



Kensington-Bellwoods Community Legal Services NEWSLETTER

SUMMER 2016



Community Forum on Universal Basic Income, Metro Hall, June 29. See Basic Income, p 4, Photo by Pam Frache, Workers Action Centre

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Message from The Chair

Gary Newhouse, KBCLS Board Chair

Over the last year, Kensington-Bellwoods has not had to worry about disappearing as a Community Legal Clinic. [The Transformation Project](#), which posed a threat to the continued existence of KB, was abandoned this time last year. Our successful fight against the proposed clinic closures has energized the Board of Directors. With this fight now behind us, our energies can now be directed to the legal clinic. Over the last year, we have updated our policies in a number of key areas including communication. We are continuing this updating work with a number of other policies. We have created a community development policy that involves more than the provision of Public Legal Education programs and making other local agencies aware of the legal services that we provide. Additional funding was available from [Legal Aid Ontario](#) on an “application” basis and we submitted three innovative proposals in partnership with other legal clinics and community agencies. Unfortunately, none of our proposals were funded, but we are now working at adapting and implementing lighter versions of these proposals without additional LAO funding.

On a more personal note, Emma van Leusden, one of our lawyers is the proud mother of Roman, born this past September. Emma is currently on maternity leave and we expect her back in 2017. Moira Daly, who was covering for Emma will be going to Tenant Duty Counsel, so Melissa Jean-Baptiste will cover for Emma. Rosa Tavares, one of our support staff, is currently on a leave of absence learning new skills in a new work environment at St. Michael’s Hospital. We expect her back in 2017 as well. Meanwhile, Barb Hurd, one of our Community Legal Workers retired this spring after working with us for the past 17 years. Barb has a long history of involvement with legal clinics and activism, having been the co-ordinator for 10 years at Scarborough Community Legal Services (where she helped launch that legal clinic), and as the co-ordinator at United Tenants of Ontario prior to coming to KB. We all wish her well in her retirement and hope to see her at some of our events from time to time! In April, Tim Maxwell, who was initially hired to help fight the closing of the Toronto clinics, became a permanent full-time staff person responsible for Community Initiatives and Communications. Tim had previously worked at Kensington-Bellwoods from 1986 to 1999 as a Community Legal Worker. Welcome back Tim! And welcome also to Esther Cerrato who is working on the front desk and admin support with Laura Mulder.

Making the Case for Tenants

Nina Hall, Staff Lawyer, KBCLS

Advising Tenants of their Rights and supporting them in their claims for maintenance, privacy and freedom from coercion and harassment by Landlords who refuse to comply with the [Residential Tenancies Act](#) and the [Ontario Human Rights Code](#) continues to be a large part of our work at KBCLS. Recently we obtained a hearing Order from the [Landlord and Tenant Board](#) awarding our client \$3336 in compensation by way of rent abatements (reductions) and damages arising from poorly treated pest infestations, incidents of flooding and substantial interference with the reasonable enjoyment of the premises caused by the Landlord’s employees – over the course of an eight month tenancy.

From filing of the application to issuing of the hearing Order the process took four months. This is in part because the 79 St. Clair Office of the LTB is continuing to run a “pilot project” requiring the tenant and the landlord to attend a Case Management “hearing” before the Tenant is even given a hearing date in front of a Board Member where evidence will be presented and the dispute decided. The pilot project only applies to Tenant Applications about Maintenance (T6) and Tenants Rights (T2). For many of our clients this means they are facing an additional barrier to accessing justice, because the Landlord uses the Case Management “Hearing” as little more than another opportunity to demonstrate their indifference to the law or to attempt to bully the tenant – and the message they get from the Board is that their claims are not worthy of hearing time. We will continue to represent on Tenant claims at the LTB and to organize for meaningful change to how Tenant claims are dealt with by the Board and Governments.

The Current State of Immigration Law in Canada

Lee Tenenhouse, Staff Lawyer, KBCLS

Things are definitely looking up for immigrants and refugees since the new Liberal government took over, however there is still work to be done. In the area of Citizenship law, the Liberal government has passed new legislation (currently before the Senate) which restores rights to people that had been taken away by the former Conservative government. For example, [the new legislation](#) removes the possibility of revoking citizenship from naturalized citizens because of a security related conviction. This created "Second-class citizens". The new amendments also change the residency requirement before a person can apply for Canadian citizenship to 3 years of residency out of 5, as compared to 4 years of 6. Finally, children under the age of 18 and older adults 55 and over will no longer be required to pass the language and knowledge of Canada test in order to become Canadian citizens.

The Liberal government has also promised to restore the age of "dependent child" for the purposes of being included in ones parents' immigration application or being sponsored by a parent to "under the age of 22" as it had been prior to 2014, when the former Conservative government lowered the age to under 19. This amendment, which has not yet been made but which we anticipate, will help reunite thousands of children with their parents who would otherwise be excluded. It is very important for all of us to keep the pressure on our MPs, [Adam Vaughan](#) and [Chrystia Freeland](#), to help keep the government's promises.

Something More Than Public Legal Education

Tim Maxwell, Community Initiatives and Communications, KBCLS

In addition to providing quality legal advice and representation to low income people, Kensington-Bellwoods also provides public legal education to clients and community members. We also provide legal education and training to frontline settlement, housing and literacy staff of our community partner organizations, such as [Scadding Court Community Centre](#), [University Settlement](#), [St. Stephen's Community House](#) and [West Neighbourhood House](#).

While it is crucial for people to be aware of their legal rights and to have assistance in securing those rights, we also take very seriously our mandate to improve the legal welfare of the community. When the laws, regulations and social policies enforced by governments impact negatively on our clients and the broader community and fail to provide social and economic justice, then there is something more than public legal education required. If we were to simply continue providing advice, representation and education within the parameters of unjust laws, we would end up inadvertently helping to administer an oppressive system. To avoid being forced into such a role, we began an ongoing series of community forums just over a year ago that not only provide legal education, but also expose what is wrong with existing laws and introduce our community to the people and organizations fighting for necessary changes.

In June 2015, a workers' rights forum organized in cooperation with the [\\$15 and Fairness Campaign](#) was attended by over 50 people, even though the last game of the Stanley Cup Playoffs was on; In September, a tenants' rights forum, organized in cooperation with St. Stephen's Community House and the [Advocacy Centre for Tenants Ontario](#), brought together about 40 roomers, boarders and other tenants. In October, University Settlement hosted a forum on the present state of democracy and justice that we organized together, with support from many community partners, focusing on the need to reform a number of federal laws, including the electoral system itself. In December, our forum on Income Security included presentations from anti-poverty organizations, social researchers, lawyers and union representatives. Coming out of this Income Security forum, community members called on us to follow up with a forum on Universal Basic Income, which was held June 29 at Metro Hall (see next page). With each community forum, we hope to broaden and deepen the discussion of what social policy and law reforms are needed and to then focus on how best to secure these changes in pursuit of justice.

Universal Basic Income

By Tim Maxwell

Our community members wanted to follow up our December forum on Income Security with an in depth discussion about Universal Basic Income. After much consideration, we identified four people we wanted on a panel to get the discussion going, along with the moderator of the December forum to help ensure we covered new ground:

Sheila Regehr is a founding member of the [Basic Income Canada Network](http://www.basicincomecanada.org) and is currently its Chairperson. Sheila stressed that, like all modern welfare states, Canada has a mix of income and service programs. There are already forms of basic income for seniors and children. It is our demeaning and debilitating social assistance model that puts everything out of whack. It creates an ever-increasing demand on expensive services, both universal and targeted, for problems the services can't fix! A basic income that enables everyone to live with dignity also helps ensure that public services work better too. (See [http://www.basicincomecanada.org/the basic income we want](http://www.basicincomecanada.org/the_basic_income_we_want)).

Josephine Grey is a human rights advocate, community organizer and founding member of [Low Income Families Together](http://www.lowincomefamilies.ca) in Toronto. Josephine sees basic income as just one of the many tools we will need to build a sustainable society saying, "An *adequate* basic income program could support the kind of major transformation we need for our economy to adapt to climate change. A basic income would allow more people to step back from destructive jobs and explore new more sustainable ways to make a living and create new green businesses and jobs. The status quo is so bad and current systems are so broken, that work on a basic income model can't help but generate some improvement."

John Clarke is a founding member and organizer for the [Ontario Coalition Against Poverty](http://www.ontariocoalitionagainstpoverty.ca). In John's view, the government's promotion of basic income should be seen as a threat rather than a gift or opportunity. "I still have yet to hear a serious case for why those in political and economic power would want to throw away the cheap labour bonanza that degrading income support systems have brought them and introduce something that would rob them of their coercive advantage. The notion of a progressive and redistributive Basic Income is a false hope for a social policy magic bullet that can make the austerity agenda go away."

Adam Vaughan, Member of Parliament for Spadina-Fort York, was elected twice to Toronto City Council before voters sent him to Ottawa to represent urban issues in Parliament. On December 2, 2015, Adam was appointed Parliamentary Secretary to the Prime Minister for Intergovernmental Affairs. Unfortunately Adam was not able to attend the forum, as he was required to be in Ottawa for the Three Amigo's Summit that day and evening. Adam provided a written apology for not attending and a statement on some of the social policy initiatives of the federal government concerning income supports. However, there is not yet a clear definition of the federal government's position on basic income.

Jacque Chic, the Moderator for the event says, "Whether or not basic income programs are the way to go is an important question, but sorting this out must not delay or prevent examination of the deeper issues. If we want to *eradicate* rather than *alleviate* poverty we have to look at income inequality and the role of capital in concentrating wealth in fewer and fewer hands. No discussion of income equalization programs should omit huge increases in the minimum wage. Let's get off the consultation merry-go-round promoted by governments that serve the 1% rather than the 99% and engage in more than a politics of "no". The core issue is the right to a decent standard of living for all."

This autumn, we will encourage further development of this issue with a forum on **Income and Housing**. For, whatever your income level or source, without controls on housing costs and rent, the banks and landlords seem to be able to take most of your income for themselves. A video recording of the forum on universal basic income is posted on our website in the history section: <http://www.kbcls.org/history>, and on our Facebook page: www.facebook.com/kbcls.