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THE HELP AND LEGAL CENTRE OF NORTHUMBERLAND

SEPTEMBER 2024

REPORT FROM THE CHAIR BY BETH BELLAIRE

Serving Your Community for Forty Years!

This new tagline says it all: this amazing organization has been here working with those most disadvantaged in our community for over forty years! From its humble beginnings, in 1981, in the basement of the Labour Council Hall on the east side of Division just north of King Street, to its formal birth as The Help Centre in 1984, to its earning charitable status in 1986, to its incorporation and expansion to include the Northumberland Community Legal Centre in 1991, to now, The Help and Legal Centre of Northumberland continues to make our clients' lives a little better and gives them hope for an even better future.

This will be my final report as the Chair of the Board of Directors. It was in 1995 that I first joined the board at the invitation of Wilf Day. Little did I know that it would be the start of an almost 30-year service to this amazing organization!

As usual, our Board has been busy this year, continuing on the work from last year on several fronts.

Our Governance Committee began the task of revising our policies to bring them into compliance with the newly passed Ontario's Not-for-Profit Corporations Act. Thank you, Margaret Kerr, for providing steady leadership as Chair of this committee in tackling this herculean task.

Our Communications Committee, and in particular Carolin Sweig, oversaw the completion of our website revamp: it is now an inviting and accessible source of current information on our two agencies and their services and programs, as well as a robust repository of historical information. Great work, everyone, especially Cats Media!

Finally our full board took on the task of producing a new strategic plan. Special thanks goes to Derek Blackadder who led us through this process and helped pull together input from both staff and board members to create a document that will guide the organization forward over the next three years. You will find this plan elsewhere in this annual report, so suffice it to say here that it addresses our financial health, our visibility in the community, the strength and relevance of our programs, and the professionalism and wellbeing of our staff.

As I sign off for the last time, I would be remiss not to thank both Lois Cromarty and Patricia Kamphorst for their exceptional guidance as our two Executive Directors. It's been a privilege to work with them over these last many years in providing such a vital service to our community. Through their example, they bring out the best in their staff who continue to amaze me with the quality and quantity of work they accomplish each year.

I will miss being a part of it all.

The Help and Legal Centre of Northumberland
Strategic Directions 2024-2027

Vision – We envision Northumberland County as a place where all individuals have the resources to meet their basic needs and are empowered to participate in their community in ways that are meaningful to them.

1. *Secure and Grow funding*
2. *Increase organizational profile and awareness*
3. *Ensure Programs are accessible, relevant, efficient and aligned to organizational mission*
4. *Ensure Staff and volunteers are prepared and supported in a positive environment.*

Legal Centre Report 2023-2024 by Lois Cromarty, Executive Director

Folks may think the legal centre just provides legal advice and representation – and no doubt, those are very important components of our work. Last year saw significant increases in the demand for those services. We provided 6087 summary legal advice (a 20% increase from the prior year) and opened 688 files for representation (a 10% increase from the year prior). We closed 532 files, returning $1,035,000 to the community. We prevented evictions for dozens of clients, keeping them housed.

Less well-known are our public legal education, community development and law reform activities. These services reach marginalized communities, build relationships, impart legal knowledge and work for systemic change. Using all parts of our mandate means we become aware of changing legal needs in our community. Often this work leads to further legal advice and representation services, such as our work with the homeless, migrant workers, local First Nations, and older injured workers.

Homelessness is not new but became very visible in the summer of 2023. Encampments sprang up in several places. We began outreach to encampment residents to determine their legal needs. Some became homeless after their residences were closed down due to their landlords' breach of municipal bylaws. When local municipalities failed to exercise their power to remedy the situations (could add repair costs to the tax bill), multiple people found themselves on the street with no affordable housing options. We provided these residents legal information on their rights and advocated at several governmental levels for more humane treatment of these most vulnerable community members.

With temporary foreign agricultural workers, we worked through a community partner to provide public legal education about legal rights. This sparked the workers to ask for legal advice and assistance in filing applications for work permits, government benefits and employment standards claims.

Public legal education on the First Nations Water Settlement affecting Alderville, Curve Lake, Hiawatha First Nations included legal information about the settlement, claims process and deadlines to apply. As a result, we organized all-day clinics in Alderville to complete claim forms – 20 applications in one day!

The poverty of older injured workers is the focus of law reform activities at the federal and provincial levels. Federally, we need change in how WSIB income is treated for entitlement to Old Age Security and Guaranteed Income Supplement. Even though WSIB benefits aren't taxable, it is income that reduces/eliminates entitlement for OAS and GIS. Provincially, the law needs to change to eliminate the discriminatory age limitations on benefits, increase the benefits rate, and eliminate using deemed (ie. pretend) wages to artificially reduce the amount of wage loss payments.

Thank you to the staff for the work done to better our clients and community. Your efforts make a difference. Thanks to the Board of Directors for their invaluable contribution of time and expertise.

Thanks to our funders: Legal Aid Ontario as our main funder, the Department of Justice for project funding. Your support makes our work possible.

Fundraising Events by Beth Bellaire, Chair

On May 8th, we held our 14th Annual Empty Bowls Dinner & Silent Auction, but this year, it had a twist: It was the Empty Bowls and Cozy Toes event! Once again, Brenda Sullivan and her team of local potters created exquisite pottery bowls for the evening, but we also added the choice of taking home a pair of hand-knit socks! Thank you, Karin Wells, for spearheading this new addition by personally knitting over 20 pairs and then coordinating other donations. From all accounts, it was a cacophony of colours on display! With donations of food from many local establishments and sponsorships from local businesses, and a dedicated team of volunteers, this was once again a huge success, both garnering needed funds and raising community profile.

Our second annual event is the Golf Tournament held in memory of Doug Lloyd and set for September 10th at the Shelter Valley Pines Golf Course. Sponsors are coming on board and golfers are registering; with luck, the weather will cooperate and all will have a great day.

It is also important to recognize all the individual donors who contribute to our coffers. We have a wonderful, giving community here in Northumberland County. Whether you volunteer with us, follow us and help spread the word on social media, or give us financial support, you are all an integral part of our team. Your help makes our help possible.

An unprecedented year… Patricia Orantes, Executive Director, The Help Centre

10 years ago, I started my journey as the Executive Director of this tiny but powerful agency, The Help Centre, (THC). During this time, I have seen the agency grow in different aspects. New programs were developed to fill the social service gaps that we identified throughout the years. We also added new staff to the team that greatly have contributed to the healing of this community. Even when in some years having enough funding has been a challenge, I can proudly say that our programs have been growing with consistency during the last decade, giving our clients a safe and comfortable place where they can get the support and assistance needed. By the end of our fiscal year 2023/2024, despite experiencing a meaningful cut in our revenues, as the Reaching Home, Rural and Remote Program was not granted to The Help Centre, putting a lot of pressure on our finances, as 4 programs were affected: Housing, Seniors, Money Management and Outreach, we were able to serve 8,388 clients and to provide 15,454 individual service interactions. These numbers indicate that our programs and services have a meaningful demand, and this turns THC into one of the most visited and referred to agencies in Northumberland County.

We are still struggling with the effects of the pandemic. There has been an increase in complex cases that need our support.

A glimpse … clients served in 2023/2024

- Housing (455)
- Seniors (344)
- Money Management sessions (188)
- Utility - LEAP (117)
- Utility - OESP (172)
- Taxes (1,424)
- Forms (312)
- Christmas Hampers (49)
- Backpacks (14)
- Mission Thrift, Blue Box, Pearl Vision (132)
- ESL learners (24)
- Phone calls information (over 3,900)
- Senior Wellness Check-ins (372)
- Birth Certificates (35)
- Sleep Country Vouchers (93)

People who before the pandemic were able to sustain their families and homes, can no longer do so. Not to mention the most vulnerable ones who have less financial capacity to face the consequences of the high rate of inflation of the last years. The increase in renovictions, the limited capacity of our shelter system to accommodate our homeless, the high prices on food and the increase in mental health cases are just few factors that are creating more stressors and struggles on our disadvantaged residents.

We feel so privileged to be able to "be there" for our clients, to provide a voice for them, to offer the tools to empower and encourage them to not give up, to give them comfort and find solutions in times of crises. This, we have been doing for the past 40 years and we have been able to continue providing our programs and services during the fiscal year 2023/2024 thanks to our core funder Northumberland United Way and other program funders like Northumberland County, Community and Social Services, CRA through the Community Volunteer Income Tax Grant and our generous private donors.

It's when the going gets tough that the true value of having compassion for others and acting in kindness comes into sharp focus for our staff and volunteers. Special recognition and a big thank you to Karin, Debbie, Shannon, Leah, Valerie, Susan, Gwen and Gerry, our volunteer tutors and Tax volunteers, for their commitment and tireless work for serving our clients and for creating a comfortable environment where our clients can feel safe, valued, respected and supported. I also want to thank the Board of Directors for their energetic unconditional support.

Social Assistance Rates by Peter Vance, Paralegal

The Government of Ontario increased social assistance rates for Ontario Disability Support Program (ODSP) recipients on July 31st, 2024; however, for the sixth year in a row, the province has refused to increase social assistance rates for recipients of Ontario Works (OW) benefits. The annual inflation-related increase to ODSP rates will raise the basic needs and maximum shelter portions of ODSP monthly benefits by 4.5%, bringing the combined base rate for individuals receiving ODSP to a maximum $1,368 per month. However, other allowances such as the Special Diet Allowance, which is intended for recipients with disability-related dietary restrictions, have not increased in spite of exceptional increases in food costs.

The benefit rate increase will not be applied to OW rates either, leaving individuals struggling to get by on OW benefits falling deeper and deeper into poverty. Individuals receiving OW will continue to receive only a maximum of $733 per month for their housing, food and other basic needs.

Housing Program Debbie Wood, Housing Support Worker

According to the Canadian Definition of Homelessness, homelessness is "the situation of an individual, family, or community without stable, safe, permanent, appropriate housing, or the immediate prospect means and ability of acquiring it."

Who experiences homelessness in our community?

Women, youth, seniors, the Indigenous, men, newcomers, LGBTQIA2S and persons with disabilities. Each person who is experiencing homelessness in our county has become homeless due to different factors. In 2023 we continued to see reno-evictions; forcing people out to renovate only to find they would have to pay 2 or 3 times the cost of rent they were paying; relationship breakdowns were another major factor in leading people to homelessness; losing a partner to death and no longer able to pay rent and are now sleeping in their vehicle (if they are fortunate to have one); couch surfing or in a homeless shelter or a motel; loss of a job or injury. We also have the homeless associated with mental health and substance disorder. Homelessness can happen to anyone at any given time.

Once again it has been a busy year in housing for the Housing Support Worker. Throughout the fiscal year 2023/2024, the Housing Support Worker provided 1,871 unique service interactions including, intakes, financial verifications, completion of rental and RGI applications, individual housing searches, unit viewings, housing information, referrals, advocacy and outreach among others. The program welcomed 92 new clients and served 431 on-going clients. The Housing Support Worker also visited clients at the different encampments and warming room on a weekly basis to offer housing services and build strong and trustworthy relationships with clients. Every Friday, the Housing Support Worker provides an updated rental listing to more than 1,000 people who are registered to receive the listings through email, website and walk-ins.

Housing in Northumberland County has become out of reach for many of our residents, as the increase in rental prices has continued throughout the years. Despite the challenges finding housing, we also have successful stories when a client is being permanently housed. From April 2023 to March 2024, we were able to permanently house 35 clients!

Senior Support Program by Shannon Basso, Senior Support Worker

The 2023/2024 year has been a successful year for the Seniors Support Program! We provided 1,584 unique service interactions. These services include advocating on the client's behalf, referrals to other community supports and services, assisting with completing forms, and attending medical appointments with clients, wellness check-ins, SOS customized food boxes, among others.

One service that has been extremely beneficial to our clients is outreach, we provided 397 outreach visits to seniors living throughout Northumberland County. Many seniors can find it challenging to get to the office for appointments and this is due to the lack of public transportation and/or mobility difficulties. Our outreach service allows clients to still receive support in the comfort of their own homes without the added stress of travel.

Last year, the Senior Support Program collaborated with the Fare Share Food Bank on with their Save Our Seniors (SOS) food boxes. This program has been well received by clients and neighbours of Fare Share and The Help Centre. Clients have mentioned how excited they are to receive their monthly delivery and how it is a financial help when the cost of food is so high.

Wellness checks by phone and in-home, are services that are highly needed. Many of our senior clients have no family or friend supports and feel isolated and lonely. Having someone to check in and have a conversation with makes all the difference. This is also a chance for the Senior Support Worker to check in and see if there are any services the client needs. During the last fiscal year, we provided 381 phone wellness checks and 187 in-home wellness checks.

Overall, it has been a great year for the Senior Support Program. Through continued collaborations and relationships with other agencies, we have been able to support seniors all throughout Northumberland County. We look forward to the upcoming year and seeing just how much the Senior Support Program will grow!

WSIB & Age discrimination by Lois Cromarty, Executive Director

Since 1990, worker's compensation law has limited the amount of benefits available to injured workers based on age. At the time, this was justified due to the mandatory age-65 retirement.

Wage loss benefits for workers under age 63 at the time of injury end at age 65. Workers over 63 when injured get a maximum of 2 years of wage loss benefits. The Non-Economic Loss also decreases by age: those injured between 45 and 65 get less than those under age 45, even if their permanent impairment is the same.

The requirement to retire at age 65 was struck down in 2006 as discriminatory. The WSIB told the Human Rights Commission they needed time to make changes because of the complexities involved. 15+ years later, the age restrictions on WSIB benefits continue.

The realities of the economy have shifted. Many people continue to work past age 65. This steadily increasing trend will likely continue due to the recent unprecedented cost-of-living increases.

There has been a significant increase in the number of older workers injured in the workplace. A workplace injury can leave them destitute in their "golden" years because of the legislated age discrimination.

Take the case of an injured worker, badly injured at age 64 when co-workers began unloading his trailer before he was safely out of the way. The load rolled off his trailer, crushing him, causing a broken back, fractured ribs, left shoulder rotator cuff tear, left elbow, left knee, internal bleeding and a punctured lung. His doctors said he was very lucky to have survived.

He did not expect to get hurt at work nor to be hurt badly enough to be unable to work. Like most people, he made financial planning decisions – mortgage, bills etc. – based on his take-home pay and when he planned to retire. He planned to retire past age 70.

Even though he remains unable to work, his wage loss benefits end 2 years after the date of injury, because he was 64 when injured. The law says he only gets 2 years of wage loss even though he planned to work past age 70. (If he was under age 63 when injured, his wage loss benefits would have ended at age 65, regardless of how long he had planned to work. This is equally unfair.)

He made financial plans based on working past age 65. He still has a mortgage and while his wife works, it isn't enough. When the law cuts off his wage loss benefits after 2 years, he and his family face financial ruin – ruin attributable only to his age at the time of the accident.

Other provinces amended their legislation to allow wage loss benefits past age 65. Workers in BC and Alberta can get wage loss benefits past age 65 if there's evidence that they planned to retire at a later date.

Ontario needs to change the law. WSIB wage loss benefits should be payable so long as the wage loss continues.

Migrant Workers, Members of Our Community, Sharee Bhaduri, Staff Lawyer, Precarious Employment

NCLC continues to provide legal supports to Migrant Workers throughout Northumberland County. This year in partnership with Horizons of Friendship, my colleague Jordan Tilley and I have attended many events with workers in the county. These range from Public Legal Education sessions to outreach events for the workers, welcoming them to the community. As part of the partnership with Horizons of Friendship, we also participate in a Health and Legal Clinic on Thursday evenings allowing workers to access these services outside of regular working hours. We have also visited various farms within Northumberland County to provide legal support and resources.

This year we have assisted over 25 workers to obtain legal support, including Canadian Pension Plan Applications, Employment advice, WSIB claims, and immigration support in connection with other community partners and legal clinics who support this area of law. Additionally, we have also connected workers with The Help Centre to receive assistance to file their taxes.

Our partnerships and ongoing outreach has allowed us to highlight the importance of what Migrant Workers do for not only our community, but across Canada. We are looking forward to joining Horizons of Friendship again this year at their annual Migrant Worker Appreciation barbecue in September. We are looking forward to recognizing their hard work and dedication to the community. At this event, we plan to share valuable public legal information to workers especially when it comes to benefits regarding income maintenance, as they return home.

On behalf of the Legal Centre and myself, we would like to thank all Migrant Workers for being part of our community!

ESL: A Year of Transitions and Transformations – Leah Keys, ESL Facilitator

This year has been one of transitions and transformations. With a new facilitator on board, relationships have flourished, learners have climbed proficiency levels, and the program has adapted and morphed in new ways to meet the ever-changing needs of newcomers and immigrants in Northumberland.

In November 2023, the program's hiatus ended with a gathering of learners—enough to fill the shiny, new conference room at The Help Centre, renovated with ESL classes in mind. But, within a few short months, we outgrew the space and moved back to roomier accommodations at Trinity.

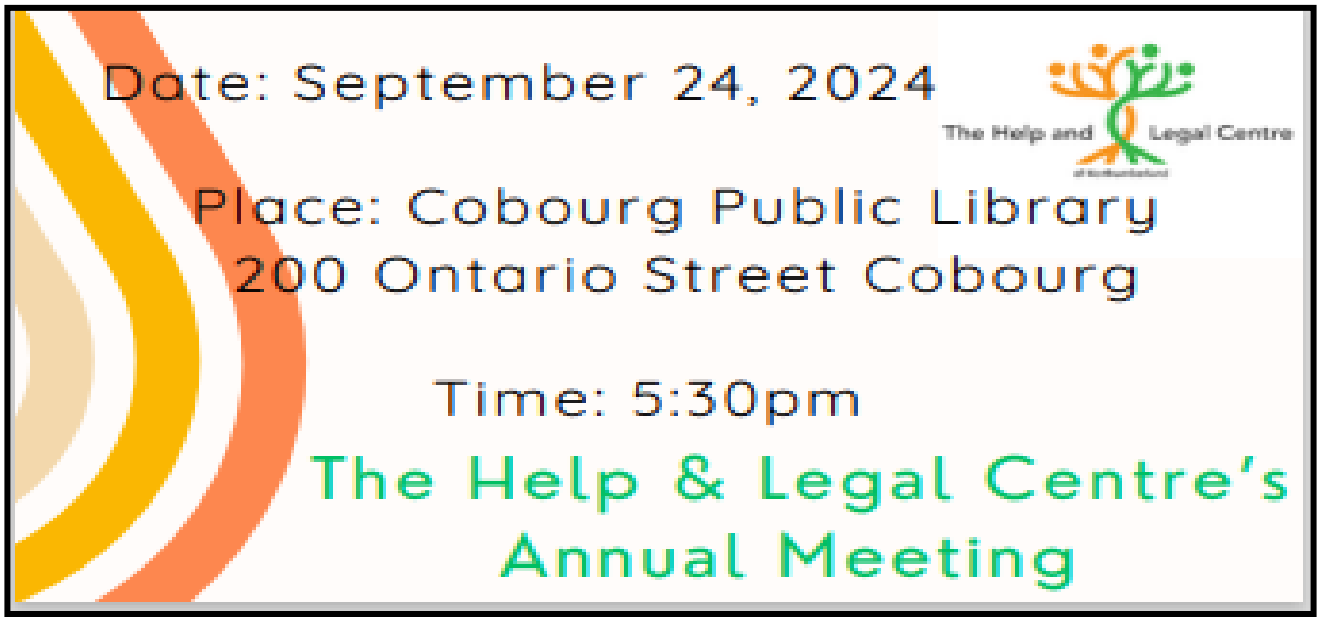
In class, we've learned vocabulary, grammar, and pronunciation and practiced listening, speaking, writing, and reading—all geared toward teaching practical, functional, everyday English. Amidst timely topics like holidays and days of recognition and commemoration, we worked through several units like learning about Canada— its history, culture, geography, and laws—and health, featuring lessons about wellness and illness, our medical system and emergency services, and visiting the doctor, dentist, specialist, pharmacy, and more. We have learned about and discussed local issues, helping learners to understand the society they now live in and the issues faced by their new community.

Some highlights have been the bonds formed through positive, inclusive conversations that open each class and have fostered tightly knit relationships centred on curiosity and respect. These bonds are further strengthened by our social activities. We have attended festivals, art installations, tours, workshops, and other community events, many in conjunction with the New Canadians Centre. And we have celebrated milestones, such as a baby shower for one learner, a first-time mom-to-be, featuring a robust, mouthwatering potluck that had us vying for the crumbs and leftovers.

In this year of growth and firsts, we also welcomed a new tutor, Maria, who is a perfect fit for English for Employment, a new class launched in May intended to support learners who wish to enter, navigate, and better communicate within the Canadian workplace. In tune with this, we are building relationships with employment agencies to better reach potential learners and provide current learners with additional support.

In fact, we continue to work toward creating more relationships all over Northumberland—connecting with schools, daycares, medical centres, community hubs, and other agencies, organizations, and institutions with which newcomers and immigrants are likely to come in contact. The ESL program now has a social media presence on Instagram and Facebook, which we anticipate will grow and connect us to learners and the community in general.

We have made great strides this year, and we have no plans to stop. Moving forward, partnering and creating trusting, lasting relationships with other organizations, institutions, and agencies is paramount, as our mission is to serve and support newcomers in positive and uplifting ways wherever possible. Within the program, we are offering new class options that jibe better with learners' busy schedules of juggling families, work, and life in a new place. It can be difficult to compete with everything going on in learners' lives, but it's a challenge we're up to—and we'll keep doing what it takes to succeed at supporting the language-learning journeys of Northumberland's newest community members.



Ban on Notices of Security Interest – Jordan Tilley, Paralegal

In previous years, Ontario homeowners have been facing increasing challenges due to the misuse of Notices of Security Interest (NOSIs). The Ontario government responded to feedback from thousands of affected consumers by introducing the *Homeowner Protection Act, 2024.*

A Notice of Security Interest is a notice that can be registered on title to a property in the land registry system when an individual finances or leases equipment such as a furnace, water purifier, or air conditioning unit. The security interest is granted by the individual to a company supplying the equipment, which essentially means that the company who rents out the equipment effectively is owed money should the homeowner sell their property or refinance it.

Certain products and services in Ontario cannot be offered or sold at your home unless you initiate the transaction. These restricted products and services include: furnaces, air conditioners, air cleaners, air purifiers, water heaters, water treatment devices, water purifiers, water softeners and duct cleaning services. However, businesses will be able to enter into a contract with you at your home if you made the initial contact to them and invited them into your home for the purpose of buying or leasing one of the restricted products/services.

Generally, once these companies are able to enter into a contract with you for more money than what the product is actually worth, they would register a Notice of Security Interest on title. Effective June 6th, 2024, a notice of security interest may not be registered in a land registry office with respect to collateral that is consumer goods. Furthermore, any notice of security interest that were in effect before June 6th, 2024 pertaining to consumer goods are deemed to have expired on that day.

If you have been affected by this or any other consumer law related matter, please contact the Northumberland Community Legal Centre at (905) 373-4464.

Encampment 413 – Valerie White, Housing Support Worker

The Housing Support Program of The Help Centre was an initiative that started many years ago and intended to provide housing supports to vulnerable residents who were at risk of homelessness or already experiencing homelessness. Throughout the years we have encountered many challenges that have made our work difficult, but meaningful at the same time. Finding affordable and accessible housing is not an easy task, especially in current times.

The cost of rental units has risen fast in the last 5 years, but the OW and ODSP rates have not been increased at the same pace. Finding an "affordable" place to live for our clients has become a challenge, especially after the Pandemic. However, our Housing Support Program has been providing not only housing information, access to supports, advocacy and referrals, but also "hope" to our clients, that even when the task is tough, The Help Centre is there to accompanying them in their housing hunt.

In the summer of 2023, the residents of a private dwelling were required to leave the premises due to safety concerns. Despite the attempts to house some of those in need, some of those residents moved on to establish an encampment. After having some attempts to establish themselves in different locations, finally in September 2023 they settled in a provincially owned property on King Street. The encampment has been growing fast, as many other individuals that were not able to retain housing due to many different reasons ended up joining Camp 413 too.

We are proud to say that the Housing Support program from The Help Centre, has been instrumental in providing the following services to the residents of the Encampment:

- Facilitating diversion options such as accessing emergency shelters and permanent housing.
- Assisting with applying for Ontario Works/ODSP financial assistance.
- Supporting applications for Rent Geared-to-Income (RGI) housing, as well as rent supplements such as the Canada Ontario Housing Benefit (COHB) and Housing Stability Benefit (HSP).
- Assisting victims of intimate partner violence with accessing resources and making referrals to appropriate services
- Address food insecurity by providing them with food, food resources, grocery cards and make referrals to local foodbanks.
- Conducting Vulnerability Index-Service Prioritization Decision Assistance Tool (VI-SPDAT) assessments.
- Representing/advocating at the Homelessness Coordinated Response Team (HCRT)

Measures that ensure access to supports and services including enhanced outreach, housing-focused conversations, increased collaboration, and trust building.

What our Housing Support Program does is much more than just providing housing resources and information, it is an intangible quality of hope, respect and compassion.

Energy Programs and Outreach – Karin Cummings, Senior Staff

2023 felt like a whirlwind year. There have been many changes to the Energy assistance programs over the years and all to the benefit of low-income residents of Ontario. The Help Centre has enjoyed being a part of the launch of these amazing programs and the lead deliverer of these programs. As part of the Financial Assistance Working Group (FAWG); a committee of the Ontario Energy board, we approached the OEB with ideas and data supporting the need for programs to help Ontarians with their electricity bills.

In 2011, the LEAP program was born. It would allow an eligible resident to apply to receive a grant to their electricity account in the event of disconnection or pending loss of their service. LEAP has become a very successful program and has helped hundreds of people to reconnect or keep from being disconnected of this very vital service. Recognizing the increasing cost of this utility and other necessities, lower income families or individuals were having to make choices of what bill to pay each month to maintain their households. The FAWG committee once again approached the OEB with the concept of an assistance plan that would give a monthly credit to eligible electricity bills. That was in 2016 when the OESP (Ontario Electricity Support Program) was developed and launched. This ongoing credit has made a substantial difference in some household budgets. For some, the credit reduced their bill in half or even better.

These two programs have made the cost of electricity much more manageable for many families in Northumberland. Unfortunately, post pandemic time and we found more need in our communities and costs rising. To combat this, the OEB increased the income eligibility thresholds for both the LEAP and OESP programs by up to 35 per cent in order to provide thousands of additional low-income family's access to these programs, LEAP maximum grant amounts increased and finally, the LEAP program was expanded to include Natural Gas assistance. These increases to eligibility, grant amounts and complete heat and electricity coverage have had an enormously positive effect on the budgets of Northumberland residents.

Both the LEAP (Low Income Energy Assistance Program) and the OESP (Ontario Electricity Support Program) are a regular service delivered by The Help Centre and have been extremely successful in keeping the lights on and residents warm in Northumberland County.

The Senior coordinator has been delivering outreach services to the occupants of the Brookside encampment either at the camp or at the Warming Hub. Services offered could include information and referrals to access food, housing information and other services available through The Help Centre. The coordinator has also been assisting with the completion of birth certificate applications for those that have lost their identification documents. Without identification, it is impossible to access health, banking, housing and other relevant services. The Birth Certificate will allow other identifying paperwork to be created such as Health Card, SIN cards and Age of Majority cards. The Help Centre is able to complete these applications through Service Ontario free of charge for those considered homeless. Although it will not get them housed, replacing their ID will help in the future process of finding a safe roof over their heads.

A rise in 'own use' evictions – Jordan Tilley, Paralegal

Own-use evictions are up 85 per cent in Ontario since 2020 according to Landlord and Tenant Board data. Board data also show that T5 applications – when a tenant wants to dispute the own-use claim after they have left the unit, quadrupled from 2020 to 2023.

The lack of affordable housing continues to be a major problem for renters in Northumberland County. Year after year, we are finding an increase in the number of Landlord's or Purchaser's Own Use evictions before the Landlord and Tenant Board. Practically speaking, this has historically been the easiest way for a Landlord to get a Tenant out. In fact, the Landlord likely may not have even had to file at the Landlord and Tenant Board, they could just simply tell the Tenant that they were moving in or an immediate family member was moving in.

There are in fact rules that govern the way a Landlord's or Purchaser's own use eviction must be conducted, however, it's very difficult to prevent an eviction from occurring. In the event that you've been served an N12 eviction notice, it's important to get independent legal advice right away. The simple fact is that we are seeing many Landlord's use this no-fault eviction mechanism in bad faith, in order to get rid of long-term tenants and significantly raise the rents. Northumberland County has been experiencing a housing crisis for years while vacancy rates are consistently low, and rents are very unaffordable. It is crucial for residents of Northumberland County retain their rental units, otherwise their options are otherwise very minimal. If you have received an N12 notice or moved out of your rental unit due to receiving an N12 notice, it's worth contacting us at the Northumberland Legal Centre at 1-800-850-7882 or (905) 373-4464.

Employment Law Update by *Sharee Bhaduri Staff Lawyer*

NCLC continues to support precarious employees throughout the county. This year we have had an increase from employees seeking advice in relation to constructive dismissal claims. Specifically employees are seeing a reduction in their hours and changes to their job duties. Due to backlogs with the Courts/Tribunals, employees have had a difficult time with these cases and many have decided not to pursue legal action, due to the delays.

Having said that, there have been some statutory changes here in Ontario that have established new obligations for employers. Specifically the Bill 149, *Working for Workers Four Act, 2024.* This Bill received Royal assent on March 21, 2024. The Bill is to support workers and those applying for employment in Ontario.

As a result, changes have been made to the *Employment Standards Act, 2000* (ESA). Some include the definition of "employee" as per the ESA, which was revised to include individuals that are completing a "trial period" for an employer. Employees who are on trial shifts are now entitled to the minimum standards as per the ESA. This can include minimum wage, overtime etc. In addition, Vacation Pay now requires a written agreement if the employer wishes to pay vacation by any method other than a lump sum before the employee commences their vacation and or on the pay day for the pay period in which the vacation falls.

Bill 149 also discussed Job postings, which is still to be proclaimed by the government, but suggested that advertised job postings, must now include information about expected compensation or the range of expected compensation for the position. It must also disclose the use of artificial intelligence in the hiring process such as screening, assessing and or selecting applicants and the requirements of the job must not include requirements related to "Canadian experience" in the application process.

Effective October 1, 2024, Ontario will be increasing minimum wage from $16.55 per hour to $17.20. If you have questions in relation to your employment, we encourage you to contact the Legal Centre for free and confidential legal advice.

Wills and Powers of Attorneys by Emily Collins, Paralegal

Having a Will is important. This is important even if you are a low income person. If you die without having a Will, your loved ones will face obstacles because no one will have the authority to deal with things like your belongings, your car, and your bank account. While there are steps they can take to get that authority, it is stressful and time consuming. Having a Will ensures that those that matter to you are taken care of and that your wishes are being met, even after you have passed.

Our office may not be able to draft a Will; however, we have great partnerships with Queens Elder Law Clinic, Renfrew County Legal Clinic, and with local private bar members Alison Lester, Melanie Racine, and Doug Mann who produce Wills for free for the low-income clients who we refer to them. Low-income clients who need a Will should contact our office to see if they are eligible for a referral to one of these services. Our Clinic aided 55+ clients to get a Will done last year through these programs.

It's also important to think about what would happen if you become unable to manage your money or to make decisions about your healthcare. For that you need Powers of Attorney (PoA). The PoAs end when the person who has granted the PoA dies, you need a Will so that there is someone authorized to carry on with decisions afterward.

A PoA means that you choose someone to make decisions for you if you are no longer able to do so. Giving someone your *PoA for Personal Care* means that the person you choose can make decisions on your behalf in regards to your health. For example, they can make decisions related to your health care and medical treatment. They are also responsible for communicating your medical wishes, such as pain relief and life support to doctors and medical professionals.

To deal with "property", there are two options for PoA. According to CLEO, "A *General Power of Attorney for Property*…lets your attorney manage your finances and property only while you are mentally capable. If you become mentally incapable of managing your property, the General Power of Attorney for Property ends and your attorney can no longer act... A *Continuing Power of Attorney for Property* lets your attorney go on acting for you if you become mentally incapable of managing your property…(but) the document must either be called a Continuing Power of Attorney, or state that it gives your attorney the power to continue acting for you if you become mentally incapable."

The Continuing PoA for Property takes effect as soon as it is signed and witnessed, unless the document says that you want it to take effect at a later date (eg. if you later become incapable of managing your finances). It is never too early to think about who you would assign as your PoA or Executor because of the important role that the person will play, you need to think carefully about who to choose.

Our office can draft the PoAs for you. Last year we assisted in the drafting and commissioning of approximately 167 POAs for both Property and Personal Care.

Jordan's Principle by Matthew Benoit, Articling Student.

Jordan's Principle is named after Jordan River Anderson, a member of Norway House Cree Nation. He was born in 1999 and lived with multiple disabilities that profoundly impacted his life. The federal and provincial governments would not come to an agreement over which should pay for Jordan to receive at-home care, and, as a result, when Jordan died in hospital in 2005, he had never been able to live at home. Jordan's Principle is a child-focused rule to ensure that such a disgraceful failure by government does not happen again.

In 2015, the Truth and Reconciliation Commission released its report, including the recommendation that all levels of government implement Jordan's Principle. In 2017, the Canadian Human Rights Tribunal found that Canada had unjustly denied or delayed services for First Nations children and ordered the government to adopt a new process for administering services. Under this framework, urgent individual services requests must be addressed within 12 hours and non-urgent individual requests must be addressed within 48 hours. Urgent group requests must be addressed within 48 hours and non-urgent group requests must be addressed with one week. Additionally, while the Tribunal recognized that clinical expertise may be required to understand the needs of an individual requesting a service, where a competent clinical practitioner is already involved in the child's care, only that practitioner is to be consulted. Read the pair of Tribunal decisions here: <https://decisions.chrt-tcdp.gc.ca/chrt-tcdp/decisions/en/item/143741/index.do> and <https://decisions.chrt-tcdp.gc.ca/chrt-tcdp/decisions/en/item/309427/index.do>.

SIMPLY PUT , JORDAN'S PRINCIPLE STATES THAT WHICHEVER LEVEL OF GOVERNMENT RECEIVES A FUNDING REQUEST FOR SERVICES FOR A FIRST NATIONS CHILD SHOULD PAY FIRST AND FIGHT EACHOTHER ABOUT JURISDICTIONAL MATTERS LATER.

Recent Developments

Beginning in March 2019, several class action lawsuits were launched against the government of Canada, alleging service delays and harms suffered from the removal of children from their homes and communities. These class actions suits were consolidated into one suit known as the "First Nations Child and Family Services, Jordan's Principle, and Trout Class Action." While the suit was consolidated, the classes are still differentiated as to whether individuals qualify to receive compensation. The Jordan's Principle class includes First Nations individuals who suffered the highest level of impact (including pain, suffering or harm of the worst kind) due to a delay, denial or service gap for an essential service from Canada while they were a child, between December 12, 2007 and November 2, 2017. An additional associated class, the Jordan's Principle Family Class, includes the caregiving parents or grandparents of a child belonging to the Jordan's Principle class.

In 19 April 2023, the class representatives and the government agreed to settle the suit, with the government agreeing to pay more than $23 billion dollars to claimants. While claims are not yet being accepted, the claims process is expected to begin soon. Stay apprised of new developments regarding the settlement by signing up for updates here: https://fnchildclaims.ca/signup/

If you require advice of assistance please contact NCLC for free and confidential advice at 1-800-850-7882 or (905) 373-4464

First Nation Class Action Update- Drinking Water Claims by Emily Collins, Paralegal

We would like to provide an update on the First Nations Drinking Water Claim. Our Staff Lawyer Sarah Cooling was able to assist 82 people from Alderville First Nation obtain approximately $2,800 each., totaling approximately $230,000. If you have applied but not heard anything back or received any money you can call Deloitte, the claims administrator at 1-833-252-4220 or to get an update on your file. Please have your status card number with you when you call. If you have any further questions please contact Sarah Cooling at the Northumberland Community Legal Centre at 1-800-850-7882 for additional information.

Tenant Duty Counsel Services by Sarah Cooling, Staff Lawyer

Northumberland Community Legal Centre's Tenant Duty Counsel has faced a very busy year with many challenges due to technological changes at the Landlord and Tenant Board.

NCLC's Tenant Duty Counsel Program staff assisted 53 tenants appearing before the Landlord and Tenant Board with their rights and responsibilities.

The Northumberland Community Legal Centre receives funding from the Advocacy Centre for Tenants in Ontario (ACTO) to provide Tenant Duty Counsel Services at all Landlord and Tenant Board hearings held in Northumberland County.

As TDC we provide a variety of services to Tenants appearing before the LTB. We provide information and legal resources, we may also provide summary advice, document preparation, referrals and in some cases representation. Likewise, TDC often assists with negotiation and LTB Mediation.

Northumberland County stats are impressive and highlight the dedication and experience of our TDC workers.

For the period of April 2023 to March 2024 we had 235 cases on our dockets, an increase of 27.7% from the previous year. We assisted 53 different Tenants by providing them with 637 separate legal services, in 129 different hearing days.

Tenants are facing increasing pressure in the number of eviction applications filed by Landlords and we have been extremely busy as a result.

One unfortunate statistic to keep in mind is that of the 184 separate cases, 80 Tenants did not attend their Landlord and Tenant Board Hearings. In some cases it is because they did not receive the paperwork and in many other instances it was due to lacking the technological equipment and skills to enable them to participate in the proceedings.

This is a phenomenal increase in the number of Northumberland Tenants dealing with matters before the Landlord and Tenant Board. In most cases eviction applications make up the bulk of these Applications.

Tenants in Northumberland County have faced a difficult year, dealing with an extraordinary number of "No Fault" evictions, leaving many Tenants homeless thru no fault of their own.

Special thanks go out to Peter Vance and Jordan Tilley for all of their hard work in assisting with the Tenant Duty Counsel Program.

We have on average been dealing with at least 2 hearing blocks a week that often last several hours to an entire day each. This is intensive work and I appreciate your assistance with the provision of TDC services.

Encampments by Matthew Benoit, Articling Student

In December 2021, the Region of Waterloo adopted a new policy on encampments, including the need to help residents find other accommodations before evictions may be effected. Also in December 2021, an encampment began to form in downtown Kitchener at 100 Victoria Street. In 2023, the Region sought to evict residents of the Victoria encampment, as they planned to turn the empty lot into a parking lot for an upcoming transit hub. They sought an injunction, which was denied by the Superior Court. Specifically, the Court held that it would be contrary to the residents' section 7 rights under the Charter of Rights and Freedoms to evict them. Drawing on case law from British Columbia which has established "a constitutional right to shelter oneself when the number of homeless persons exceed the number of available and accessible indoor shelter spaces within a given jurisdiction" (at para 82), the court held that the by-law "is inoperative insofar, and only insofar, as it applies to prevent the residents of the Encampment from living on and erecting temporary shelters without a permit on the Property when the number of homeless persons exceeds the number of available accessible shelter beds in the Region" (at para 158).

In March 2023, the City of Kingston issued notices to residents of the Belle Park encampment advising them they were trespassing contrary to the *Trespass to Property Act* (*TPA*). In November 2023, the city sought an injunction to enforce this by-law and remove the encampment in Belle Park. That application was denied by the Superior Court. The court held that the city could not prevent encampment residents from sheltering in a temporary abode (like a tent) overnight as it would violate section 7 of the Charter (at para 137).

In March 2024, the city of Cambridge sought an injunction to evict residents of the Branchton Road encampment. Later that month, Waterloo Region Community Legal Services filed an injunction in the Superior Court, challenging the by-law on the grounds that it violated residents' Charter rights. In May 2024, the city of Cambridge rescinded the eviction notice.

However, in spite of these successes, there are still many legal challenges ahead. Many by-laws remain to be challenged, and the compounding challenge of obtaining legal services puts many encampment residents at risk.

On 12 August 2024, the Sarnia city council voted to amend its encampment protocol and begin issuing trespass notices. Sarnia police asserted that they would not service trespass notices on encampment residents, citing concern that doing so would violate residents' rights. The updated protocol prohibits new encampments from being set up in various locations.

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The Help Centre
(A Proud United Way Member Agency)
Tel: 905-372-2646
1-888-698-3382
Fax: 905-372-2205

Your Way Forward Project Update, Missy McLean

Now in the third year of its five-year span, the Your Way Forward project at the Northumberland Community Legal Centre continues to grow and evolve each month. Project lead and clinic social worker Missy McLean and lawyer Sharee Bhaduri have served more than 100 survivors of gender-based violence (GBV) from across Northumberland County in the past year.

Launched in April 2022, Your Way Forward is focused on enhancing and increasing access to legal support, service and information for GBV, which includes intimate partner violence, family violence and sexual assault. The Legal Centre is working with eight other legal clinics across Ontario to better understand and address the unmet needs of people experiencing GBV in each of their communities. The work is funded by the Department of Justice and is also supported by the federal government's Strategy to End Gender-based Violence.

Supports and services being provided to clients through the Your Way Forward project include independent legal advice and representation, family court support work, criminal court support work, wraparound system navigation support, crisis intervention and supportive counselling.

The reach, success and impact of the project over the [third?] year is a credit to the quality of the team's relationships and partnerships with both survivors and the numerous stakeholders and service providers the team first consulted in the needs assessment phase.

The project now sees a continuous exchange of trusted referrals between the Your Way Forward team and private bar family law practitioners, staff at the Family Law Information Centre, duty counsel, Victim Services, Northumberland County Community and Social Services and many others.

As the project progresses, its title – Your Way Forward – takes on a deeper meaning. Reflecting on the past year of the project, Missy shared the following:

"When I think about what I've observed and learned about the needs of GBV survivors, there is the obvious: safe and affordable housing, sufficient income, trauma-informed legal advice and representation, affirming healthcare. However, before any housing applications can be filled out, court applications can be filed or healing work can begin, my work has shown me that a survivor needs to start with one person who can give them time and space and help them start to chart their own path. They need guidance in connecting with other supports and specialists to build a nimble, diverse team that will assist them in reaching their goals.

The relationship building between myself and a Your Way Forward client can really be visualized as us meeting in a dark tunnel, no light or way-finding signs to be found. The survivor is in deep overwhelm, fatigue, fear and frustration. They're resilient and persistent but they're also tired and anxious from searching in the dark alone. They've been surviving, taking care of children or other dependents, and fiercely protecting them. They're exhausted and anxious from losing time and energy to wrong turns and dead ends.

Through the Your Way Forward project, we are able to offer a lantern and map; we give the survivor the information and tools they need to make informed decisions about which way they want to go, the steps they want to take next. We help them understand and consider the options, shine the light in the direction *they choose* and then walk with them on their way forward."

LAND ACKNOWLEDGEMENT

We respectfully acknowledge that the Northumberland Community Legal Centre is located on the traditional territory of the Anishinabek. We recognize and appreciate their historic connection to this place.

We are grateful to live and work here and we thank all the generations of Indigenous people who have cared for this land which is part of the territory covered by the Williams Treaty.

We recognize that land acknowledgements are a small piece of reconciliation. We are committed to engaging in continuous outreach to Indigenous clients in Alderville First Nation and across the county. We aim to build trust by providing excellent, reliable, and appropriate services to these communities.

We invite you to learn about Indigenous communities where you live and work and about the Treaties that apply to that territory. We are all here today to learn how we can better work with and serve Indigenous communities.