



Kensington-Bellwoods Community Legal Services



Fight for \$15 and Fairness Rally
at Ministry of Labour



All Candidates Meeting at
University Settlement



Butterfly Info Booth at Chinatown Festival



ODSP
Forum
@
SSCH



Kensington Market Community Land Trust Visioning Session

Annual Report 2018

KBCLS BOARD 2017-2018

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CONTENTS

Message from the Chair
Page 3

Continuing Challenges in
Housing Law, Page 4

Fighting Illegal
Renoviction, Page 5

Immigration and Refugee
Casework, Page 6

CPP Options, Page 6

Financial Report, Page 7



Our Principles

Kensington-Bellwoods Community Legal Services is committed to providing legal assistance to low income persons in the area bounded by Ossington Avenue/Strachan Avenue, Yonge Street, Bloor Street and Lake Ontario. This includes providing summary advice, representation and assistance in matters such as, rental housing, workers rights, social assistance and immigration law, as well as referral on non-legal matters of concern to clients. We also conduct community outreach, community organizing, public legal education, and organizing law reform activities aimed at improving the legal and economic status of low income people in Ontario.

Our goal is to work towards the elimination of poverty in our society, and to ensure equality before the law. To that end we are committed to working with other individuals and groups who share that goal, and to community organizing to bring about changes in the law that improve the legal and economic status of low income people in Ontario.

Kensington-Bellwoods Community Legal Services is committed to a policy of non-discrimination on the basis of race, creed, colour, national origin, political or religious affiliation, sex, sexual orientation, age, marital status, family relationship and/or disability.

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Message from the Chair

Gary Newhouse, Barrister and Solicitor

For more than 35 years, Kensington-Bellwoods Community Legal Services has been providing quality legal advice and representation to thousands of low-income people in the communities south of Bloor, between Ossington and Yonge – primarily in the areas of tenants' rights, workers' rights, social assistance, and immigration and refugee law. I have been part of this as a Board member for all of those years.

In addition to legal casework, we have provided public legal education to community members and legal training to the staff of our community partners. But when the law is unjust, we seek to do more than give advice on how to get the most out of unjust laws. We try to change the laws, regulations and policies that negatively impact people in our community serve. We don't do it on our own – we support the community organizations and movements seeking economic and social justice across the city and throughout the province. This is part of our mandate as a community legal clinic under the Legal Aid Act: to improve the legal welfare of the community.

At the beginning of this year, we were celebrating the accomplishments of the Fight for \$15 and Fairness, the provincial-wide campaign that was able to compel the previous provincial government to introduce Bill 148; a little later on we were looking forward to some improvements and increases in social assistance; and on the municipal level we were looking forward to the City of Toronto getting a handle on Air B-n-B and other short-term rentals that are devastating the affordable housing in our area. And then we had a provincial election.

There is a new government in place. Now, in each major area of law in which we provide services, our clients and communities are facing the prospect of regressive legislation, regulation or policy implementation:

- Bill 47 threatens the improvements to workers rights that was just won under Bill 148 by the Fight for \$15 and Fairness Campaign
- We are waiting to hear what changes there will be to social assistance from a government that believes the best “social program” is a job – in a free market economy that creates the necessity for actual social programs to support those who are unable to work or cannot find work
- The Landlord and Tenant Board does little to stem the tide of “renovictions”, Above Guideline Increases and fake Landlord's Own Use applications. And as they only operate during business hours, tenants need to take time off work to fight for their rights – time they cannot afford or may not be allowed to take off
- The Ontario Ministry of Citizenship and Immigration has been folded into another ministry while the government's view of refugees is dim.

We've got a lot of work to do in the coming year. I believe that the staff and the Board of Directors of Kensington-Bellwoods Community Legal Services are up to the challenge.

Since our last AGM we lost one Board member, Jacquie Chic who died suddenly. Jacquie had been associated with the Community Clinic system in one capacity or another since she was a law student. Many knew her well. Jacquie had a particularly significant relationship with Parkdale Community Legal Services, one of our neighbour community legal clinics. She led the Workers Rights Division of Parkdale for a number of years. Jacquie was a passionate champion for workers rights, never afraid to speak truth to power, and an inspiration to her many students. Others have commented that Jacquie was an exceptional woman, friend and colleague, with an unwavering commitment to social justice, a razor-sharp intellect, and she was kind, witty, creative and compassionate. The Board had the opportunity to benefit first-hand from Jacquie's wisdom, wit, kindness and commitment. We miss her.

(Continued on next page)

Message from the Chair Continued

Four other members are not continuing on the Board for a number of reasons: personal and family obligations, health, and living out of town. We thank Kevin Lee, Karishma Prasanna, Maggie Helwig and Jenny Shen for their years of service on the Board.

We welcome the nominations to the Board of Yukun Zhao, Herman Ellis, Yu Long, Jonathan Hill and Alberto Lalli. I am pleased to report that Zachary Tucker-Abramson, Ted Brooks and Morli Shemesh will be continuing to serve on the Board. I'm sticking around too. Finally, I would like to thank all the staff for their hard work and dedication over the last year.

Continuing Challenges in Housing Law

Nina Hall, Staff Lawyer

Our housing law practice continued to be very busy this year with a high volume of summary advice and brief services provided regarding all manners of rentals and representation in Landlord and Tenant Board proceedings where the type of rental fell within the protections of the *Residential Tenancies Act*. As has been the case for the past decade our emphasis in representation has remained on eviction prevention. Toronto has been experiencing an affordable housing crisis for a number of years and our downtown community is at the center of it. Assisting clients in accessing benefits they are entitled to and negotiating reasonable payments plans when they fall behind in rent is an important part of our work. So too is educating tenants about their rights in housing through public legal education and facilitating access to our service thanks to close relationships with referring agencies especially those who support clients with mental health challenges.

A quarter of our housing intakes relate to maintenance and pest infestation problems, as low income tenants in our service area are subjected to poorly maintained rental units.

We have also been busy representing the wrongfully evicted.

Examples of our casework include:

Our client was illegally locked out of his rental unit during the sale of the property. Through several days of hearing, the Clinic obtained for the client an order for repossession; \$6,000 in general damages; \$1,000 for pain and suffering and the Landlord was ordered to pay an administrative fine of \$1,000.

Another client with serious health challenges was wrongfully evicted in a rooming house situation. The Clinic obtained an order for repossession and a settlement of \$3,000.

See Melissa's article on the next page for an in-depth report on one of her cases.

The lack of affordable housing leaves our clients prey to unscrupulous landlords using Owners Own Use and Demolition or Extensive Renovation type applications to displace long standing tenants in what are becoming known as "Renovictions" while the *Residential Tenancies Act* provides Tenants with a right of return post renovation, in most circumstances, which some Landlords are actively thwarting by renting to new tenants at a higher rate – leaving the displaced original tenant with weak financial remedies only. Those in no way make up for the loss of their affordable home. KBCLS has been active in fighting these application as well as in supporting tenants organizing around such issues in their buildings.

Fighting Illegal Renoviction

Melissa Jean-Baptiste, Staff Lawyer

On March 1st 2018, a community member was illegally evicted from his home after a new landlord and purchaser decided to harass and threaten the community member and his four former housemates from their home under the pretences of a defective N12 purchaser's own use eviction notice. Although the former housemates left after successfully being pressured out of their home, the landlord assaulted the community member and disposed of all of his belongings into the front yard and into garbage bins as he remained at the property past the termination date on the N12 notice which he was legally allowed to do. The landlord then promptly changed the locks and never let the community member back into the unit to retrieve his belongings despite being contacted by the police, the Rental Housing Enforcement Unit and the community legal clinic on behalf of the community member.

The landlord attempted to mislead the Landlord and Tenant Board ("LTB") by filing to formally evict the community member after he had already thrown the community member out and regained possession of the unit. The community member lost his phone to the landlord during the assault along with his life savings, important identification documents and worldly possessions. The police charged the landlord with assault but they could not re-gain possession of the unit for the community member. The community legal clinic filed a request for an emergency hearing for re-possession at the LTB which was heard on March 21st 2018 but they declined to put tenant immediately back in possession as the landlord had gone ahead and started renovating the home in order to convert it into a single-family household. The community member, who had been seeking refuge in the streets awaiting the emergency hearing had to resign himself to seeking refuge at a local shelter for the duration of the litigation process at the LTB.

The community member's application for re-possession and compensation for his losses was delayed and adjourned because the LTB would not prioritize the matter on the docket despite the seriousness of the matter as the fundamental right to tenure had been violated. After the matter was finally heard the community member had to wait over 70 days for an order but finally the LTB ordered the community member back into possession of the unit. Following the issuance of the order, the landlord quickly appealed this decision to the Divisional Court and the order for re-possession is now stayed and the member remains homeless with his mental health deteriorating and his trust in the justice system fading. If we don't get an immediate order to lift the stay than this community member will be without a home and compensation until the resolution of the appeal process which may be many months away which is unacceptable.

Demands:

We ask that illegal lock-outs/ evictions be given priority standing on dockets before the LTB.

We ask that tenant's be ordered back in possession on an interim basis as soon as it is determined that no legal eviction has taken place even while the remainder of the merits based analysis has not been completed.

We ask that orders for re-possession not be automatically stayed pending appeal as return of possession is in fact upholding the status quo.

We ask that landlords found at fault of attempting "renovictions" be issued higher administrative fines in order to deter this behavior. Landlords should not be rewarded for their own bad behavior and not following the law. It should not be allowed for them to steal possession of a unit, then destroy the unit in question all while not providing a unit fit for habitation to the tenant in violation of the tenancy agreement which would still be in effect. Allowing this behaviour to take place without serious repercussions simply leads to the complete hollowing of the right to the security of tenure and makes laws around evictions almost devoid of any meaning, force and effect.

Immigration and Refugee Casework

Lee Tenenhouse, Staff Lawyer

We represented clients in most areas of immigration law including sponsorships, applications for permanent residence on humanitarian and compassionate grounds, permanent resident applications by protected persons, concurrent processing of the overseas dependents of protected persons and “one year window” applications for government-sponsored refugees. We also provided summary advice in all areas of immigration law excluding skilled worker and business applications. Our immigration practice was very busy this year with clients coming from our catchment area as well as from shelters throughout the city.

We have developed a close relationship with several shelters including Robertson House and the YWCA shelter, both for women. In addition, we continued to participate in the Inter-Clinic Immigration Working Group (ICIWG) as Chair of the organization. Through ICIWG we lobbied the federal government on various issues including the elimination of the Safe Third Country Agreement with the United States, making Canadian citizenship more accessible and speeding up the reunification of families. Finally, we continued to present Public Legal Education seminars to agencies in our catchment area.

Examine Your Canada Pension Plan Options

Mindy Lopes, Community Legal Worker

Have you been encouraged to apply for either Canada Pension Plan (Disability Benefits) and/or Canada Pension Plan (Early Retirement)? If you have worked in Canada, made regular contributions to CPP, and are now disabled and unable to work, you may qualify for CPP (Disability) at any time.

If you are 60 years old or you will soon be turning 60 years old, you may qualify for CPP (Early Retirement). Should you be eligible for CPP (Early Retirement) first and later you are notified that you are being accepted for CPP (Disability); YOU CAN NOT RECEIVE BOTH. It is very important to get legal advice at this point in time. There is a short limitation period in which one falls into and should be used to one's benefit.

Are you turning 60 years of age? Have you worked and contributed to CPP? Are you married/living common law with a person on Old Age Security? You may qualify for other benefits under CPP or OAS.

If you are turning 65 and have been on ODSP you must apply for Old Age Security and Guaranteed Income Supplement provided you have lived in Canada for ten (10 years or more) and are a legal resident.

For additional information or clarification feel free to call us or contact the clinic in your area.

Financial Report

For the Year Ending March 31, 2018

Revenue	2018	2017
Legal Aid Ontario		
Direct Receipts	868,394	861,581
Indirect Receipts	26,714	38,071
City of Toronto	31,035	15,356
Other Income	<u>84</u>	<u>55</u>
	<u>926,227</u>	<u>915,063</u>
Expenses		
Salaries	655,527	578,872
Benefits	127,266	108,098
Professional Dues	6,183	6,019
Membership Fees	4,675	3,948
Travel	3,791	2,853
Communications	5,158	7,896
Accommodations	92,641	101,590
Equipment	5,886	6,144
Library	2,422	2,295
Supplies & Services	11,107	9,406
Indirect Payments	24,266	25,342
Audit Fees & Professional Services	6,834	3,867
Legal		
Disbursements	5,817	6,184
Amortization	<u>4,149</u>	<u>4,517</u>
	<u>955,722</u>	<u>867,031</u>
Excess of Revenues over Expenses	-29,495	48,032
Interfund Transfer		
Refund of funding to LAO		
Funds balance (deficit), beginning of year	<u>29,844</u>	<u>-18,188</u>
Funds balance, end of year	<u>349</u>	<u>29,844</u>

This is an unaudited Statement. Full Statements are available on request.

Our Legal Services Include:

- Residential Tenants' Rights
- Immigration and Refugee Law
- Workers' Rights
- Income Security
- ODSP, CPP, OAS
- Criminal Injuries
- Compensation
- Information and Referral for Victims of Domestic Violence
- Affidavits and Statutory Declarations

PLEASE NOTE
THAT WE DO NOT PROVIDE LEGAL ADVICE ON THE FOLLOWING MATTERS:
Aboriginal Rights, Child Welfare, Correctional Law, Criminal, Family Law,
Public Services, Environmental Law, Healthcare or Wills and Estates.
HOWEVER, WE CAN REFER YOU TO OTHERS WHO MAY BE ABLE TO HELP YOU.

For more information or to book an appointment, please call:

416-924-4244

MAP OF NEIGHBOURHOODS WE SERVE

