



Kensington-Bellwoods Community Legal Services

ANNUAL REPORT 2020-2021

Financially Supported by



Contents

Message from the Chair	Jenn St. Louis	Page 3
Challenges in Housing Law 2021	Nina Hall	Page 4
Immigration Matters	Lee Tenenhouse	Page 6
Workers Rights	Karly Lyons	Page 8
CERB and Social Assistance	Mindy Lopes	Page 9
Your Access to Legal Services	Rosa Tavares	Page 10
Zooming Through the Second Year of Covid-19	Tim Maxwell	Page 12
Financial Summary	Carl Chu	Page 14

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

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

Rosa Tavares, Support Staff
Tim Maxwell, Community Initiatives and Communications
Sharmini Fernando, Management Consultant
John Doherty, Management Consultant
Carl Chu, Bookkeeper

Our Board Members in 2021

Jenn St. Louis, Chair
Cecilia Wang, Treasurer
Michelle Thompson, Secretary
Jeff Billard
Jamie Corbett

Felix Lambrecht
Cassandra Ma
Gary Newhouse
Shannon Wylie
Rosa Tavares (Staff Rep)

Message from The Chair

Jenn St. Louis, KBCLS Board Chair

This past year was another year of uncertainty for the staff and clients of KBCLS. I want to acknowledge the tremendous effort of the staff to continue the important work of KBCLS throughout the pandemic. Staff have adapted to a new work environment, juggled family and work responsibilities and have continued to serve vulnerable clients and importantly, stay connected in the community. Thank you so much for this dedication. The Board truly appreciates it.

This year we welcomed a new staff lawyer, Karly Lyons to fill in for Mellissa Jean-Baptiste who is currently on leave. Karly is working on housing related files and bring much enthusiasm, dedication and a commitment to social justice.

I want to highlight some key initiatives and accomplishments of the past year.

National Day for Truth and Reconciliation

September 30, 2021 marked the first National Day for Truth and Reconciliation. To demonstrate our commitment to the process of Reconciliation in Canada, KBCLS continued work on this day, on- line and in-person to focus on building our capacity to respond to Indigenous clients, worked collaboratively with organizations in our community that serve Indigenous communities and importantly were encouraged to engage in the important personal reflection that this day calls for.

A new path for KBCLS

Mid-year 2021, KBCLS hired consultants Sharmini Fernando and John Doherty to engage in a two-fold project. Firstly, Sharmini and John assumed the on-site management role at KBCLS. Secondly Sharmini and John are engaged in work to develop options for a new organizational structure for KBCLS. Both Sharmini and John have become valued team members, along with Carl Chu, our Bookkeeper, and we look forward to working with them to implement organizational change in the coming year.

Looking ahead

There is much to look forward to at KBCLS. As we transform to better serve the community, we have identified some key areas of work for the Board:

- Continuing to implement public health guidelines to protect staff and clients
- Developing strategic objectives for KBCLS
- Improving governance and accountabilities through restructuring of the organization
- Working with community partners to stay connected to issues that are critical to our community

On behalf of the Board, I want to welcome all members to stay engaged and keep connected as we enter another exciting year at KBCLS.

Challenges in Housing Law 2021

Nina Hall, Staff Lawyer

Housing law has continued to be our busiest area of practice again this year with very high volumes 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*. Our emphasis has continued to be on the representation on eviction prevention matters.

Toronto's affordable housing crisis is well over a decade old, our downtown community is at the center of it and the COVID-19 Pandemic has exposed it and exacerbated it further. Assisting clients in accessing benefits they are entitled to and negotiating reasonable payment plans when they fall behind in rent is an important part of our work.

The Landlord and Tenant Board's decision to suspend practically all in person hearings and move to online hearings exposes the reality of the profound technological divide in our communities and has created a crisis in access to justice for low-income tenants in Ontario. The reality is that a significant portion of our clients have no consistent access to telephones or computers and are not routine users of e-mail or online services. The LTB is conducting hearings with little regard to the realities of a broad section of low-income tenants and conduct a large number of eviction hearings where the tenant is not present. KBCLS endorses the significant lead that our sister Clinic the Advocacy Centre for Tenants Ontario has taken in exposing the serious flaws in the Provincial Government's *Digital First* approach to the operations of the Landlord and Tenant Board.

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, is also a large part of our practice. All of our Public Legal Education has moved online, as we comply with the current Public Health recommendations and requirements while being fully aware that we cannot reach all of our intended audiences in this manner.

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". Though 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, notably in the Kensington Market working with our community partners including St. Stephen's Community House, Kensington Tenants Network and the Friends of Kensington Market.

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. An equal number relate to vulnerable tenants facing eviction by their social

housing providers for issues including retroactive rent charges in rent geared-to-income housing; excessive clutter and allegations relating to behaviour. In most of these cases our clients are extremely vulnerable and require accommodation under the *Human Rights Code of Ontario* not only from their landlords and the LTB but also in how we, as a community-based clinic, provide legal services to them.

Legislative changes that are likely to impact on our Housing law services include:

Changes to *Housing Services Act (HSA)*

As of July 1, 2021 rules for calculating rental subsidies [rent geared to income or RGI] have changed. Prior to that time, RGI would be recalculated within a month or two if evidence was submitted of a change of income. Rent increases or decreases would be somewhat concurrent with a household's changed circumstances. Effective July 1, 2021 changes to the *HSA* with the stated goal of "reducing paperwork" now rent calculations rely primarily on the Revenue Canada Notice of Assessment NOA from the previous year when calculating rent geared to income eligibility. The implementation of these changes creates a problem for people who have been on the Canada Emergency Response Benefit or the Canada Recovery Benefit in 2020 but who are no longer receiving that level of income support people as they are getting notices that their January 2022 rent will increase but they can no longer afford it. Alternatively, if a tenant loses income for a few months RGI isn't recalculated: the tenant normally has to wait for their next NOA. While the *HSA* does provide for a "approximate net income" to be used if an NOA is not predictive of the tenant's future financial picture – how this concept will be consistently applied is unclear.

Bill 184

On September 1, 2021 some amendments to the *Residential Tenancies Act 2006* came into effect. One significant change is the ability for landlords to apply to the LTB for a judgement for arrears of rent owed by a former tenant up to one year after the tenant vacates the rental unit. Until September 1 an application of this type could only be made by way of Small Claims Court.



Tenant-led protest against Covid Evictions prevents action by the Sheriff's Office

Immigration Matters

Lee Tenenhouse, Staff Lawyer

During 2020-2021 we represented clients with a wide variety of immigration related issues. However, our immigration work focused on three main areas: applications for permanent residence on humanitarian and compassionate grounds (H&C), particularly where the best interests of children are involved, family reunification, and the regularization of legal status in Canada. We also provided legal advice and assistance in other areas including citizenship applications and overcoming barriers to citizenship. During 2021, we were assisted by Spartak Hamzaj, placement student with the Law Practice Program.

In the last year we focused on obtaining permanent status for clients, especially clients with children. Some of our case highlights include:

- We submitted an application for permanent residence on H&C grounds in the case of a mother and her teen-aged daughter who were living in Canada without status. The daughter suffered from a serious chronic illness and was being treated regularly at the Hospital for Sick Children. She was unable to get the medical care that she needed in her country of origin. The application for permanent residence was approved and this mother and daughter are now permanent residents of Canada.
- A single mother in Canada without status, who was also a recovering addict, came to our clinic for help. We submitted an application for permanent residence status on H&C grounds based on the best interests of her child in Canada and her child left in the country of origin, as well as the discrimination and harassment she would face in that country and the lack of services available for recovering addicts. The application was approved and she is now a permanent resident of Canada.
- We were also able to obtain permanent resident status for a young man who came to Canada alone as a teenager, fleeing persecution. He was a protected person but because of various problems with his permanent residence application, including the lack of identity documents, he was living in limbo without permanent status. We were able to convince Immigration Refugees Citizenship Canada (IRCC) to waive the requirement for an identity document and to process his permanent resident application. He is now a permanent resident of Canada and able to move on with his life.
- We submitted an application for permanent residence on H&C grounds on behalf of a single mother who had been a victim of human trafficking in Europe and a victim of intimate partner violence in her country of origin, and who had fled to Canada with her young son. The application was approved in principle but there were complications that threatened to prevent her from actually obtaining permanent resident status. We managed to solve these problems for our client and she and her son are now both permanent residents of Canada.

- We also submitted a successful permanent residence application on H&C grounds on behalf of a couple who had lived in Canada without status for over 15 years and made a life for themselves and their two Canadian born children. They are now permanent residents of Canada.

Immigration updates:

- IRCC recently announced that they are now accepting citizenship applications online. Prior to this, citizenship applications could only be done on paper and submitted by mail. At this time, the online service is available to applicants 18 and over only and not for families. IRCC states that the program will be expanded in the near future. For those who are able to do applications online, this is an important development. <https://citapply-citdemande.apps.cic.gc.ca/en/landing>
- New "pandemic" programs for caregivers and recent international graduates:
 - ***Workers in Canada: health care*** - applicants must be in Canada with valid status, meet the language requirement, be currently employed and have eligible work experience in order to qualify for this program. They can be employed in any job but must have work experience in one of the eligible occupations related to healthcare. Applicants cannot be refugee claimants in Canada. There is still space in this program. <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/tr-pr-pathway/who-can-apply.html?stream=healthCare>
 - ***Workers in Canada: essential non-health care*** – this program is unfortunately full and new applications will not be accepted.
 - ***Recent international graduates from a Canadian institution*** - this program is unfortunately full and new applications will not be accepted.
- Humanitarian and compassionate grounds applications: In 2020 more applications were processed than the year before but the refusal rate increased as well. This trend has continued during the first quarter of 2021. This is a very worrisome and disturbing trend as the majority of H&C applicants are vulnerable and have no other route to regularizing their status. https://www.thestar.com/news/canada/2021/07/13/canada-rejected-humanitarian-bids-to-stay-in-the-country-at-a-much-higher-level-during-the-pandemic-critics-want-to-know-why.html?li_source=L1&li_medium=star_web_ymbii

Workers' Rights

Karly Lyons, Staff Lawyer

The clinic continues to provide services to low wage workers. We continue to provide Public Legal Education seminars to the community which has in turn led to individuals seeking assistance from the clinic to enforce their rights. We have seen workers rights' issues primarily related to termination, notice, severance, and COVID-19 related concerns. The clinic will often provide summary legal advice when issues of employment law and human rights law intersect.

Obviously, lack of paid sick days in Ontario continues to be an issue during the pandemic and beyond. The provincial government took limited action in response to these concerns. In April 2021, the Ontario COVID-19 Worker Income Benefit came into effect which amended the Employment Standards Act. This required employers to provide eligible employees with up to three days of paid infectious disease emergency leave for certain reasons related to COVID-19. Employers could then apply to WSIB for reimbursement.

Vaccination in employment is also another current workers' rights issue. The Ontario Human Rights Commission released a policy to provide guidance on proof of vaccination policies this fall. The policy indicates that a person who chooses not to be vaccinated based on personal preference has no right of accommodation under the *Human Rights Code*. This may prove to be a significant issue for workers who face mandatory vaccination policies in the workplace.

A final and pressing concern for workers continues to be Covid-19 safety in the workplace during the pandemic. A long term care facility in London is facing charges under the *Occupational Health and Safety Act* after a COVID-19 outbreak killed a registered nurse who worked there. The nurse had raised issues about ineffective PPE before his death. The employer is being charged with failing to provide notice of an occupational illness, failing to provide information, instruction, and supervision to a worker to protect the health and safety of a worker, and knowingly furnishing an inspector with false information. The outcome of these charges will prove interesting for COVID-19 Occupational Health and Safety issues in the workplace going forward.

CERB and Social Assistance

Mindy Lopes, Community Legal Worker

How the Canada Recovery Benefits affect Ontario Disability Support Program (ODSP) or Ontario Works (OW)

*You are required to apply for the Canada Recovery Benefits if you are on ODSP or OW **and eligible** for any of the recovery benefits

*All Federal benefits must be reported to your caseworker, therefore if you apply and get any of them. Inform your worker right away. For these benefits will /must be deducted from ODSP or OW payment.

If you were in receipt of ODSP or OW before October 2020, you may be able to keep your health and other benefits under ODSP or OW while you continue to get the recovery benefits or Employment Insurance.

Who is eligible for this support:

If you are already on ODSP or OW, you may be able to get relief.

If you apply for the Canada Recovery Benefits and receive it; it is very important for you to report on your monthly employment reporting forms.

If unsure on how to complete your employment reporting forms; please contact your caseworker or your local social assistance office.

(If you received any of the Canada Recovery Benefits and are on ODSP or OW they may reduce how much you get from ODSP or OW. The Federal recovery benefits count as income for the purpose of ODSP and OW calculations.)

Your Access to Legal Assistance

Rosa Tavares, Support Staff

Our office continues to serve the community, but mainly remotely – as we are not quite ready to fully return to “normal” walk-in/drop-by accessibility during this COVID-19 pandemic. While staff continue to work remotely, we do attend at the office to meet with scheduled appointments or attend video hearings with clients. Support staff also work remotely receiving calls/voicemail messages (416-924-4244, ext. 21), emails (kenbell@lao.on.ca) and online intake forms (visit our website: <https://www.kbcls.org/services/intake-form/>) and we will connect with you within 1 to 2 business days.

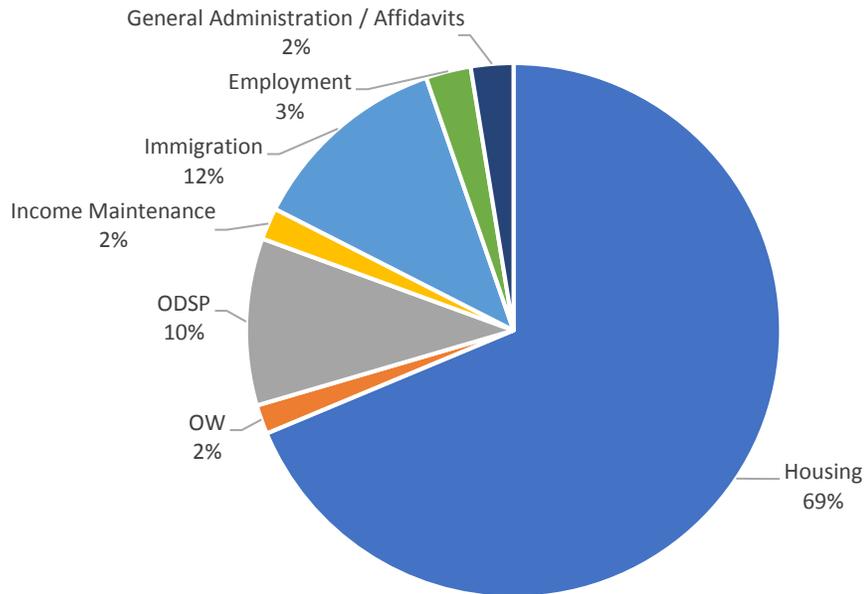
Our goal remains the same, to provide our community with the best possible services regardless. This could be in the form of connecting you with one of our caseworkers or providing you with a referral to an agency/community partner or other service that is better suited to talk to you about your matter. So, if you are having a problem with your employer, your landlord, income support (CPP, EI, OAS, GAINS), social assistance (OW, ODSP) or immigration, contact us by phone, email or online and one of our support staff will connect with you to start an intake.

Explaining the intake process: An intake involves various stages. The first stage: our support staff gathers important information from you such as your full name, current address, contact numbers, email, date of birth, income sources, family size etc. This is necessary to the intake process. Support staff are required to obtain this information by our Board of Directors and our funder Legal Aid Ontario. Next the support staff/intake worker will need to gather information from you regarding your legal matter. This next stage determines what type of service our office can provide you. You will either be given a referral which could be due to, for example, your legal matter is not within the expertise of our services (i.e., we do not assist in criminal law) or your intake will be assigned to one of our caseworkers who will then contact you to provide summary legal advice.

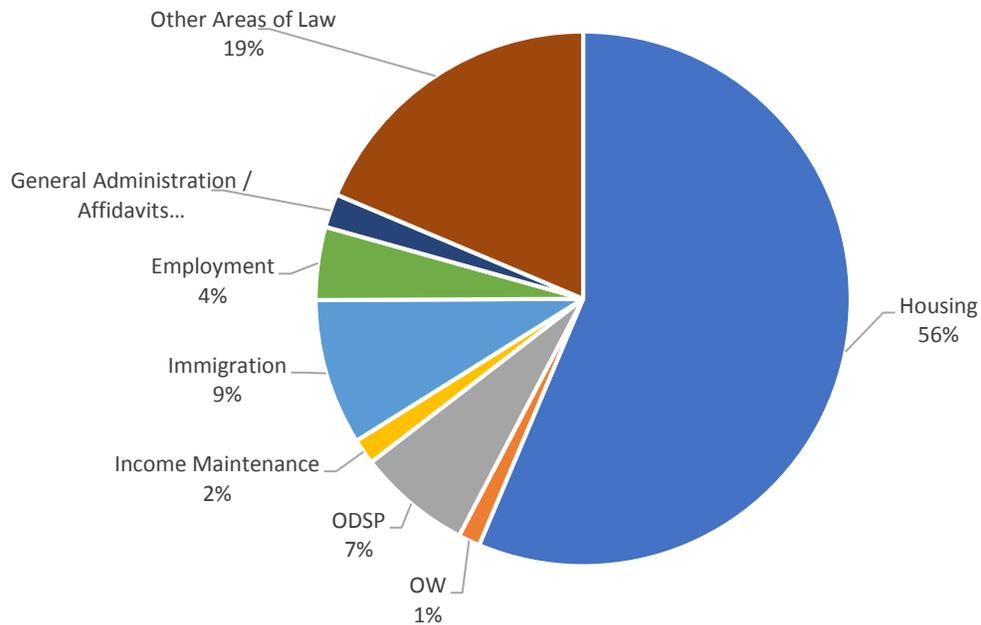
The intake process may take anywhere from 15 minutes to an hour depending the complexity of the call like the need to make arrangements for an interpreter. Although we have staff who speak French, Italian, and Portuguese, we do use interpreter services arranged by our staff for any language needed. Why do I need to give you my personal information if you are going to refer me elsewhere? Clinics are providing a service even if it's a referral. We require a complete record of the service given. For example, if you call us back because you lost the referral information, we are able to check your intake and provide it again. Or perhaps the referral given to you was not available to assist you, we can see what other options may be available.

Working remotely during this COVID pandemic continues to be a challenge however we are working closely with community partners to help potential and current clients, and together, we are building a stronger community, ensuring that people get the help they need.

Summary Legal Advice by Area of Law



Inquires Received by Area of Law





Zooming Through the Second Year of Covid-19

Community Development Report

Tim Maxwell
Community Initiatives and Communications

It has now been almost two years since we began to work from home due to the pandemic. Last year, we applied to the Red Cross for federal funds to help us better accommodate the needs of community members seeking legal assistance. Our application was successful and we were able to develop a new and improved website with an online intake form; create a Hearing Room in our office where a client and a caseworker can attend online hearings together in safety; and we hired peer workers from The Neighbourhood Group to put up posters in the community encouraging people to connect with us by email or by phone if they don't have online access. Through phone calls, email, social media feeds and online meetings, we continued to support and amplify community organizing and law reform campaigns for affordable housing and tenants' rights, workers' rights, support for newcomers and refugees, and improved federal and provincial income security programs and benefits. And when it was really important to show up in person, we have supported and attended public gatherings maintaining physical distance and wearing masks, such as "No Pride in Genocide" on July 1st in solidarity with Indigenous peoples, in particular the survivors of the cruel residential school system.

As every community organization has had to develop online programming during the pandemic, rather than competing for the attention of community members and clients we have in common, we have provided public legal education sessions to augment the programming of our community partners and arranged for other presenters on a variety of topics. As well, we have been supporting the Kensington Market Community Land Trust from the beginning and now that they have actually purchased the building at 54-56 Kensington Ave. and have tenants, I have left the Board of the Land Trust to ensure there is no perceived conflict of interest if the tenants ever need legal advice from KBCLS.



Our newly equipped Hearing Room

The Kensington-Chinatown Local Immigration Partnership Network, of which we are a member, had organized annual Newcomer Welcome Fairs before the pandemic. After the pandemic began, we continued to meet on Zoom to share information and work on projects together. This past summer, we had a sense that a federal election might be called, so we organized multilingual online surveys to find out from community members what were priority issues for them.

Once the election was called, we organized two online town halls with multilingual simultaneous interpretation provided by Access Alliance. The first town hall, September 15 was on Federal Income Benefits and featured presentations from Deena Ladd, Workers Action Centre and John Stapleton, Open Policy Ontario, as well as candidates for Spadina-Fort York. The second town hall, September 17, was on Affordable Housing and Long-Term Care as a Matter of Health, featuring presentations from Axelle Janczur, Access Alliance; Helen Lee, Seniors Advocate; and Bahar Shadpour, Centre for Equality Rights in Accommodations, as well as candidates in University-Rosedale. Each town hall also had a “Question and Answer” session for community members. More than 120 people participated in each of these highly engaging and successful events. We will continue to work with and consult these and other community partners to maintain community-responsive approaches to our work in the neighbourhoods we all serve.

[Kensington-Chinatown Local Immigration Partnership Network](#)

Access Alliance Multicultural Community Health Centre, Canadian AIDS Treatment Information Exchange,
Chinese and Southeast Asian Legal Clinic, Kensington-Bellwoods Community Legal Services,
Lillian H. Smith Branch of Toronto Public Library, St. Stephen's Community House (TNG) Scadding Court Community Centre,
The Cross-Cultural Community Services Association, University Settlement



Check out our new website designed by Cam Turnbull and Community Legal Education Ontario with the financial support of the Red Cross and the Government of Canada. www.kbcls.org

Financial Report Summary

For the year ended March 31, 2021

Carl Chu, Bookkeeper, CPA CGA

Revenue	2021	2020
Legal Aid Ontario		
Direct Receipts	923,825	897,735
Indirect Receipts	30,353	41,004
City of Toronto	0	4,670
Canadian Red Cross	23,108	0
Other Income	0	387
	977,286	943,796
Expenses		
Salaries	637,395	568,499
Benefits	130,340	113,357
Professional Dues	7,275	6,973
Membership Fees	4,535	4,779
Travel	20	1,457
Communications	4,912	5,874
Accommodations	111,880	116,565
Equipment	4,027	7,409
Library	1,909	1,675
Supplies & Services	11,239	11,227
Indirect Payments	30,353	41,004
Professional Fees	14,890	24,291
Legal Disbursements	2,025	3,960
Project Expenses	21,509	4,670
Amortization	3,422	3,422
	985,731	915,162
Excess of Revenues over Expenses	-8,445	28,633
Return of funding to LAO	-22,292	0
Funds balance (deficit), beginning of year	31,416	2,782
Funds balance, end of year	679	31,416