained with the clinic until Jessica returned from her parental leave in July 2023. Gillian Reiss began a parental leave in January 2023. The clinic hired Irma Spahiu as a law practice placement student through the Law Practice Placement Program at Metropolitan Toronto University. Irma's placement covered the period of January 9 2023 to April 30, 2023. Irma remained on WCLS's staff until Gillian returned in July 2023.

WCLS strives to provide in-house translation when possible. Rola and Shoghig are fluent in Arabic and English. Lorena is fluent in Spanish and English. Sara is fluent in Farsi and English. Nir is fluent in Hebrew and English. Gillian can provide basic service in French.

WCLS and OP Trust Pension Plan

As reported last year, WCLS applied to the OP Trust Pension Plan in July 2022. Staff decided to switch from a 5.5% contribution of salary by LAO into an RRSP administered by Sun Life to the OP Trust Pension Plan. Under the pension plan the employer and employee will split a total contribution of 6%. OP Trust approved WCLS's application and the formal switch to the pension plan began November 15, 2022.

WCLS Services during COVID-19

As we reported over the past three years, the COVID-19 pandemic has had a profound impact on our communities since it began in March 2020. Although society is currently in a much better place in mitigating the effects of the pandemic, the pandemic's impacts continue to be felt. The members of our communities who are most vulnerable and most reliant on legal clinic services, such as people with disabilities, people living in cramped housing and those who are precariously employed, are the most dramatically affected by the pandemic's health and financial impacts.

WCLS has worked hard throughout the pandemic to ensure that legal services are

available in our community. Our office remained open throughout the pandemic and we continue to offer our regular open hours and in-person service. Staff no longer is working in a cohort model as reported last year. All of the clinic's services are being performed in-person. Most caseworkers work from the office three days a week and from home two days a week. Clinic support staff are working in office four days a week and remotely one day per week.

Anti-Racism Activities

As we stated in our report last year, there has been a public regeneration of anti-racism actions, including Black Lives Matters and Indigenous rights movements. These movements continue to gain traction in our communities. WCLS acknowledges that we are part of a system that is built upon societal racism as an organization operating within a legal system and established through provincial legislation. Racism exists at both individual and institutional levels. The work to continue to address systemic racism continues. WCLS staff and Board actively approach our work through an anti-racism lens. The Board continues, with the assistance of staff, to review policies from an anti-racism perspective.

WCLS staff participated in several anti-racism and anti-oppression trainings and educational sessions over the past year. The sessions were provided by a number of different organizations, including other legal clinics, the North York Community Cluster, the ACLCO, The Law Society of Ontario and the City of Toronto.

A standing item on WCLS's staff meeting agenda is dedicated to issues involving racism and oppression that may have arisen in the clinic's work. We continue to devote one staff meeting per month to issues involving anti-racism and anti-oppression, connecting the issues to how WCLS directly serves our community. Over the past year our sessions have included presentations on Indigenous cultural practices, the historical development of anti-black racism movements across Canada, and the etymology of racist language and its subtle infusion into every day usage.

WCLS continues its outreach efforts to the Indigenous community knowing we have not yet reached the desired results. We are committed to offering our services to Indigenous peoples, while emphasizing cultural safety and acknowledging our role within legal systems that have historically oppressed Indigenous peoples of Canada. We hope to enhance our clinic's engagement with Indigenous clients and organizations, and to provide a safe place for our Indigenous clients, as allies.

In the past year, as part of a collaboration with the Toronto North Local Immigration Project, we connected with Indigenous Elder Cat (Mark) Criger (The Talking Cat). We met with Elder Cat during two community events, The Faith Leaders Network and the Faith

Forum. We discussed our challenges in reaching out to Indigenous communities. We are working with Elder Cat to connect us with the Elder/Knowledge Keeper and the Indigenous Counsellor at the Seneca Polytechnic Indigenous Centre, and we hope to work more closely with them during the coming year.

Student Placements

WCLS contributes to our legal community by providing placement opportunities for students to learn about poverty-law. In 2022-2023 we hosted the following students:

- Paralegal Students → We regularly provide placement opportunities for paralegal students from Seneca College. We hosted two such students last year. We are in the process of finalizing a placement for 2024.
- Pro Bono Law Students → We regularly hold placements for Pro Bono Ontario law students. Last academic year we hosted four law students from the University of Toronto and one from the University of Windsor. These students provided research and case support in immigration law, with some support to the social assistance team as well.
- We also hosted two law students through Osgoode Hall's Public Interest Requirement who assisted with outreach. Osgoode Law students are required to volunteer 40 hours of their time to a public interest organization. We are hosting three new students this academic year.
- Law Practice Placement Students – as reported above, WCLS hosted Irma Spahiu for her four month law practice placement from January to April 2023. Irma worked primarily in the area of social assistance. She was also active in providing public legal education sessions and community outreach.
- High School Co-Op Students → WCLS hosted six students over the past year from Georges Vanier Secondary School. The students were supervised by our two Community Legal Workers and worked closely with WCLS's support staff. The students provided support with public legal education sessions, outreach, social media, non-legal research, and admin support.
- MD Students → Over the past year we held Community-Based Service-Learning placements for three second-year University of Toronto MD Program students. These students supported the Mental Health & Equity work on which WCLS took the lead, and also assisted the North York Community Cluster leadership in putting together three newsletters distributed to over 700 stakeholders.

In addition, WCLS hosted a first year Schulich School of Law student from Dalhousie University over the summer. The student received funding through a program at Dalhousie and worked with WCLS primarily in the area of social assistance law and community outreach.

WCLS Lease/Office Space

We have been at our current location for more than twenty-four years. We are close to a transit hub, and most of our clients reside nearby in the Don Mills corridor. In 2018 we negotiated with our landlord, Azuria Group, a lease extension to March 2025 and a slight expansion of our office space. Within the next year we will have to approach our landlord about a possible extension beyond March 2025.

Legal Aid Ontario (LAO)

Funding

In 2018-2019 the clinic's funding was reduced for the first time in its history by approximately seven percent. In 2019-2020, three percent of the clinic's budget was restored. Over the past three funding years, including 2023-2024, WCLS has received an additional two percent increase to its budget. Stable, on-going funding from LAO allow us to provide consistent core services and additional responsive services to help meet our community's needs.

Prior to the funding cut of 2018-2019 WCLS received increases from LAO as part of the Ministry of the Attorney General's commitment to expand LAO's financial eligibility criteria, the first time this had happened since 1994. WCLS was identified as an under-resourced clinic given the low-income demographics of the clinic's catchment area. With the additional funds, WCLS hired two community legal workers (August 2015, July 2018), a lawyer (November 2015), and a community development worker (October 2018). WCLS broadened and transformed the services we provide, most notably in employment and immigration law.

The funding cuts announced in April 2019 by the Ontario Government resulted in a loss of one caseworker position at WCLS. We had to scale back some of our legal work in order to continue to assist our communities' growing demand for services. We also had to reduce our participation in some community outreach and development projects, such as the Cummer Drop-Inn.

Although the impact of COVID-19 has largely abated as it relates to the legal work of the WCLS, there are still on-going challenges emerging from the pandemic. Specifically, inflation, including a dramatic increase in food and housing costs, which has accelerated the affordable housing crisis results in a climate of extreme uncertainty. Although funding from Legal Aid Ontario appears stable at the moment, it is difficult to forecast what will happen in the future. Any cuts to funding would have a devastating impact on low-income communities across Ontario that rely on clinic law services.

LAO Modernization Project – *Legal Aid Services Act, 2020*

The Ontario Government proclaimed the *Legal Aid Services Act, 2020* on July 8, 2020 replacing *LASA, 1998*. The passing of *LASA, 2020* provided that the existing funding agreement framework between LAO and clinics was cancelled as of April 1, 2021. This framework was negotiated between clinics and LAO close to 20 years ago and have served legal clinics and our communities well over the years. Importantly, *LASA, 2020* recognizes the existence and role of legal clinics in providing poverty law services. As we reported last year *LASA 2020* gives LAO more control over the services provided by clinics.

The substance of *LASA 2020* can be found in the LAO Entity Service Providers Rules and LAO-Clinic Service Agreement. A final LAO-Clinic Service Agreement was signed in October 2021. LAO's final version of the Rules were formally adopted and *LASA, 2020* was finalized on October 18, 2021. In a letter received on September 26, 2023 LAO confirmed its intention pursuant to section 81(2) of the Act to enter a new service agreement with WCLS when the current agreement expires on March 31, 2025.

As reported last year, there are still a few outstanding issues arising out of *LASA 2020* that continue to be addressed. Those issues include clinic client confidentiality, how legal clinics are funded, and risk policy. With respect to clinic client confidentiality, LAO wanted access to all client information from legal clinics. Clinics balked at LAO's insistence on obtaining this information as personal client information has nothing to do with verifying a client's financial eligibility for clinic services. LAO and the ACLCO agreed to consult the Law Society of Ontario on the issue. The discussions with the LSO have stalled, but the status quo of not having to provide LAO with access to all client information remains intact. The information provided to LAO relates only to a client's financial eligibility for service.

The issue of how legal clinics are funded is an important one. Historically, LAO has funded community clinics essentially on the basis of their actual costs, meaning LAO has provided the necessary resources to clinics in accordance with each clinic's leasing, operating costs, pay equity obligations, etc. If a clinic's rent increased in negotiating a lease renewal, for example, LAO would partner in the discussions and, if approved, would increase its budget to cover the cost. LAO intends to move to a stricter model of "envelope funding" meaning they will no longer commit to funding increased expenses including leasing costs, operating expenses and pay equity obligations. In September 2022 LAO released its Funding Consultation Paper. LAO consulted with clinics on this issue. Over the past year WCLS's Board Chair and clinic management attended town hall meetings hosted by LAO on the issue. WCLS also endorsed the ACLCO's Clinic Funding Model Submission, which was released in January 2023. Talks between LAO and the ACLCO continue and the issue is not finally resolved.

LAO released its initial draft of the Risk Level Determination Policy for community legal clinics in March 2022. After initial consultations with the ACLCO and clinics, LAO issued revised drafts in April and September 2022. LAO consulted with clinics in September 2022 and invited clinics to make written submissions. WCLS sent in its written submission to LAO on October 26, 2022. On April 13, 2023 LAO Release its “Risk Management and Risk Level Determination for Community Legal Clinics and Student Legal Services Organizations” which incorporated very few of the recommendations from WCLS’s submissions and the submissions of the ACLCO and other community legal clinics. As we noted last year, clinics fear that LAO’s goal in determining clinics’ risk levels will result in punishing clinics, rather than ensuring that LAO and clinics work as partners to mitigate risk and ensure ongoing funding and support for clinics.

Ontario Not For Profit Corporations Act (ONCA)

The ONCA codifies the way in which not-for-profit corporations are created, governed and dissolved, and was proclaimed on October 19, 2021. ONCA is designed in part as a modernization of the not-for-profit incorporation process. By October 19, 2024, Ontario not-for-profit corporations will be required to conform to the new ONCA. This will require amendments of WCLS’s by-laws, articles and resolutions. WCLS’s Board formed an ONCA Committee which has been meeting regularly to review the clinic’s by-laws and what steps need to be taken to comply with ONCA. It is anticipated that in early 2024 WCLS will retain a lawyer to draft new ONCA compliant by-laws that will be presented at WCLS’s 2024 AGM. .

Tribunals Ontario – Digital First Platform

As we have reported over the past two years, nearly all of WCLS’s client hearings are before administrative tribunals that are part of Tribunals Ontario, particularly the Social Benefits Tribunal and the Landlord and Tenant Board. Tribunals Ontario has permanently moved to digital hearings.

Digital hearings do not work for many of the low income clients that WCLS serves. The permanent move to online hearing has resulted in delays and reduced access to justice, especially for low and moderate income participants. It is not uncommon for our clients to have neither a device nor reliable internet or data. Other clients are not computer literate so are unable to participate without assistance.

In our experience, the online hearing process, particularly at the Landlord and Tenant Board, continues to be disorganized and chaotic. Tenants are forced to connect by telephone, and sometimes wait for hours before their case is called. Many times, after waiting for hours, a case is not called and a client’s hearing has to be rescheduled because the Board has run out of time. Some LTB hearing blocks contain dozens of cases and there can be more than 100 people connecting to the same hearing. Parties

are commonly unable to connect to hearings or are cut-off in the middle of hearing blocks and forced to try to re-connect.

The above concerns do not even address the practical problems in having a digital hearing, such as the introduction of documents and other forms of evidence, examining and cross examining parties and witnesses. The move to digital hearings has created a situation in which Ontarians who had the most difficulty obtaining access to justice prior to the pandemic are even worse off now.

In May 2023 the Ontario Ombudsman, Paul Dube, released his report, “Administrative Justice Delayed, Fairness Denied” in which he was severely critical of the Landlord and Tenant Board. Mr. Dube stated, “the Board is fundamentally failing in its role of providing swift justice to those seeking resolution of residential landlord and tenant issues. In doing so, it is denying justice to a significant segment of Ontarians.” He continued: “There were tenants stuck waiting [for hearings] while they endured harassment, unsafe living conditions, and improper attempts to force them from their homes. And there were small landlords, including those renting out space within their own homes, who were trying to cope with tenants’ abuse, criminal conduct, and facing financial ruin and serious health harms. It was clear that prolonged delays in having their applications resolved were causing them and others significant hardship.”

Tribunals Ontario is attempting to address the Ombudsman’s criticisms but progress is slow. Legal clinics like WCLS will no doubt devote time and resources in the future to making hearings more fair and equitable for all Ontarians.

Client Service Measures

LAO requires clinics to develop and implement client service measures to monitor access, timeliness, and client feedback. To monitor access we survey clients and local agencies. To monitor timeliness we track our response time to clients on new issues two weeks per year. To obtain client feedback we survey nearly all of our clients whose files have been completed. The results are reported to LAO on an annual basis. Our measures and results for 2022-2023 will be finalized and tallied for our funding application.

Toronto East Employment & Immigration Law Services (TEEILS)

In 2015 WCLS joined with the then-five other clinics in Toronto east of Yonge Street to collaborate on an employment law project to assist the many precariously employed low income earners who required employment law services throughout east Toronto. We applied to LAO for permanent funding for the project, with an added immigration component, and received approval for the Toronto East Employment and Immigration Law Services (TEEILS) program in 2017. Don Valley Community Legal Services receives

the funding and administers the program. TEEILS employees now work exclusively from the offices of DVCLS. Currently the TEEILS staff consists of Yolanda Son (employment lawyer), Richa Sandill (employment lawyer), Allison Krochak (immigration lawyer) and Jennifer Wan (immigration lawyer).

Senior management of the TEEILS member clinics meet regularly to address issues and plan for the future. Regular meetings, including training opportunities, are also held among staff members of each of the TEEILS clinics who work in immigration and employment law. WCLS and TEEILS also collaborate in training Pro Bono Students Canada students who provide support to the TEEILS clinics.

Each TEEILS clinic uses the program's services to meet its own needs depending on the level of service in the area of employment and immigration law that the clinic offered prior to the creation of TEEILS. For example, WCLS provides a variety of immigration law services, including front-line services, family reunification, humanitarian and compassionate applications, as well as Immigration Appeals Division and Federal Court of Canada representation. Other TEEILS clinics were not providing as much or any service in immigration law prior to the creation of TEEILS. Therefore, those clinics rely on TEEILS' immigration law services.

On the other hand, WCLS did not provide as much service in employment law as some of the other TEEILS clinics, so we use TEEILS employment law services more than some of the other TEEILS clinics. The main employment law areas that TEEILS covers are employment standards, wrongful dismissal, Employment Insurance (EI), employment contracts, and human rights. Since the onset of the pandemic TEEILS has also providing services in the area of the Canada Emergency Response Benefit Program (CERB) and the Canada Recovery Benefit (CRB).

The TEEILS employment law team reports that WCLS is one of the TEEILS' program's busiest and most in demand catchment areas for employment law services. The program receives up to ten intakes a week from WCLS. Employment law clients from WCLS are diverse, from all backgrounds and walks of life. Many do not speak English, and/or work "gig work" or shift work jobs, and many are precariously employed. In the WCLS catchment in particular, TEEILS has noticed a sharp increase in calls over the past year from low income individuals being asked improperly to re-pay legitimately obtained Canada Emergency Response Benefits (CERB) in the pandemic.

Settlement Services

WCLS continues its partnership with The Neighbourhood Organization (TNO) to provide settlement services. We have increased this service over the past year and have a TNO settlement work at WCLS at least two days per week. TNO settlement worker are able to offer services in multiple languages including Farsi, Arabic, Mandarin, Dari and Urdu.

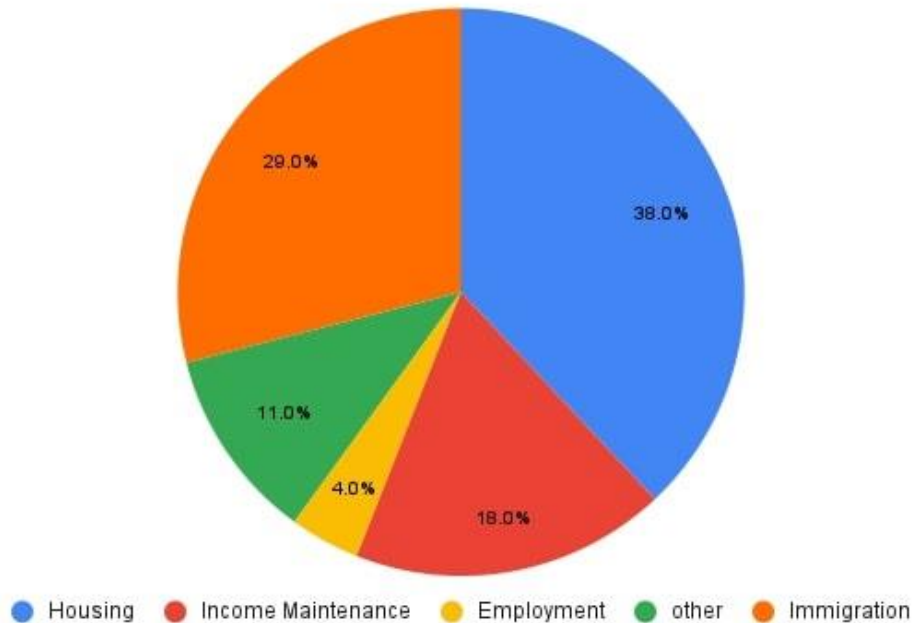
Clinic Casework and Initiative Statistics

(October 1 2022 to September 30, 2023)

We record our statistics using LAO's data program, CIMS.

Case and Brief Service, and Referral Statistics

From September 1 2021 to August 31, 2022 WCLS had a total of 5147 contacts from clients. Of those contacts, we provided legal assistance to clients on 2582 matters.



Legal issues in the area of housing accounted for 38% of cases, income maintenance 18%, immigration 29%, and employment 4%. Roughly 11% percent of cases fell into the category of other (human rights, consumer, debt, affidavit, notaries, etc.).

Of the 2582 cases, 326 became files that took over two hours of work to complete. The remaining matters were dealt with as advice or brief services, each taking less than two hours. Housing accounted for 129 files (39%), income maintenance 99 files (30%), and immigration 87 files (27%).

WCLS and TEEILS staff make regular appearances at courts and tribunals, including Income Maintenance Tribunals (Social Benefits Tribunal, Social Security Tribunal of Canada), the Landlord and Tenant Board, and the Human Rights Tribunal of Ontario. Staff also appear before the Immigration Appeal Division, Federal Court of Canada and Ontario Superior Court.

Over the past year WCLS rededicated itself to more accurately tracking referrals, which

can be onerous and time consuming in the CIMS program. We make referrals for matters in areas of law that our clinic does not handle, for people who do not qualify financially, and for people who live outside our catchment area. We make legal referrals to other legal clinics, LAO, and the private bar. We also refer clients to agencies, government offices, and service providers.

Initiative Statistics

An initiative is work that is not individual client casework. The clinic opened 122 initiative files between October 1, 2022 and September 30, 2023. Initiatives consisted of: public legal education – 24, outreach – 23, training/professional development – 14 partners/networks – 11, inter-clinic groups – 4 community development – 16, community organizing – 6, governance – 10, LAO/clinic committees – 1, and other – 10.

During the past year, WCLS staff delivered 26 public legal education workshops. Community members and service providers from organizations such as Homeless Shelters in our catchment area, Support Enhance Access Service Centre (S.E.A.S.), University Settlement, Fairview Public Library, Working Women Community Centre, Federation of Metro Tenants Associations, Catholic Cross Cultural Services, Canadian Centre for Victims of Torture and Flemington Health Centre.

We produced materials or provided information in writing to community agencies and government offices, which included distributing more than 1,900 pamphlets. We also post items of interest, community events and legal issues on our website (www.willowdalelegal.com), Twitter (@LegalWillowdale), Instagram (@LegalWillowdale) and Facebook page.

Our staff members consistently attend conferences, webinars and workshops to hone our skills and expand our knowledge. Staff members were involved this year in providing several trainings to legal clinic caseworkers and the private bar.

Case Stories

Looking at our statistics gives an overview of numbers but does not give a sense of the relevance of our work to individual clients. The following are brief examples of some of the clients and cases with which we were involved in 2022-2023.

INCOME MAINTENANCE CASES

Proving Disabilities

Every year, WCLS helps dozens of clients appeal decisions by the Ontario Disability Support Program (ODSP) that say that they are not disabled. People who have a low or no income struggle to survive on the minimal assistance provided by Ontario Works (OW). If they have a disability then they can apply to ODSP in order to receive a slightly higher income and not be forced to participate in employment-seeking activities. Clients have their doctors complete a package, and they also complete a form. The material provided must show that they have a substantial impairment that substantially restricts their daily life and is expected to last one year or more. Many applications are denied. Often, some information is missing from the materials, such as specialist reports or details about the impact of the condition. Sometimes, ODSP does not interpret the application in a reasonable manner. The client's subjective experience of their condition is also important, so it is necessary to hear their story in order to understand the disability. We help clients gather evidence and prepare them to testify. We also represent many clients at the Social Benefits Tribunal. The majority of the people who come to WCLS for assistance are successful in obtaining ODSP benefits.

Continued Disability

A received a letter from ODSP requesting that he complete a medical review so that they could determine if he still had a disability. A's doctor indicated that his symptoms had improved, so A's ODSP was cut off. We helped A appeal to the Social Benefits Tribunal. A's social worker told us that A had made some progress but still experienced many of the same symptoms as he had initially. Both the social worker and our legal worker spoke with A's doctor, who admitted that he was so positive on the forms because he thought it would be better for A to have hope. The social worker provided a letter of support and A's doctor provided a new report clarifying his comments. The Tribunal found that while A had some success in overcoming the impact of some of his symptoms, overall he was still a person with a disability who needed continued ODSP support.

ODSP Overpayment Due to Exclusion of Spouse and Child

R and O moved in together and notified O's ODSP caseworker. This should have prompted ODSP to add R and their child to O's benefit unit. O's financial eligibility should have been reassessed based on the inclusion of his wife and child. A couple of years

later, a new caseworker was assigned to O. She asked the couple for information regarding their finances. The couple provided this information and ODSP found that R's assets made O financially ineligible for benefits. ODSP issued an overpayment of approximately \$16,000 for the time that O received benefits while living with R. The couple came to us for advice. We requested their ODSP file and helped them file an Internal Review Request. The ODSP file clearly showed that R and O had informed ODSP that they would be living together. The overpayment was due to administrative error because ODSP did not act on the information it received. The Internal Review Request led to ODSP reversing its decision to issue the overpayment.

ODSP Overpayment Due to Transition from ODSP to OAS

K and her spouse H received ODSP benefits as a couple. H started receiving OAS benefits when he turned 65 years old. ODSP issued an overpayment for the couple. ODSP's position was that the couple received more money than they were allowed to receive from ODSP because H's OAS income was not deducted from their ODSP benefits. We helped the couple file an appeal to the Social Benefits Tribunal. We also requested a copy of the couple's ODSP file. The ODSP file made it clear that ODSP knew that H would receive OAS benefits. Rather than make the deductions for OAS income, ODSP simply removed H from the benefit unit and issued benefits to K as a single person. We helped K and H argue administrative error on ODSP's part, in addition to other arguments related to procedural fairness. K and H won their appeal and their overpayment was voided.

Success at Obtaining ODSP Benefits Despite Lengthy Delay

W came to us for a matter related to her Ontario Works benefits. During her appointment at WCLS, she mentioned that she had applied for ODSP a year earlier but was denied. An Internal Review Request should be filed within 30 days of the decision to deny an ODSP application. W's medical conditions and lack of knowledge about the legal process prevented her from challenging the decision at the time. We helped her file the Internal Review Request with an explanation about her delay. ODSP granted the extension of time to file the IRR, but denied her application again. We helped W file an appeal to the Social Benefits Tribunal. This posed its own challenges as W's family doctor had closed his practice and she had not yet found a new family doctor. We connected her with a psychologist who was able to assess W and provide a supportive report for her appeal. Despite the lengthy delay in filing the Internal Review Request, W was able to obtain ODSP benefits through her appeal at the Tribunal.

Adjustment to ODSP Deductions for Foreign Income

J came to us because ODSP charged an overpayment and was deducting benefits for a foreign pension that his spouse M received. ODSP believed that M was receiving approximately \$1,000CAD per month. ODSP was using an online currency calculator to come to this amount. However, M's home country uses two currencies, which is not reflected in online currency calculators. We helped J and M gather and submit documents

to show that M's monthly pension was actually about \$147CAD per month, such as a receipt from a registered Currency Exchange in M's home country, a letter from a Canadian chartered bank, and an account balance from the bank holding the pension. ODSP reversed the overpayment and started deducting the foreign pension funds correctly.

The Cost of Retiring: Increasing Old Age Benefits

We have had an increasing number of Seniors contacting us because their old age benefits are not enough to meet their needs. In a number of cases, their income from other sources decreased since the previous tax year. S contacted us because she was unable to pay her rent. The previous year she had stopped working, received EI, and ultimately decided to retire. Her Guaranteed Income Supplement was calculated based on her income that year, but she was no longer receiving earned income or EI this year. We wrote to Service Canada to ask that her benefits be recalculated based on her current income. We also requested urgent processing due to financial hardship. Within weeks, her benefits were recalculated and she received a retroactive lump sum.

OW and Immigration Status

S lives in a shelter and applied for Ontario Works. Her application was denied based on her immigration status. She was unable to make a refugee claim because of how she came to Canada, but she was able to make another similar claim. The Ontario Works office did not recognize her status. Months later, she contacted our office to ask about financial assistance. We connected with the Ontario Works office and after months of engagement we convinced them to provide her with benefits. We are now appealing to the Social Benefits Tribunal to try to backdate her benefits from when she had initially applied.

IMMIGRATION CASES

Persecuted Couple Arrives in Canada

S is a permanent resident of Canada. He travelled to his country of persecution to marry his fiancé and shelter her from persecution as an unmarried woman. WCLS was approached by S's family in Canada to assist him and his wife to immigrate here. Our clinic filed comprehensive submissions with a sponsorship process, asking Canada Immigration to allow the couple to come to Canada despite S's presence out of Canada and in the country of persecution. The application was approved on humanitarian grounds, and the couple is living in Canada.

Tenant Obtains TCHC Unit Before PR Card Renewal

S, a resettled refugee from Iran, came to our office for assistance in renewing his PR

Card and to apply for citizenship on behalf of his two children. Processing time for PRC renewal applications is 66 days. In addition to S's two minor children, the family includes his disabled sister and blind mother. The family lives in a shelter. S applied for subsidized housing and TCHC offered the family a unit. The unit suited the family's needs since it was wheel chair accessible. Before allowing the family to move in TCHC required a valid PR card. S was concerned that he would lose the unit while waiting for his PR Card renewal. Our office advocated to TCHC that there was no reason to delay the family's move until S's PR Card was renewed. TCHC ultimately agreed and the family moved into their new rental unit within a month.

Mother and Child Reunited in Canada

M is a protected person in Canada. Her son (18) escaped their home country and resided in a third country without status, fearing military service in his country of origin. The normal processing times for a reunification application is 50 months. With the help of WCLS, and following court litigation on the issue, immigration issued M's son a special permit and a special travel document to arrive in Canada. M and her son are now reunited here.

Status Acquired By a Victim of Domestic Violence

B was a person without status in Canada, who escaped her abusive partner with their two children. WCLs assisted B to obtain temporary status in Canada and a work permit. Our clinic is currently assisting her with a PR application as well. B is currently living with a new partner. She is working here and has stabilized her life in Canada.

TENANCY CASES

Repairs Cases

Every year we are contacted by hundreds of tenants who complain about the difficulty they experience getting basic maintenance work done in their units. For the past several years, we have reported on maintenance issues that tenants face in Toronto Community Housing (TCH). Tenants in private market rental units face similar problems getting their landlords to do basic repairs. The issue becomes increasingly challenging as buildings age and require more repairs. By the time a tenant contacts WCLS, they are frustrated and have usually had several discussions with their landlord. In some cases, particularly those involving TCH, the landlord claims to have limited funds to make repairs and cannot do all of the repair work that is needed. We continue to challenge landlords to comply with their legal obligations to do repair work. This work can involve applications to the LTB, working with the City of Toronto's Municipal Licensing and Standards Office, and with the Rental Housing Enforcement Unit.

Infestations

We have assisted many tenants over the past year for complaints about infestations, particularly bedbugs. The key to most of these cases is to get the landlord to take their obligations seriously and to continue to provide regular treatments until the infestation is eliminated. It also helps to connect tenants to community agencies, such as VHA Home HealthCare, which provide supports for tenants. Most landlords hire an exterminator to apply a chemical spray. It commonly takes multiple sprays to rid a unit of a bedbugs and sometimes even numerous treatments prove ineffective. Landlords are often reluctant to arrange for the most effective treatments, such as heat or freezing, as they are more expensive. It is onerous for tenants to prepare their units for multiple chemical treatments, particularly for those who are elderly or disabled. Many of our clients complain about the health hazards from the exposure to the chemical spray. In addition, tenants often have to throw out their property (bedframes, furniture, bedding, etc.) and it is unlikely that they will be compensated for such a loss.

Tenants in Accessory Apartments

As rents have increased dramatically over the past few years, we receive increased calls from tenants living in accessory or basement apartments. These are often tenants renting the basement or part of a basement in a house in which the owner lives on the main floor. It is not uncommon for the landlord-tenant relationship to become fractured because the landlord disapproves of something the tenant does. For example, tenants are told that they cannot have visitors, return to their unit after a certain hours, or cook certain types of food. The landlord may not be aware of the Residential Tenancies Act (RTA), which sets out the obligations and responsibilities of landlords and tenants (so long as they do not share a kitchen and bathroom). The landlord's response to a tenant disagreeing with them or violating their "rules" can be to tell the tenant to move out immediately. The police are often called. These cases may end up before the LTB. Even if a tenant is successful in defending a landlord's eviction application or in getting an abatement of rent in their own application, success is often short lived. The tenant will often move out of the unit because continuing to live in the house is impractical.

Rooming Houses

Over the past three years we have noticed an increase in illegal eviction cases. Most of the cases involve tenants living in unlicensed rooming houses. A rooming house is a house in which a landlord rents out each of the rooms individually and the tenants share the common areas such as the kitchen and bathroom with each other. Many landlords will try to coerce and intimidate tenants during conflict between tenants or between the landlord and a tenant. A tenant simply seeking to enforce their rights can end up being illegally evicted.

In one such case, W was living in a house with six other tenants, each with a separate rental agreement with the owner. The owner told the tenants he wanted to renovate then sell the house, so told the tenants they must move out. The owner did not serve a valid

Notice of Termination to any of the tenants. Some of the tenants moved out but W did not. W contacted WCLS and we wrote to the landlord informing him of the proper eviction process that needed to be followed pursuant to the Residential Tenancies Act. The landlord responded that the RTA did not apply and proceeded to lock W out of the house. We filed an application at the LTB and requested a hearing on an expedited basis. Unfortunately, the LTB took three months to process the application and hold a hearing, by which time W had found a new place to live. The Board held that the Act applied to W's tenancy and that he had been illegally evicted. The Board ordered the owner to compensate W for the loss/damage to his property and granted W general damages. We continue to work with W to enforce the order against the owner. WCLS had similar results in two other illegal lockout cases and we have four pending applications before the Board on other illegal lockout applications.

As rents continue to sky-rocket across Toronto, more low-income tenants turn to rooming houses to find a place to live. Rooming houses are the only option for individuals with very limited income and no family or community supports. Rooming houses are illegal in WCLS's catchment area. In some areas of Toronto, like the former City of Toronto, rooming houses are legal and subject to regulations. WCLS supports the long-standing movement to legalize rooming houses throughout Toronto. It is hoped during the upcoming year City Council will take action to legalize rooming houses throughout Toronto. The City of Toronto supports the idea but there exists significant community opposition. Whether or not rooming houses are made legal, in the absence of a substantial increase in affordable housing they will continue to exist as a source of housing for those most vulnerable in our community. If the current situation persists, tenants living in rooming houses in our community will continue to be stigmatized and face coercive and illegal actions from their landlords.

Rent Re-Calculations and Lease Renewals by Toronto Community Housing

Every year TCH tenants are asked to renew their leases and to provide information so their subsidized rent can be recalculated. Generally, a tenant's subsidized rent is thirty per cent of their gross income, not including utilities and parking. TCH tenants must report income changes to their tenant services coordinators within thirty days. We often hear from tenants that they reported income changes but TCH failed to recalculate the rent. By the time TCH does a rent re-calculation, the tenant faces substantial retroactive rent charges. TCH has acknowledged that the system of reporting changes and calculating rent has been problematic. Two years ago TCH adopted a new policy to try to streamline this process and have rent calculations tied to income reported in a tenant's CRA Notice of Assessment. The new system does not adequately address the problem for tenants who have lost their employment.

We see several cases a year in which the rent recalculation takes place too long after the income change is reported. We also see cases where the rent has not been properly recalculated and TCH has failed to follow their own rules and guidelines. Our clinic

continues to work with other public housing caseworkers in Toronto legal clinics on this issue as well as TCHC's Office of the Commissioner of Housing Equity (OCHE).

Landlord Claims Electricity Costs for Air Conditioning after 31 Years

R and his family moved into their apartment in 1986. R's family were refugees and a local church helped them find the apartment before arriving in Canada. R never signed a lease agreement with the landlord. R installed a window air conditioner in 1987 after the AC unit that was already in the unit stopped working. R added two other air conditioning units a couple of years later. For more than 30 years the landlord said nothing about the AC units. In 2019 the landlord sent R letters and an eviction notice stating that he did sign a lease in 1986 and a clause in the lease states he is unable to add his own AC unit without the landlord's consent and paying the associated electricity costs. In September 2019 the landlord filed an LTB application seeking a termination of the tenancy and compensation for electricity use related to the AC units going back to 2017. After several COVID related delays at the LTB, the Board finally heard the landlord's application. The Board dismissed the landlord's application claiming there was no basis to seek electricity costs related to the installation of window air conditioners.

Landlord's Own Use/Purchaser's Own Use

The largest increase in WCLS's tenancy cases is in the area of landlords/purchaser's own use. Typically, such cases involve a tenant renting a condominium unit from the individual owner/landlord or an accessory apartment in a house. In many cases, owner/landlord has demanded a rent increase above the allowed annual rent increase guideline. The landlord claims the rent increase guideline (2.5% for 2023) does not allow them to increase the rent at the same rate as inflation. If a tenant refuses the rent increase, some landlords serve a notice of termination claiming a relative is moving in or that the unit is being sold and the purchaser wants to move in.

B was served with a Notice of Termination for landlord's own use after refusing a rent increase of \$300 per month. We informed B of her rights and also the landlord of his obligations under the law. The Rental Housing Enforcement Unit was involved and contacted the landlord. The landlord eventually filed an eviction application at the LTB which was dismissed on technical grounds. The landlord served B with another Notice and made a second application to the LTB. The landlord also continued to harass B to move out of the rental unit. B was tired of the harassment and moved out before the second hearing at the LTB.

EPIC Program Assists Tenant Facing Eviction for Rent Arrears

A and his family of eight are in receipt of ODSP benefits. The family has struggled financially, including in keeping up with their rent payments. The clinic has assisted the family in the past for eviction/arrears cases in which repayment agreements were arranged. Unfortunately A continued to struggle financially and breached a previously

mediated repayment agreement. The landlord obtained an eviction order based on the breach. A filed a motion to set aside the order. In the lead up to the hearing of A's motion, we connected A with the Eviction Prevention in the Community Program (EPIC), which is funded through the City of Toronto. A received a grant from EPIC to help pay down his rent arrears. A's landlord was willing to agree to a new repayment agreement.

EMPLOYMENT CASES

Sexual Harassment in the Workplace

F, a recent immigrant to Canada, began working at her job in early 2017. F's supervisor, L, started to harass her shortly after F started her job by making unwanted sexual comments. L repeatedly commented on F's appearance, asked her about her boyfriend and questioned her about her sexual activities and experience. About six weeks into her employment F was sexually assaulted by L in the workplace. F reported the incident to the employer and the Toronto Police. L was charged with sexual assault and his employment was terminated. F filed an application at the Human Rights Tribunal of Ontario. Due to the COVID 19 pandemic the hearing of the application was delayed. A hearing was eventually held and the Tribunal issued its decision in March 2023. F was awarded approximately \$45,000 as compensation for injury to dignity, feelings, and self-respect.

In another TEEILS employment case, Q, age 22 worked for a cleaning company. Her co-worker, M, was her team leader. M had the authority to confer, grant or deny Q work-related benefits. M sexually harassed Q by making repeated sexualized comments and advances. The harassment continued despite the fact that Q repeatedly made it known M that his comments, and his actions were unwelcome. The situation culminated when M assaulted Q while at work. Q was working in an isolated area when M assaulted her. Q was able to get away from M and reported the assault to the employer and the police. Q filed an HRTO application. The Tribunal found that Q experienced discrimination in employment on the grounds of sex including sexual harassment as a result of the M's remarks and conduct. Q was awarded \$55,000 as monetary compensation for injury to her dignity, feelings and self-respect.

OTHER CASES

Clients Pursued by Collection Agencies

We receive many calls from clients who are being pursued by collection agencies. Some involve tenants who owe money to their former landlords for rent arrears, claims of property damage or utility costs. Other common cases involve credit card debts. The pandemic has been catastrophic for many of our clients who have lost jobs and employment opportunities, resulting in greater debt. Clients may find themselves facing

down a collection agency, defending a claim in Small Claims Court, or responding to a former landlord's enforcement action. During the past year we have assisted numerous clients who face such circumstances in understanding their rights, settling accounts, creating payment plans, filing disputes with the Credit Bureau, filing complaints with the Ministry of Government & Consumer Services, preparing for garnishment hearings and navigating through the Small Claims Court process.

Initiative Stories

Community Outreach

JusticeMakers

A group of current and former WCLS clients formed JusticeMakers, a social justice group pushing for effective access to social assistance, affordable housing and legal aid services, shortly after the provincial government announced cuts to legal aid in April 2019. Members of our community engage their neighbours about the importance of stable government funding and advocate for program and policy improvements. Successfully accessing these services allows low-income members of our community to live their lives with dignity. This past year, the group has focused on advocating for affordable housing as part of the Fairview Mall redevelopment project, as well as developing practical advocacy skills such as letter writing and engaging with the media. To join JusticeMakers, contact WCLS Staff Lawyer Sara Ageorlo!

Build A Better Fairview (BaBF)

A group of residents, community and service organizations dedicated to the responsible, equitable and sustainable development of the Fairview area, working with all stakeholders and decision makers to ensure equitable neighbourhood change through meaningful community engagement and involvements as part of new proposed developments in the Fairview Mall area. WCLS is one of the members who initiated the BaBF. Our priorities are Affordable Housing & Density, Equitable Economic Development, and Quality Public Space. A survey and a petition have been shared with the community to get the voices of local residents including equity-deserving populations living around the Fairview Mall. A report prepared by BaBF on Community Needs and Benefits is available on our website: buildabetterfairview.ca.

Cummer Ave. Drop-Inn

The Drop-Inn is a safe, warm and friendly environment where guests have their basic needs met and receive assistance from resources depending on their needs. This Drop-Inn provide breakfast and hot lunch, access to a phone, clothing closet, shower and haircuts in addition to other services each Wednesday year round. We are on-site once a month to provide legal support. Other services on-site include OW, doctors, outreach workers, ID clinic, and dental bus.

Public Legal Education Partnerships

WCLS signed a Program Agreement with the Toronto Public Library to deliver a series of monthly Public legal education sessions from May 2023 - May 2024 at the Fairview Library and Hillcrest branch (The Fairview branch is closed for renovation as of September 2023). We are in negotiation with the North York Central Library to sign a similar agreement starting January 2024.

We have created a partnership with SEAS Centre (Support Enhance Access Service

Centre) in North York where we provide PLE sessions on a monthly basis accompanied by a mandarin speaking interpreter for their South East Asian populations.

We reached out to all five shelters in our area and proposed series of PLE sessions for their staff and guests. We met with the staff of all five shelters to introduce our services and discuss how to best collaborate in serving their clients.

We also continue to provide sessions on demand to other service providers in the community like FHC, WWCC, The Learning Disabilities Association of Toronto, TNO, and CICS.

Allenbury Gardens and Villaways Revitalization Projects

Revitalization planning for the Leslie Nymark and Allenbury Gardens communities, which began in 2010 were finally completed in 2023. As we have reported over the past several years, these two TCH communities have undergone dramatic change. Each community contained about 135 TCH subsidized units before they were demolished. Each project replaced TCH townhouses with new, mixed-use buildings, consisting of townhouses, high-rise condominium buildings, and one high-rise apartment building in the Allenbury Gardens community. In total, approximately 1,110 units were constructed in each location. The number of TCH subsidized units at each location remains the same, but the vast majority of units in each area are dedicated to establishing mixed income communities.

WCLS has been keeping track of each project and working with tenants in both locations for several years. We participated in community consultations and in meetings of TCHC management, tenants and local politicians to monitor the progress of the project. We worked with TCH's Transformation Relocation Team and TCH tenants to help in the transfer of tenants to temporary rental units during the demolition and construction phase of the project. Finally, we worked alongside TCHC tenants post construction as they were moving back to their newly constructed rental units.

Policy and Systemic Advocacy

Meeting with Local Politicians

As in past years, WCLS continued to advocate on behalf of our clients to representatives at all levels of government. We have regular contact with local politicians and their offices, including:

Federal:

- Ali Ehsassi, MP for Willowdale
- Han Dong, MP for Don Valley North

Provincial:

- Stan Cho, MPP for Willowdale
- Vincent Ke, MPP for Don Valley North
- Dr. Adil Shamji, MPP for Don Valley East

Municipal:

- Shelley Carroll, City Councillor for Ward 17
- Lily Cheng, City Councillor for Ward 18

We have participated in public meetings over the past year hosted by MP Dong, and by Councillors Carroll and Cheng. We have also attended meetings with MPP Shamji, MP Dong and MP Ehsassi. WCLS has always tried to foster productive relationships with all of our local politicians so that we can advocate for assistance to individual clients as well as systemic policy and legislative changes.

Social Assistance “Modernization”

We continue to advocate in favour of a robust social assistance system. In 2018-2019 the provincial government announced devastating cuts to social assistance. This included a change in definition of disability and the cancellation of the Transition Child Benefit. After much pressure, the government formally reinstated the Transition Child Benefit and then quietly withdrew its proposal to make it harder to get ODSP benefits. Instead, there is a renewed focus on “social assistance modernization”. WCLS along with other clinics are actively advocating for a modernized social assistance system that is co-designed with recipients, raises the rates to an adequate level, and maintains the rights of recipients to challenge unfair decisions. Most recently, our attention has turned to the providers of Employment Supports as the province receives tenders from municipalities, private corporations and non-profit corporations.

Networks and Workgroups

Our staff are members of numerous workgroups, networks and committees, both with other legal clinic and other organizations in our catchment area. These groups serve a variety of purposes, including: law reform, networking, information sharing, and community development.

Social Assistance Action Committee (SAAC)

One of our staff lawyers is a co-chair of the Social Assistance Action Committee (SAAC). SAAC is an inter-clinic working group of community legal clinic lawyers and paralegals from the GTA who meet monthly to support each other in our work in social assistance and other income maintenance areas and to develop and coordinate systemic advocacy.

TNLIP Newcomer Community Advisory & Action Table

WCLS is an active member with Toronto North Local Immigration Partnership Settlement & Language group. This year we were involved with their Equity, Diversity and Inclusion

Workgroup in discussing their Equity Action Plan. We worked together on several initiatives including Faith Networking Event held this year for the first time and the Faith Forum annual event.

Community Coordination Plan - North York Community Cluster

The Community Coordination Plan (CCP) was initiated at the beginning of the pandemic by United Way Greater Toronto and the City of Toronto to support organizations' efforts to delivery services. The Plan was designed to be agile and iterative to the urgent needs of vulnerable people during the COVID-19 pandemic. We are an active member of the North York Community Cluster table, which is comprised of decision-making level representatives of community agencies and other stakeholders supporting vulnerable residents in the Cluster area. We are part of the Housing initiative and we continue to support the Mental Health & Equity Work by taking the lead on this initiative in collaboration with TNLIP. Some of the work done by this workgroup was promoting well-being, deepening awareness on equity and anti-oppression, strengthening resiliency and building capacity for staff of several service providers from different sectors.

Fairview Interagency Network

WCLS continues to be an active member of the Fairview Interagency Network (FIN), a network of 35 grassroots organizations to share information, collaborate on addressing issues in the Fairview Community and support local community development work in the Fairview area.

Redesigning Community Safety Coalition

WCLS is a member of this coalition to expand the Toronto Community Crisis Service (TCCS) pilot to the North York neighbourhood, specifically divisions 32 and 33. TCCS has launched in four areas: Northwest, Downtown West, Downtown East, and Northeast. A Mayoral By-election Strategy Workgroup generated from this initiative to address community safety issues with candidates during the Mayoral By-election.