

## Willowdale Community Legal Services **Annual Report – 2023/2024**

### **Clinic Overview**

Willowdale Community Legal Services (WCLS) opened in February 1987, making this our thirty-seventh 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, and immigration law are our main areas of practice. We also may assist with matters concerning domestic violence and 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. Our service proposal (funding application) for 2025-2026 is due December 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], **Gemma Coppins** [Treasurer], **Michael Cowan** [Secretary], **Susy Guadron**, **Misha Hossein**, **Kelsey Miki**,

## **Sarah Modesta Sepillo, Irma Spahiu, and Ben Torres.**

In addition to our monthly Board meetings, we held our annual Board & Staff Planning Meeting on April 23, 2024. We discussed a number of matters at our Planning Meeting, including a review of our annual goals and objectives, how to recognizing and celebrate Indigenous days of significance, and a review of the WCLS's current immigration law services. In addition, the Board and staff reviewed and discussed the clinic's outreach work over the past year. WCLS's newest Board members participated in training session provided by the ACLCO about Ontario's community legal clinic system and the role of volunteer boards of directors in January 2024.

The joint Staff-Board Outreach Committee was active throughout the year. The committee focused much of its attention on the Build a Better Fairview Campaign (BaBF), 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. We report more extensively on BaBF later in this report.

A subcommittee of WCLS's Board developed a new Conflict of Interest Policy which was passed at the Board's May 2024 meeting. Also at its May meeting, the Board reviewed and amended the clinic's Case Selection Policy.

## **WCLS Staff 2023-2024**

<b>Joe Myers</b>	Executive Director / Lawyer
<b>Gillian Reiss</b>	Staff Lawyer / Managing Director
<b>Nir Gepner</b>	Staff Lawyer
<b>Sara Ageorlo</b>	Staff Lawyer
<b>Rebecca Ward</b>	Staff Lawyer
<b>Rola Hamdan</b>	Community Legal Worker
<b>Jessica Fletcher</b>	Community Legal Worker
<b>Shoghig Bedros</b>	Intake Worker
<b>Lorena Zelaya</b>	Receptionist/Administrative Assistant
<b>Destoni Willock</b>	Receptionist/Administrative Assistant
<b>Louis Jane Reducto</b>	Receptionist/Administrative Assistant

Jessica Fletcher left her position for a new opportunity in April 2024 and Rebecca Ward was hired. WCLS's long-time receptionist-administrative assistant, Lorena Zelaya, left her position in November 2023. The clinic hired Destoni Willock on a contract. The clinic hired Louie Jane Reducto to fill the position on a permanent basis in June 2024.

WCLS strives to provide in-house translation when possible. Rola and Shoghig are fluent in Arabic. Jane is fluent in Taglog and Bisaya. Sara is fluent in Farsi. Nir is fluent in

Hebrew. Gillian can provide basic service in French.

This year, Rola Hamdan was awarded the **His Majesty King Charles III Coronation Medal** by MP Han Dong. MP Dong presented the award to 20 community members whose achievements resonate with the core values of generosity, service & excellence.

## **WCLS Services during COVID-19**

As we reported over the past four years, the COVID-19 pandemic has had a profound impact on our communities. 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 continued to offer our regular open hours and in-person service. Currently, most caseworkers work from the office three days a week and from home two days a week.

## **Anti-Racism Anti-Oppression Activities**

WCLS staff continue to engage in anti-racism anti-oppression training on a monthly basis. Over the past year, we have deepened our understanding of racism and oppression experienced by Indigenous people. We learned about residential school survivors by reading stories from "The Survivors Speak," a report issued by the Truth and Reconciliation Commission of Canada. For National Indigenous Peoples Day, each staff member engaged in one activity to learn more about Indigenous peoples' history in Canada. We came together to share our experiences and what we learned. Many WCLS staff recently attended a presentation sponsored by North York Community House in which Anishinaabe writer/comedian Ryan McMahon from the Couchiching First Nation spoke on the ongoing challenges of Reconciliation.

The ARAO Committee, in collaboration with the entire staff, developed a domestic violence action plan. While WCLS does not provide legal assistance to those experiencing domestic violence, our action plan includes the steps a staff person should take if someone identifies that they experience domestic violence. We developed a comprehensive list of resources to connect domestic violence victims once the staff person has worked with them to assess their top priorities (finding shelter, legal help, etc.).

The ARAO Committee also engaged WCLS student interns with the Committee's work

over the last year. Students presented on an ARAO topic important to them. Thank you to our student interns who provided presentations about Indigenous spirituality, anti-Black racism, and anti-Sikh racism in Canada.

WCLS staff have also participated in external 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.

We continue our collaboration and involvement with Toronto North Local Immigration Partnership (TNLIP) on fostering relationships with Indigenous leaders and enhancing cultural competency among service providers in the community which is crucial for meaningful reconciliation. We became an active member of the “Newcomer & Indigenous Task Group” led by TNLIP. One of the initiatives that they’re working on, is organizing the Reconciliation Conference for the Settlement Sector in Toronto, creating space to have important conversation and collaborations. We are hoping that these efforts will contribute to a stronger, more inclusive community in Toronto. It is vital to continue listening, learning and working together to support Indigenous Peoples and create lasting change.

## **Student Placements**

WCLS contributes to our legal community by providing placement opportunities for students to learn about poverty-law. WCLS see a lot of value in student engagement at the clinic. Students support the work that we do. They also learn and gain experience at the clinic, which we hope would assist them and influence them in their future careers. In 2023-2024 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 2025.
- 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. These students provided research and case support in immigration law. We are hosting two students this academic year.
- Osgoode Hall’s Public Interest Requirement → Last academic year, we hosted 4 students who assisted with JusticeMakers and casework. 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.
- High School Co-Op Students → WCLS hosted five students over the past year from Georges Vanier Secondary School, Notre Dame High School and St. Joseph Morrow Park Catholic 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.

- Summer Placement → WCLS hosted third year law student Divjot Sudan from May to August. Divjot assisted caseworkers with social assistance, housing, and immigration files, providing research and summary advice to clients. He also facilitated workshops for JusticeMakers.

## **WCLS Lease/Office Space**

We have been at our current location for more than twenty-five 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 31, 2025. We are hopeful that we can remain in our current space and are in the process of negotiating a lease extension.

## **Legal Aid Ontario (LAO)**

### **Funding**

In 2018-2019 the clinic's funding was reduced for the first time in its history by approximately 7%. In the subsequent years WCLS received small increases. In June 2024 the clinic was informed that it would receive an additional 5.5% funding increase for the year. Stable, on-going funding from LAO allow us to provide consistent core services and additional responsive services to help meet our community's needs.

LAO said that the additional investment in funding announced in June 2024 was intended to address clinics' stated priority of staff compensation, particularly staff lawyer compensation, and the impact of salaries on retention and recruitment. At its September 2024 Board meeting WCLS's Board of Directors made the decision to address the issue by applying the largest portion of the additional funding increase to the lawyers on staff who were the most underpaid.

Although the impact of COVID-19 has largely abated, there are still on-going challenges in the areas of law that WCLS practices emerging from the pandemic. Inflation, including a dramatic increase in food and housing costs, has accelerated the affordable housing crisis. Although funding from LAO 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. 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, most of the outstanding issues arising out of *LASA 2020* have been resolved. The issue of how legal clinics are funded however, remains unresolved. Historically, LAO has funded community clinics 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 the clinic budget to cover the cost. LAO said it 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 and hosted clinic town hall meetings that were well attended, including by WCLS. WCLS endorsed the ACLCO's Clinic Funding Model Submission, which was released in January 2023. Talks on the issue stalled in late 2023 and early 2024 as the ACLCO and LAO focused their efforts on staff compensation and the impact of salaries on retention and recruitment. Since the increased funding announcement of June 2024, LAO and the ACLCO are refocusing their attention on the funding model issue.

## **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. By October 19, 2024, Ontario not-for-profit corporations will be required to conform to the new ONCA. This requires amendments of WCLS's by-laws and articles. As reported last year, WCLS's Board formed an ONCA Committee which met regularly over the past year and performed a thorough review the clinic's by-laws and the steps needed to comply with ONCA.

In early 2024 WCLS retained Iler Campbell LLP to work with the ONCA Committee to draft ONCA compliant by-laws. The Committee reported on its progress to the WCLS Board at its monthly meetings. Included in the changes was a desire to amend the number of directors who can sit on the Board. Currently, the number of directors is fixed

at ten. The Board wanted to change the number to a range of directors in order to better ensure compliance if a director needs to resign suddenly. To make such a change, WCLS needs to amend its Articles (Letters Patent).

At the June 2024 Board meeting the Committee presented to the Board the amended by laws and the resolution to amend the clinics Articles. The Board of Directors approved the proposal. The clinic will make an application for articles of amendment once the by laws and resolution are approved at the October 8, 2024 Annual General Meeting.

## **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. Despite the LTB’s introduction of a new technical support helpline for Zoom hearings, the situation remains chaotic.

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, as well as 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 released his report, “Administrative Justice Delayed, Fairness Denied”. Regarding the Landlord and Tenant Board, he 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 2023-2024 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. Currently the TEEILS staff consists of Yolanda Song (employment lawyer), John Wigle (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, whereas other TEEILS clinics were not providing as much or any service in



immigration law. 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. Many do not speak English, and/or are precariously employed working "gig work" or shift work jobs. TEEILS continues to receive many calls from low income individuals being asked to re-pay legitimately obtained pandemic benefits.

In early 2024 the non-DVCLS TEEILS managers requested that TEEILS staff return to the pre-COVID arrangement whereby some TEEILS services were offered from non-DVCLS clinics. It is easier and more accessible for WCLS's clients to meet with TEEILS staff at WCLS. At the May 2024 Board meeting, WCLS's Board passed a motion for WCLS to advocate for in person services at WCLS. We are happy that the TEEILS employment law lawyer now works from WCLS's offices every other Wednesday.

## **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 workers are able to offer services in multiple languages including Farsi, Arabic, Mandarin, Dari and Urdu.

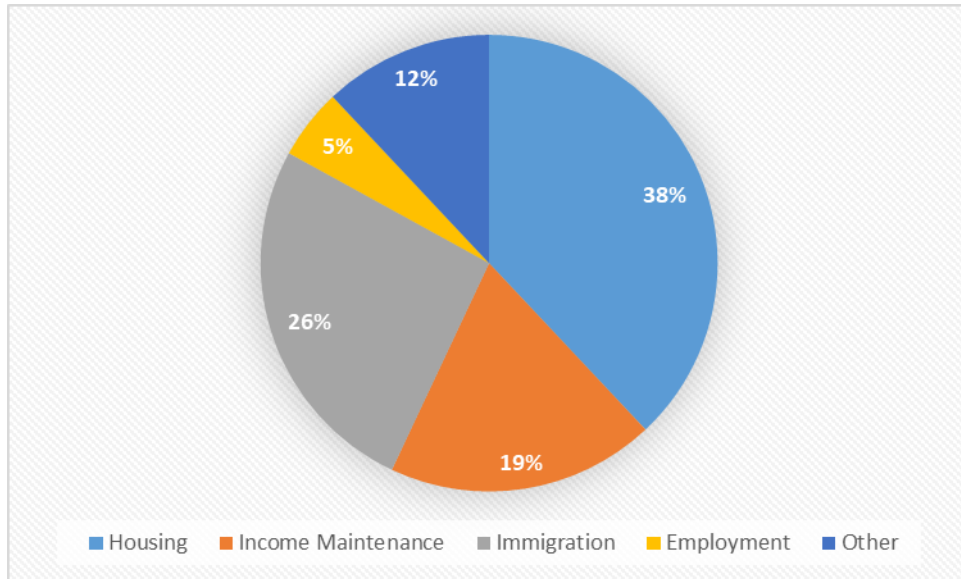
## **Clinic Casework and Initiative Statistics**

(September 16, 2023 to September 15, 2024)

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

## **Case and Brief Service, and Referral Statistics**

From September 16, 2023 to September 15, 2024 WCLS had a total of 5410 contacts from clients. Of those contacts, we provided legal assistance to clients on 2813 matters.



Legal issues in the area of housing accounted for 38% of cases, income maintenance 19%, immigration 26%, and employment 5%. Roughly 12% percent of cases fell into the category of other (human rights, consumer, debt, affidavit, notaries, etc.).

Of the 2813 cases, 386 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 149 files (39%), income maintenance 124 files (32%), and immigration 96 files (25%).

WCLS and TEEILS staff make regular appearances at courts and tribunals, including the Social Benefits Tribunal, Social Security Tribunal of Canada, Landlord and Tenant Board, and 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 123 initiative files between September 16, 2023 and September 15, 2024. Initiatives consisted of: public legal education – 30, outreach – 19, training/professional development – 10 partners/networks – 12, inter-clinic groups – 4 community development – 20, community

organizing – 7, governance – 11, and other – 9.

During the past year, WCLS staff delivered 30 public legal education workshops. Sessions were provided to community members and service providers from organizations such as Homeless Shelters, Support Enhance Access Service Centre (S.E.A.S.), University Settlement, Fairview Public Library, Working Women Community Centre, Federation of Metro Tenants Associations, Christie Refugee Welcome Centre, Catholic Cross Cultural Services, Canadian Centre for Victims of Torture and Flemingdon Health Centre.

We produced materials or provided information in writing to community agencies and government offices, which included distributing more than 1,500 pamphlets. We also post items of interest, community events and legal issues on our website ([www.willowdalelegal.com](http://www.willowdalelegal.com)), Twitter (@LegalWillowdale), Instagram (@LegalWillowdale) and Facebook page. Over the past year our website had 9,368 visitors and 26,817 page views. We received 232 intakes on our website.

WCLS's listserve has a total of 745 subscribers, with 374 joining this past year. We participated in 28 email campaigns and sent out a total of 16,464 emails as part of those campaigns.

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 2023-2024.

### 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.

#### Hearing Challenges

G is a recent immigrant to Canada and is living in a shelter. He has had minimal healthcare so far, despite experiencing profound hearing loss as well as other significant health problems. He was denied ODSP benefits because he could not prove his disability. We helped him communicate his needs with his healthcare providers and encouraged his family to help him understand the Canadian healthcare system. We also requested accommodations during his hearing so that he could participate through written translation in his primary language. G was successful at obtaining ODSP benefits and grateful that WCLS made the efforts to communicate with him.

#### Backdating Child Disability Benefits

U wanted our help to challenge a decision that her daughter, S, did not have a disability. We helped U connect with appropriate medical services to have her daughter assessed for mental and cognitive conditions. With this new report, the Assistance for Children with Severe Disabilities program agreed that S had a disability. Nonetheless, they only paid U from the date of the report, even though S's condition is congenital. The Tribunal agreed that ACSD had not followed the proper process that would have allowed U to prove that S

was disabled when U first applied for benefits. The Tribunal ordered ACSD to issue the retroactive assistance that U was requesting.

### Unfortunate Gamble

We helped F obtain ODSP benefits as a person with a mental health disability. Shortly before her ODSP was approved, she took bad advice from scrupulous agents and purchased an “investment property” that required her to accumulate multiple mortgages. ODSP found that since F owned a property in which she did not live she was not eligible for income support. Meanwhile, F was stuck unable to sell the house after the housing bubble burst and her debt load against the house was higher than its value. The Tribunal agreed with us that F’s house was not worth enough to her to make her ineligible for ODSP income support. F was entitled to receive ODSP benefits while figuring out how to dispose of the property.

### ODSP Forgets to Stop Benefits and Charges Client

BG received ODSP benefits. He was subject to a medical review in 2021. BG’s doctor was to provide updated reports to ODSP so they could assess his ongoing eligibility. ODSP denied BG’s medical review. BG filed an internal review request in October 2021. Following the internal review request, he continued to receive ODSP benefits. In January 2024, BG received a letter from ODSP indicating that his file was closed as of October 2021. He also owed ODSP approximately \$43,000 for the benefits he received since that time. We helped BG file an appeal of the decision to issue an overpayment. We also filed a FIPPA request for access to BG’s entire ODSP file. We discovered that BG’s October 2021 internal review request had been denied. However, ODSP did not “action” the denial. In other words, while BG’s caseworker was notified that his ODSP benefits should be stopped, she neglected to do so. Two and a half years later, ODSP expected BG to pay a debt that was a result of their own administrative mistake. Our office negotiated with ODSP on behalf of BG. We presented the facts to ODSP’s representative, as well as case law in support of our position that the entire overpayment should be waived. ODSP agreed and waived the overpayment, saving BG from having to repay \$43,000 and go through a potentially lengthy litigation process.

### Social Benefits Tribunal Rights a Wrong

We represented DF in her appeal of the denial of her ODSP application. DF had strong medical evidence and testimony. For example, DF’s doctor stated that her “mental health problem is chronic, with flare ups, not well controlled.” Her psychiatrist indicated that she experienced 16 mental health symptoms severely. DF testified that she would shower every few days, do laundry every few months, ate one meal per day like an egg or a can of tuna, and cleaned her home twice per year due to her multiple medical conditions. Nevertheless, the Social Benefits Tribunal agreed with ODSP and denied her appeal. We helped DF file a reconsideration request. We drafted written submissions arguing that the Tribunal applied the wrong legal test when determining DF’s eligibility for ODSP benefits. The Tribunal granted DF’s reconsideration request and DF had a new hearing. We represented DF during her new hearing and she was found eligible for ODSP with a four-

year medical review date.

### The City Contradicts Its Own Policy

MD contacted us to apply for funding from the City of Toronto's Housing Stabilization Fund. The HSF provides funding to replace discarded furniture after a unit has been sprayed for bed bugs. We helped MD collect necessary documents to submit his HSF application. Despite meeting the City's requirements, the City denied the application. We helped MD file an internal review request of the decision. The IRR was denied because MD had not provided a final inspection report verifying that the unit was free of bed bugs. This requirement cannot be found anywhere on the City's eligibility criteria for HSF. We helped MD file a challenge to the IRR decision. We also contacted one of the managers of Ontario Works, which issues the funding, to alert them to the matter. The manager had the file more thoroughly reviewed. OW finally determined that the necessary documents had been provided at the start and issued \$3,000 to MD and his family.

## **IMMIGRATION CASES**

### Afghan family reunited

Much of our work involves applications dealing with complex family reunification processes, where the clients' applications have been refused or where individuals do not conform to the (often strict) legal definition of family membership. V is an extremely vulnerable person who was evacuated to Canada in 2021 when the Taliban came to power. Her application to reunite with her partner (and the father of their baby) was denied by immigration in 2023. WCLS assisted V to reopen the application and supported her through the process of reunification with her partner, who came to Canada in 2024. The family continues to reside together in our catchment area.

### Applications reopened after Federal Court Litigation

D has resided and worked in Canada for years. She applied for PR status in Canada in 2021 as an essential worker under a public policy created during the pandemic. Her application was refused without clear reasons two years after it was filed. It was refused without attention to the unique circumstances of her case (she was ill with Covid-19, so she submitted her language test results two months after the initial application was filed). Following the refusal of her PR application, her work permit application was also refused and she was in Canada without status. WCLS commenced court applications to challenge the refusals. After a yearlong litigation process, the applications have been reopened. WCLS continues to work with D to support her in her attempt to become a PR.

### Visitor visa awarded to a family member of a terminally ill person

B was referred to our clinic by a neighbouring clinic for support. He is a young man in Canada on a work permit. He is terminally ill and cannot travel out of Canada due to his illness. B's brother attempted to come to support B in Canada, but his visitor visa application was denied. WCLS commenced a court process, and in conjunction, sought

reconsideration of the refusal. We approached our MP's office to send communications to immigration on this issue (in part because B's local MP's office refused to do this). Within two weeks of our involvement, IRCC reversed its decision. In addition, IRCC issued visitor visas to B's parents. B's brother and parents came to Canada and are supporting him during his last months while he receives palliative care 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.

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 Pays for Illegally Locking Out Tenant

R, a convention refugee, contacted WCLS three days after she had been illegally evicted by her landlord. Without warning one evening, R's landlord had changed the locks on the rental unit, locking R and her roommate out of their home, without access to their personal belongings including medication, personal computers, and clothing. With limited supports in the city, R was forced to spend nights riding the subway, and couch surfing at friends' homes in the days following the eviction. WCLS immediately assisted R with filing a tenant rights application at the Landlord and Tenant Board with a request for the application to be urgently heard. Within the week, the LTB approved the request for an urgent hearing and scheduled the hearing for a month and a half later. During this time, WCLS assisted R with gaining access to her personal belongings that the landlord had restricted her access to. On the day of the hearing, WCLS negotiated with the landlord's legal representative, ultimately settling R's application for a substantial payment from the landlord to R and her roommate. R and her roommate are now housed elsewhere

#### Multiple Tenants Illegally Evicted from a Rooming House

In June 2023 WCLS was contacted by five rooming house tenants who were threatened with eviction. WCLS contacted the landlord and urged the landlord to follow the eviction process in the RTA. We also contacted the Rental Housing Investigations and Enforcement Unit who contacted the landlord and telling him to follow the procedure in the RTA. Despite this intervention the landlord locked out all of the tenants. The landlord claimed an exemption to the RTA which permitted him to bypass the RTA eviction process. WCLS filed LTB applications on behalf of the tenants claiming the lockouts were illegal, claiming damages and compensation. The applications were heard over a series of four day long LTB hearings, the last in July 2024. In a decision issued earlier this week the LTB found that the rooming house tenancies were covered by the RTA. The Board went on to order each of the tenants out-of-pocket compensation and damages, and issued an administrative fine against the landlord of \$40,000.00.

#### 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.

#### LTB Orders Toronto Community Housing to Restore Tenant to Possession

S is a senior who has lived in her TCHC unit for more than 35 years. S fell behind in her rent and was unaware that TCHC obtained an eviction order terminating her tenancy until the Sheriff came to enforce the eviction order. S was locked out of her unit and contacted WCLS for help. WCLS filed a review of the LTB order. We also worked with community agencies to get S financial assistance. WCLS attempted to negotiate a resolution with TCHC that would restore S's tenancy. TCHC refused to negotiate and insisted that S not be allowed to restore her tenancy. The LTB granted S's review of the original eviction order and directed TCHC to reinstate S's tenancy. Through the assistance of community agencies and her extended family, S was able to pay her rent arrears and continues to reside in her TCHC rental unit.

#### Landlord Refuses to Accept Spouse as a Tenant

V, her husband and their two children moved into their apartment 10 years ago. V's husband was the only person listed as a tenant in the lease. V and her husband separated in 2019 and divorced shortly thereafter. V continued to reside in the rental unit with her two children. V continued to pay the rent. In 2023 V and her ex-husband had a disagreement about child support. V's ex-husband contacted the landlord and said he wanted his name removed from the lease as he no longer resided in the unit. The landlord filed an application at the LTB seeking a termination of the tenancy and claiming V was an unauthorized occupant of the rental unit. A lengthy hearing, over multiple days, was held at the Landlord and Tenant Board. WCLS represented V and argued that pursuant to regulation 516/06 of the RTA, V, as the spouse of the vacating tenant, was herself considered a tenant of the rental unit despite not being identified as a tenant in the lease. Prior to an order of the Board being issued, the landlord withdrew their application and acknowledged that V is a tenant of the rental unit.

## **EMPLOYMENT CASES**

### Sexual Harassment in the Workplace

M, a newcomer to Canada, was induced by her supervisor to work without pay in the fall of 2018, on the promise that she would be given a paying job at a later date. Over the course of two months of employment, M's supervisor sexually harassed and assaulted her. M reported the supervisor's actions to the employer, who failed to investigate the complaint appropriately and took no action. These incidents were significantly harmful to M's self-esteem and mental health, particularly due to the cultural stigma she experienced as a victim of sexual harassment and assault. TEEILS filed an application at the Human Rights Tribunal of Ontario in 2019. As the matter was preparing to proceed to a hearing, we reached a settlement in May 2024, which meant that M would not have to go through a hearing in which she would be required to provide details of her trauma and be subject to cross-examination. As part of the settlement, the employer company and supervisor paid \$25,000 in general damages and the supervisor provided a signed letter of regret.

#### Wrongful Dismissal and Unfair Allegations of Fraud

H was an older, racialized worker who had worked for her employer for nearly 11 years. In 2021, there arose an issue with her paycheques being deposited twice in different bank accounts. H told her employer that she did not know who was depositing her paycheques a second time, or to which bank account the cheques were being deposited. Despite H's cooperation in the employer's investigation, the employer dismissed H without any notice or termination pay. H's supervisor also reported her to the police. We commenced a wrongful dismissal claim at Small Claims Court and were able to settle the matter in March 2024 for approximately 7.5 months of pay in lieu of notice.

## **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.

## **Initiatives**

### **Community Outreach**

#### **JusticeMakers**

JusticeMakers is a group of community residents and WCLS clients that advocate for issues related to people living with low incomes. Over the past year, JusticeMakers has written letters to government officials advocating for increases to social assistance rates and supported BaBF's work to secure affordable housing.

JusticeMakers workshop facilitators also provide skill-building sessions for members to sharpen their advocacy skills and increase their knowledge. For example, workshops have been provided about how to give media interviews, tenancy rights and responsibilities, successful advocacy campaigns, and different types of affordable housing models in Toronto.

#### **Build A Better Fairview (BaBF)**

BaBF continues to advocate for community benefits as part of Cadillac Fairview's proposed condominium towers around Fairview Mall. BaBF wants to secure affordable housing and adequate density, economic opportunities for local residents, adequate green space, and quality public spaces.

On February 22, 2024, the City of Toronto North York Community Council discussed and voted on the City staff recommendations for refusal of the Fairview Mall development proposal submitted by Cadillac Fairview. Although BaBF agreed with the many reasons that City Planning gave for recommending refusal of Cadillac Fairview's development proposal, we worried that a refusal of the application would lead Cadillac Fairview to appeal to the Ontario Land Tribunal. This would preclude any further community input.

City Counsellor Shelley Carroll brought a motion to defer the vote. In the meantime, City Planning staff and Cadillac Fairview could work together to revise Cadillac Fairview's plan. Justicemakers and BaBF members deputed at the North York Community Council meeting in support of Counsellor Carroll's motion. Our voices were heard! North York Community Council deferred the vote in favour of allowing City Planning staff and Cadillac Fairview time to negotiate. We expect a report about the outcome of the negotiations sometime this fall.

On May 6, 2024, BaBF, in collaboration with City Councillor Shelley Carroll's office, hosted a community event to discuss the future of the development. Approximately 90 people attended, including local residents, community groups, City of Toronto staff including City Planning, Cadillac Fairview staff, MP Han Dong, and TDSB School Board Trustee James Li. The event was an opportunity for Cadillac Fairview and City Planning staff to hear directly from the community.

On August 10, BaBF, in collaboration with Working Women Community Centre, lead a community walk around Fairview Mall. Attendees included local residents and community groups. The community walk gave attendees the chance to learn more about the history of the area, the development proposals, and the Sheppard Subway Extension. BaBF's priorities were also discussed.

#### 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 (PLE) sessions from May 2023 - May 2024 at the Fairview Library and Hillcrest branch (The Fairview branch is closed for renovation as of September 2023). Upon renewing this agreement with Toronto Public Library, we committed to delivering our PLE sessions at the new Ethennonnhawahstihnen Public library. This series commenced in June 2024 and will continue for a year. We have also entered into an agreement, in collaboration with Downsview Community Legal Services, with North York Central Library to deliver a series of PLE sessions from January to December 2024.

We continue our 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.

This past summer, WCLS participated at the North York Pop-Up Hub Mobile Housing Supports Pilot led by our own Sarah Modesta D. Sepillo and Misha Hussein. They organized 13 events at different locations in North York. WCLS took part in event at local shelters such as Willowdale Welcome Centre and 101 Placer Court, and at the Oriole Food Bank. Our staff and volunteers were on-site to introduce our services and connect clients and newcomers with our office.

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, CICS, TNG, ACCESS Employment and University Settlement.

WCLS continues to support NeighbourLink Food Hub and, for the second year, participated in the "Taste of North York" festival organized by them. We also attended TNG Open House at St. Stephen's Community House.

## **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

### 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, the province announced that a private international corporation was chosen to provide employment supports to City of Toronto recipients. The transition between the City of Toronto and the corporation will be finalized in March 2025.

## **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 engaged with their Newcomer Indigenous Task Group and Data Advisory Group. We also assisted in planning and organizing their annual Faith Forum, and participated in their Mental Health Community Consultation and their Food Leaders Networking 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.

#### 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 was a member of this coalition to expand the Toronto Community Crisis Service (TCCS) pilot to the North York neighbourhood, specifically divisions 32 and 33. In November 2023, after a successful pilot year, Council approved city-wide expansion of TCCS by the end of 2024. This service is one of the key priority actions under SafeTO – Toronto's 10 year community safety and wellbeing plan.