



Kensington-Bellwoods Community Legal Services



**Annual Report
2019 – 2020**

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Design and Photos by Tim Maxwell

Audited Financial Statements are available online at www.kbcls.org and accompanied this Annual Report when it was delivered by email.

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, as well as referral on non-legal matters of concern to clients; community outreach; community organizing; community education; and organizing law reform activities aimed at improving the legal and economic status of low-income persons 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.

Our Staff

Lee Tenenhouse, Staff Lawyer
Melissa Jean-Baptiste, Staff Lawyer (On Leave)
Mindy Lopes, Community Legal Worker
Nina Hall, Staff Lawyer
Rosa Tavares, Support Staff

Seema Kavar, Staff Lawyer
Tim Maxwell, Community Initiatives and Communications
Trish Thomas, Clinic Coordinator

Kensington-Bellwoods Community Legal Services

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Message from the Chair

Greetings! My name is Jeff Billard, and I am the current Board Chair of Kensington-Bellwoods Community Legal Services ("KBCLS"). I will be speaking to a number of items from the past twelve months, which can be summarized as: What a year 2020 has been! KBCLS has been open (albeit currently remotely) throughout it all, and we're encouraged by the creativity and adaptability of staff, as well as a new, energized board, to provide low-income members of our community with the legal advice, counsel, representation, and support needed. KBCLS is funded by Legal Aid Ontario ("LAO"), and we will continue to work with LAO on an ongoing basis to ensure our services are continually being provided at a top level.



Black Lives Matter

There have been so many events in 2020 that crystallised the prejudice and discrimination that People of Colour have experienced in their lives. The murder of George Floyd. The murder of Breonna Taylor. The murder of Ahmaud Arbery. These events, and so many more in 2020, have played out in videos, the news, and online commentary, ensuring that regardless of your background or level of privilege, we cannot continue to ignore the disparity in treatment of People of Colour.

KBCLS stands with People of Colour in our community. We abhor racism, and are committed to non-discrimination. Both the Board and staff have participated in anti-Black racism training earlier this year, led by Nana Yanful, Legal Director at the Black Legal Action Centre. Additionally, your KBCLS Board of Directors is revisiting policies and processes with a lens of inclusion and diversity in order to avoid unconscious and conscious biases in all that we do at the clinic.

COVID-19

On top of the needed light shining on systemic racism and discrimination this year, the world has been turned upside-down with the advent of a pandemic, the scale of which has not been seen for over 100 years. Many lives have been lost, people continue to become ill, and physical health aside, COVID-19 has disrupted lives for many other reasons: mental health has been impacted, employment has been more precarious, and tenancy issues are exacerbated by these issues.

KBCLS's "brick and mortar" location has been closed since the end of March, but we are still maintaining normal hours through telephone, email and video conferencing. Staff are able to work from home, and are able to work with clients and the community in a safe, yet effective manner. As well, the KBCLS Board and staff have worked on a reopening plan to deploy once it is safe to return to the physical office environment. Stay posted on our website (kbcls.org) for details in the (hopefully) near future!

(Continued on following page)

Board Changes

Finally, some happier news! As a number of KBCLS Board members did not renew their terms at the 2019 Annual General Meeting, a search for new Board members developed in late 2019. This successfully resulted in seven board members (including myself) who are new to KBCLS and its goals. Over the past ten months, we've learned a lot, and recognize the amount of work that's still outstanding to improve governance, appropriate 'lines of sight' between the Board and staff, and not the least, further engage our community to ensure we're doing the best job we can of providing professional and expert service where needed. I am incredibly proud of the quality and volume of work your new Board has been doing, and sincerely hope to see them all in the coming year.

Your 2020 KBCLS Board is:

Cecilia Wang (new)
Duke Nguyen (new)
Gary Newhouse (returning)
Jeff Billard (new)
Jenn St. Louis (new)

Karly Wilson (new)
Lee Tenenhouse (staff-appointed Board member, returning)
Michelle Thompson (new)
Private member-at-large

And in 2020, two longer-standing Board members resigned: Zachary Tucker-Abramson, who had served on the Board since 2011, and Herman Ellis, who had served on the Board since 2018. Their time commitment in a volunteer role is to be commended.

Staff Changes

If Board changes were not enough, we were sad to see Wendy Atkinson, our Clinic Coordinator, leave for greener pastures in a role at Parkdale Community Legal Services. Wendy instituted a number of administrative changes at KBCLS. We are happy to have Trish Thomas as our new Clinic Coordinator. Trish started in September, and has a well-rounded background as a Certified Management Accountant, a licensed paralegal, and most recently, experience with LAO as a Staff Mediator at the Ontario Court of Justice. Welcome Trish!

Also, a welcome goes out to Seema Kavar! Seema is filling in for our Staff Lawyer, Melissa Jean-Baptiste, who is currently on leave. Seema was called to the Ontario Bar in 2019, and has a commitment to social justice. She has previously worked for Neighbourhood Legal Services as an Articling Student and Staff Lawyer, and previously was an Intern for the United Nations Office of the High Commissioner for Human Rights in Geneva, Switzerland.

Looking ahead

There is much work to be done at KBCLS, and your help is important: how can we better serve our community, and ensure we are providing the support that is needed? The Board has a number of tasks outstanding to improve our community support, including, but not limited to the following:

- reviewing and revising of policies and processes;
- determining best practices in intake of more clients and referrals;
- setting annual goals and objectives; and
- amending by-laws to improve governance

We look forward to continuing to work with the wonderful staff at KBCLS in the coming year!

Accessing Our Free Legal Services

Rosa Tavares, KBCLS Support Staff

If you are having a problem with your employer, your landlord, income supports, or immigration matters, just give us a call or send us an email. We will either help you with your problem or get you in touch with someone who can. So make the call, or send the email. Phone: 416-924-4244 ext. 21 or Email: kenbst3@lao.on.ca

Toronto Public Libraries provide free Internet access



One of our support staff or intake workers will connect with you to gather important information we need to move forward, such as full name, address, contact numbers, email, date of birth, income sources, family size, and so on. As well, we will need to get information from you about area of law, specific general questions related to area of law. Make sure you let us know if you have any relevant documents. If your matter is assigned to a caseworker, they will contact you as soon as possible. If we need to refer you to another service or legal clinic, our staff will usually provide a referral immediately, or if research is necessary, within 1-2 business days.

And now, with the COVID-19 Pandemic . . .

Adjusting our intake process during the COVID-19 pandemic has been somewhat of a challenge. The first couple of weeks were difficult as we tried to maintain some normalcy with our intake process while at the same time setting up logistics for working remotely from home. Support staff have continued to adjust procedures as we strive to provide the best possible service when processing an intake. Although our intake process of emails/voicemail seem to work well we continue to face some challenges such as phoning clients from home. As some folks have caller ID, calls are not always answered, as our clinic number does not appear. What we find works well is we leave a message identifying who we are and providing a time that we will call back. Another challenge that we continue to face is not having a “walk-in” service available. Before the COVID-19 pandemic, we were available during office hours for folks to drop in and, although intake was not always available, our support staff would provide our intake form and take copies of documents. We are hoping to return to this type of service but to date this service remains unavailable due to COVID-19. During this pandemic, other arrangements are made for dropping off documents (i.e. scanning and emailing). We have also had clients who have had their support workers contact us to email documents, as the client does not always have the means to do so.

Seven months into the pandemic and, sadly the situation with COVID-19 remains and we continue to work remotely. However, our intake goal continues as we strive to provide the best and quickest possible intake service by having our support staff or intake worker respond to an email or voicemail message within 1-2 business days. If you are a new client or previous client needing assistance again, contact us via email or voicemail. In your email or voicemail message, please provide your full name, your contact information, and, if you have an upcoming hearing, the date of your hearing. No other information is necessary at this initial contact stage. We will then respond to your message and commence the intake process.

Phone: 416-924-4244 ext. 21

Email: kenst3@lao.on.ca

We are here for you!

Client Service During the COVID-19 Pandemic

Nina Hall, KBCLS Staff Lawyer

The past several months have seen Kensington-Bellwoods Community Legal Services work hard to address the challenges of continuing to provide legal services to our community despite significant and necessary limitations imposed by public health and governmental responses to the COVID 19 pandemic. As the entire city of Toronto was being locked down and most services and businesses closed their doors to the public in the early days of the declaration of the provincial state of emergency in March 2020, legal services were designated as an essential service. However, our building was initially completely closed down.

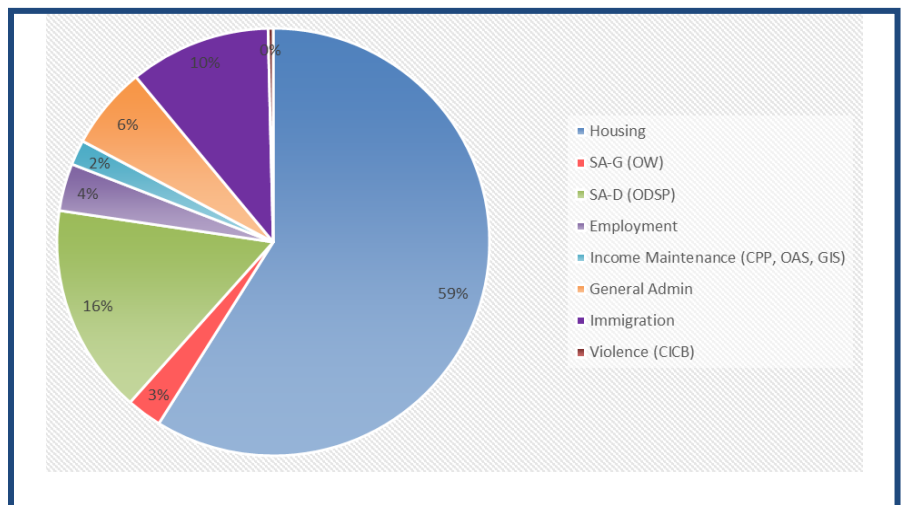
This meant that as of March 23, staff were required to remove themselves from the physical location that is KBCLS with as much portable technology as possible to set themselves up at home. Intake could no longer be conducted in person nor through direct phone contact. We quickly shifted to an online and phone-based service relying on establishing possible points of contact a specific phone line (416) 924-4244 ext. 21 and a dedicated e-mail address kenbst3@lao.on.ca from which to receive intakes, which were then triaged and remotely with detailed information being sent to caseworkers electronically. Caseworkers could then, in most case, use their personal cell phones or where possible email to contact new clients to provide summary advice, and or develop service plans over the phones. We were confronted with the reality that the phone system we had purchased under fiscal constraints several years ago, lacked the features required to allow us to route each extension to a voice over access by staff.

We conducted all meetings with clients over the phone, with some exceptions where matters involved retained clients and urgency, with such meetings by appointment only. Throughout the Declared State of Emergency Clinic Coordinator, Wendy Atkinson, continued to work from the office and core support staff attended weekly to ensure that mail, faxes and other office functions were maintained. We all turned our minds to how and when we might adapt the requirements of social distancing and other public health requirements to the physical space of our premises.

As part of the declared state of emergency, most courts and tribunals were not conducting anything close to the same volume of activity as previously. Casework and Community Development staff were able to direct their time and resources towards becoming familiar with electronic platforms such as Zoom and Microsoft Teams. These platforms have been used to deliver public legal education sessions around COVID 19 and Tenants Rights & COVID 19 and Rights at Work for University Settlement House clients; as well as to provide legal education on Tenants' Rights During COVID 19 to participants in virtual Town Halls organized and hosted by MPP's Jessica Bell and Chris Glover. Significant time was also invested in updating aspects of our website and amplifying our social media presence. The Personnel Committee of the Board, with staff input, turned its mind to developing a comprehensive Practices and Protocols around the return to work within the premises of 489 College, adopting same at their Board Meeting of September 28, 2020.

Legal Casework by Areas of Law

October 2019 – October 2020
Rosa Tavares, KBCLS Support Staff





Tenants' Rights Update

Nina Hall, KBCLS Staff Lawyer

Our tenants and housing rights practice continued to be a large proportion of the work that we do at KBCLS. In late 2019 and early 2020, the backlog of cases at the Landlord and Tenant Board (LTB) – a backlog due in part to the dwindling re-appointment rate for sitting Board members and the lack of new appointments to the Board - had drawn the attention of the provincial Ombudsman. That office launched an inquiry into the situation in late January 2020.

In March, the government introduced Bill 184, titled An Act to Protect Tenants and Strengthen Community Housing. It passed first reading without debate on March 12th just as the COVID 19 pandemic became reality in Ontario. With the Declared State of Emergency, events accelerated. On March 16, the LTB closed its offices to the public and cancelled its scheduled eviction hearings.

Eviction Moratorium

On March 19 the Chief Justice of Superior Court of Justice issued Order an Order on application by the Attorney General of Ontario for an “*order suspending execution of all writs of possession to evict residents from their homes during the 2019 novel corona virus (COVID-19) pandemic, and ancillary relief...*” And the Court consequently ordered: “*that, during the suspension of regular court operations by the Chief Justice, the eviction of residents from their homes, pursuant to eviction orders issued by the Landlord and Tenant Board or writs of possession, are suspended unless the court orders otherwise upon leave being granted to a party by the court pursuant to the court’s procedures for urgent motions.*”

The response to the unprecedented circumstances of the COVID 19 pandemic was effectively a moratorium on the issuance of eviction Orders by the LTB and a moratorium on enforcement except with leave from the court. The LTB did continue to hear tenant applications as well as eviction applications where a matter was urgent “because there is a serious ongoing health concern or safety issue at the residential complex or a serious illegal act that occurred at the residential complex”. In effect, this meant that hundreds of applications for eviction were not allowed to move forward to hearing through and until the State of Emergency was lifted on July 24, 2020. The Board was reduced to hearing some 20 matters per week vs. the 300+ weekly hearings (approximately 80% of which were evictions pre-pandemic) when it operated in person hearing blocs. The LTB conducted Hearings by phone and in some cases in writing.

Bill 184

While this period of months, where the LTB was prevented from cranking out eviction Orders, created some relief and stability for tenants struggling to maintain housing in our deeply unaffordable residential rental housing market, it suddenly became clear that the Government would be proceeding with its legislative agenda. On 26 May, Bill 184 was introduced for second reading without prior notice to the opposition and on 27 May, it passed second reading referred to Standing Committee on Social Policy. Public Hearings were held virtually over 5 days and interested parties including KBCLS made written submissions.

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Our submissions were focussed on the many ways the Bill undermined access to justice for all tenants and especially low income and racialized communities. Among the many negative impacts, Bill 184 creates a “fast track” ex parte eviction application based on private rent repayment agreements. This process puts tenants at a severe disadvantage, as they are deprived of avenues to have a fair appreciation of the impact of such agreements and can easily be pressured into entering into agreements that they cannot afford.

The Bill also severely curtailed a tenant’s ability to make a counter claim against their landlord by introducing notice requirements that specifically disadvantage low income and vulnerable tenants by creating unnecessary barriers to access to complete resolution of their counterclaims. The Bill also made illegal rent increases legal after 12 months. While it increased compensation, disclosure requirements, and fine maximums for no fault evictions, it fell well short of the needed comprehensive reform of such evictions.

Bill 184 was dubbed the Wrong Bill, Wrong Time and became law on July 21 when it passed third reading and received Royal Assent. On July 24th, the Declared State of Emergency ended and with it ended the moratorium on evictions in Ontario! The LTB resumed operations on August 4, 2020.

As of this writing (October 8, 2020) the resumption of eviction hearings by the LTB has proved chaotic and unpredictable for tenants. Hearings are conducted over Microsoft Teams or by phone in. Legal Clinics across the province have been hearing of the negative impact on access to justice for our constituents who often have limited access to the technologies used; and of dropped calls or other technical failings that do not permit respondents to fully participate in the proceedings. Tenant advocates across the province have been collecting these experiences and are actively lobbying the Provincial government to revise the operations of the Board to ensure all participants their substantive right to be heard.

“Rent Freeze”

In September the Ford government announced a “Rent Freeze” for 2021. In fact all that has happened is that there will be no Guideline amount for 2021 (the allowable percentage of rent increase annually for units built and occupied prior to November 2018). This is an incredibly small concession to tenants and one from which tenants will not uniformly benefit. Only tenants whose rent is usually increased in the first months of the year will experience a true “freezing” of their rent charge because it will be in place for several months. However, if your ‘anniversary’ date for your rent increase is usually later in the year for example November – then provided your Landlord gave you your 90 day Notice of rent increase for 2020 your rent will go up in November 2020 and be this higher amount for 12 consecutive months. Your landlord just won’t be able to raise it in November 2021. In this scenario, you will see the “benefit” of the rent freeze for only 2 months. In addition, the Rent Freeze legislation does not prevent a landlord from pursuing an above the guideline rent increase (AGI).

Housing Services Act

Finally, it should be noted that 2020 has brought some significant changes to the Housing Services Act – the law that governs most of the rent-geared-to-income rental subsidies administered by the City of Toronto, as service manager. The most significant changes are that rent calculations will be based on net income and no longer on gross income, the administration of subsidy renewal will be tied to income tax filings, with most reporting obligations around increased income being deferred to the Annual Review process. A very significant change is that where a household on the waiting list would be entitled to three reasonable offers of housing before being removed from the list, now households will only be entitled to one reasonable offer, which if refused, will result in their removal from the wait list. This “one strike & you are out”, or in this case, “off” approach, risks creating substantial hardship for households who have waited years, and in a troubling number of cases decades, for housing, are deprived of any aspect of choice.

COVID-19 and Immigration Updates

Lee Tenenhouse, KBCLS Staff Lawyer

Starting October 8, 2020, more people are permitted to travel into Canada on compassionate grounds, despite the COVID-19 restrictions. While before only immediate family members of a person in Canada were permitted to enter Canada, now some extended family members are allowed to enter as well. These include adult children, grandchildren, siblings, grandparents, and a person you have been in an exclusive dating relationship with for at least one year. Until today, only parents, spouses and dependent children (under the age of 22) were permitted to enter Canada during the pandemic. Of course, proof of the relationship will be required.

**All people entering Canada must quarantine for 14 days.
This is mandatory, whether or not you have any symptoms of COVID-19.**

Special Permanent Resident program for refugee claimants working in health care

"Asylum claimants across the country who are working on the front lines providing direct care to patients in health-care institutions may be able to apply for permanent residency if they meet the criteria". The criteria are:

- Person claimed asylum (made refugee claim) before March 13, 2020
- Person was issued a work permit
- Person worked in the healthcare sector. For example, this could include hospitals, long-term care homes, homecare through an organization or agency, and assisted living facilities.
- Only certain occupations qualify. The acceptable occupations include orderlies, nurses, nurses' aides and patient service associates, assistant orderlies and certain home support workers.
- Person must have worked in one of these jobs for no less than 120 hours between March 13, 2020 and August 14, 2020.

If you think you might qualify, contact your local legal clinic.

Gradual resumption of IRCC in-person services:

- As of September 21, 2020, services that have not been done virtually will slowly reopen by appointment only in select IRCC offices. This includes appointments at the Etobicoke IRCC office for permanent residence-related services. Clients who need to pick up a permanent resident card or be interviewed to determine their permanent resident status will be contacted by email to schedule an appointment. There are no drop-in services.
- For people wanting to initiate refugee claims, no Toronto office is currently open. Offices in Calgary, Edmonton, Hamilton, and Niagara Falls are reopening for limited asylum-related services. If this goes well, the Etobicoke office will open in the future to provide services.
- Reporting obligations continue at CBSA offices, including GTEC at 6900 Airport Road. Consult your local legal clinic if you have any questions about your reporting obligations.

Will CERB affect my family sponsorship application?

A person is not eligible to sponsor a family member if that person is in receipt of social assistance other than by reason of disability. Therefore, it is very important to note that IRCC announced that the Canada Emergency Response Benefit (CERB) is not considered to be social assistance and collecting CERB will not make you ineligible to sponsor, as long as you meet all the other requirements of a sponsor. Also, if the person you have already sponsored collects Employment Insurance (EI) or the CERB during the undertaking, it will not cause you to default on your sponsorship.

Community Development In a Pandemic

Tim Maxwell, KBCLS Community Initiatives and Communications

For almost 40 years, we have been fighting for the rights of low-income, oppressed and exploited people. Founded in 1982 as the Central Toronto Community Legal Clinic, we supported the organizing of injured workers, newcomers, tenants, homeless people, and the unemployed through such organizations as the Union of Injured Workers and the Ontario Coalition Against Poverty. As Kensington-Bellwoods Community Legal Services, we passed our work with injured workers to the Industrial Accident Victims Group of Ontario (IAVGO), but we continued to fight for affordable housing, tenants' rights, workers' rights, increased social assistance rates, and access to justice for poor people, supporting campaigns such as the Fight for \$15 and Fairness and Just Recovery Ontario, among others. After decades of working to bring poor people and their allies literally together, we now find ourselves, along with everyone else, having to keep a safe distance apart due to the Covid-19 pandemic.



When you have worked for decades trying to bring as many people as possible physically and philosophically together in a rally or community forum, it is a challenge to continue the work in a manner that allows for safe social distance and still maintain meaningful discourse. Since our last Annual General Meeting, we went from organizing events such as the Chinese Seniors Info Fair and Social in Alexandra Park and the Tenants' Rights Forum at the Waterfront Neighbourhood Centre to arranging legal education presentations and participating in organizing campaigns on Zoom. Almost

everything from community forums to tribunal hearings has now moved online or by phone. With so many community partners, other legal clinics and elected officials providing programming online, there is now competition for the attention of those who have access to the Internet and the ability to use the various platforms – and haven't yet succumbed to Zoom fatigue.

Through our work in the Toronto South Local Immigration Partnership (TSLIP) and the Systemic Issues and Social Change Working Group, we have learned that there are a significant number of people who are not benefitting from this move from face-to-face to online interactions. Many low-income people, in particular newcomers and seniors, do not have regular dependable access to the Internet nor even a smart phone. Many of the people most in need of support continue to struggle on their own. In an attempt at bridging this digital divide, we have phoned community members to see how they are doing, connecting them with needed supports. We have also been posting our telephone number and email address throughout the community at community agencies, libraries, drop-ins and on telephone polls to spread the word that we are still here to help.

For those who do have Internet access, we are planning to re-design our website for easier on-line intake. The website will continue to be linked with our Facebook and Twitter feeds where we continue to promote community organizing, law reform, and community education campaigns – including events where we can still come together in the real world – but at a safe social distance with personal protective equipment.



After CERB

(Canada Emergency Response Benefit)

Transitioning to new benefits / COVID-19 Recovery Benefits

Mindy Lopes, Community Legal Worker

For those of you who do not qualify for benefits under (EI) Employment Insurance during COVID-19 pandemic, here are three temporary benefits for which you may be eligible, if you are at least 15 years old, a Canadian resident, and have a valid Social Insurance Number. You must have earned at least \$ 5,000 in 2019 or in the last 12 months before applying.

1. CRB – Canada Recovery Benefit

This benefit is meant for self-employed or independent contractors. To qualify one has had to stop working 2 weeks, or lost 50% of their income in a 2-week period. One must be looking for work, be available to work, and not refuse reasonable offers of work during the weeks you apply for this benefit. One can receive \$ 500 a week for up to 26 weeks. One must wait to miss two weeks of work before applying and must confirm eligibility (re-qualify) every 2 weeks.

2. CRSB – Canada Recovery Sickness Benefits

This benefit is meant for people who are sick or must self-isolate because of COVID-19. To qualify one cannot be on paid sick leave or get money from a workplace sickness benefit. One must lose at least 50% of their work for the week before one applies due to COVID-19. One can receive \$500 a week for up to 2 weeks. One must miss work for at least 1 week before applying. MUST confirm that one qualifies every week. Keep in mind this benefit is meant for someone who gets COVID-19. One has been told by an employer or a medical practitioner to self-isolate or one has a condition that puts them at risk from COVID-19

3. CRCB – Canada Recovery Caregiving Benefit.

This benefit is for people who cannot work because they need to care for a child or a family member for reasons related to COVID-19. One cannot be on a paid sick leave or get money from a workplace sickness benefit. One must lose at least 50% of the work for the week one applied for this benefit to care for the child or the family member due to COVID-19. One can get up to 26 weeks at \$500 a week. One must miss one week of work before one can apply. One must confirm a weekly qualification. Keep in mind this particular benefit is issued to people that have COVID-19, people that are not able to go to school or their care home because of COVID-19, OR their regular Caregiver is not available do to COVID-19.

The information above is general legal information originally issued in a chart format by STEPS TO JUSTICE

<https://stepstojustice.ca>

For more detailed information and advice, please contact your local legal clinic.

Find your clinic: <https://www.legalaid.on.ca/legal-clinics/>

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