

SUPPORTING INDIVIDUALS
AND OUR COMMUNITY BY
PROVIDING QUALITY LEGAL
SERVICES.

Northwest Community Legal Clinic

DECEMBER 2011

2011 OPP Stuff A Cruiser

Tammy Noble, CLW, Fort Frances

Many families in the area struggle to put food on the table. Local food bank staff and volunteers work tirelessly trying to meet the demand, which is always much greater at Christmas time.

In an effort to relieve some of the pressure on local food banks this year, Ontario Provincial Police have teamed up with Treaty 3 Police Service, and various local agencies, businesses and community partners (including the Northwest Community Legal Clinic in Atikokan and Fort Frances) to organize a Christmas food drive. The OPP and Treaty 3 Police will have cruisers with flashing lights parked outside local businesses collecting donations. Shoppers are encouraged to purchase a few extra items and stuff those items into the waiting cruisers.

Atikokan was on board this year, holding their first annual Stuff A

Cruiser event on Saturday, November 26th to coincide with the ANFC's annual Christmas Bazaar and the town's Christmas parade. Donations will support that community's food banks, Ashandiwan (located at the Atikokan Native Friendship Centre) and the Faith Lutheran Church as well as the town's Christmas Cheer fund.

In Kenora, the 11th annual Stuff A Cruiser will be from 10:00am to 4:00pm on Saturday, December 3rd. Cruisers will be parked outside Wal-Mart, Canadian Tire, Kenora Shoppers Mall and Safeway with all donations supporting the Kenora Salvation Army. Kenora EMS, Fire Department and members of the Community Policing Committee will be helping the police forces out. In addition to toys, games, clothing and non-perishable foods, the Salvation Army Kettles will be set up at each location for cash donations.



In Fort Frances, the 2nd annual Stuff A Cruiser will take place on Saturday, December 10th from 10:00 am until 5:00 pm. Cruisers will be parked outside Safeway, Wal-Mart, The Place and Cloverleaf in Emo. Lists of most needed items will be available, but anything and everything is needed and appreciated. Donations will go to support four local food banks, the Salvation Army, Sunset Country Metis Nation, United Native Friendship Centre and the Emo Food bank. Donations will also be collected again this year for the Fort Frances Volunteer Bureau's Annual Community Christmas Dinner.

Please come out and show your support for this very worthy cause. Your generous donations will help to ensure that nobody goes hungry this Christmas.

successful data partnership with the Northwest Community Legal Clinic created in 2010, that the www.211north.ca records for the Districts of Kenora & Rainy River are created and managed. Keeping this information up to date is critical to the provision of 211 service delivery.

211 North is proud to serve the great people living in Northern Ontario. We wish each and every one of you a Merry Christmas and Healthy, Prosperous New Year 2012!

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211 Update

Rebekka DeKorte, 211 Date Entry Clerk, Atikokan

211 is an easy-to-remember 3 digit telephone number that connects callers to a full range of community, social, government and health service information. It is free, confidential and multilingual with 24/7 access. Certified Information and Referral Specialists respond by assessing each caller's needs and linking them to the appropriate service or program 365 days a year. The

phone service is complemented by an on-line Directory of Human Services at www.211.ontario.ca & www.211north.ca. People dial 211 for help with emotional health concerns, financial issues, coping with disabilities, stress and bereavement, supports for seniors, emergency food, and more....

The 2-channel service (phone & web) has been delivered by the Lakehead Social Planning Council's 211 North program since 2008. It is through the

Relief from Eviction at the Landlord and Tenant Board

Laurie Nuttall, Staff Lawyer, Fort Frances

It is important for tenants to call in for their hearings. Even though it may seem that the case is unwinnable, when there is a hearing the Landlord and Tenant Board (the Board) must consider under Section 83 of the *Residential Tenancies Act* whether there are circumstances to justify refusing the eviction or delaying the eviction.

In summary, the Board must refuse to grant the landlord's application to evict in the following circumstances: a) the landlord is in serious breach of their responsibilities; b) the reason the application is brought is because the tenant has complained of a landlord's

violation of a law dealing with health, safety, housing or maintenance standards; c) the eviction application is being brought because the tenant has attempted to secure or enforce their legal rights; d) the reason for the eviction application is the tenant is a member of a tenant's association or is attempting to organize an association; e) the reason for the application is that the rental unit is occupied by children and the occupation by the children does not constitute overcrowding.

Following the Divisional court case *Walmer Developments v. Wolch*, the Board must

consider and apply the *Human Rights Code* when exercising its authority to grant relief from eviction. If the landlord has failed to accommodate a tenant covered under the *Code* to the point of undue hardship, the Board must consider relief from eviction. The Board also has a general discretionary power to refuse or delay eviction having regard to all of the circumstances. Often the tenant's recent good conduct can help prevent or delay eviction. Asking for "relief from eviction" should be part of any argument before the Board when asking the Board to refuse or delay the eviction.

Our Pamphlet Stands

All three offices of the Northwest Community Legal Clinic carry a large supply of pamphlets relating to many areas of law. We invite you to call or stop into your local office to view the selection.

Shoveling out Responsibilities

Nan Normand, CLW, Kenora

Under the *Occupiers' Liability Act*, there is a duty to ensure that persons entering your property are reasonably safe. An occupier is the person who either physically possesses the premises or who has responsibility for the property. This means that your driveway, sidewalks and steps have to be reasonably clear of ice and snow. Business and home owners have a clear responsibility for the state of their property.

For tenants, it is a bit more complicated. Under the

Residential Tenancies Act, the landlords have a responsibility to remove unsafe accumulations of ice and snow from common areas. A common area is any part of a residential complex that is shared between tenants. When you are trying to figure out whether it is you or your landlord that has the responsibility for shovelling, focus on the use of the area. If it is an apartment and there is a sidewalk leading up to a central entrance, it is the landlord's responsibility. If it is a rented house with a single tenant unit and the tenant has control over the entire yard,

then it is the tenant's responsibility. If it's a townhouse complex, a parking lot shared by all tenants would become the landlord's responsibility while a sidewalk leading from the public sidewalk to one single unit's door would be the tenant's responsibility.

As with all responsibilities, it is often not who is doing it but how well it is being done that leads to disputes.

Reasonableness is the standard and common sense is the guide.

Injured at work. What should you do?

Fay Clark, CLW, Kenora

Everyone in Ontario has the right to be safe at work. The Ontario Ministry of Labour (MOL) enforces responsibilities of employers to ensure workplaces remain safe. MOL enforcement is directed by the *Occupational Health and Safety Act*.

The Workplace Safety and Insurance Board (WSIB) administers no-fault workplace insurance for most employees in Ontario. If you are injured while working (not necessarily at work, but are considered to be “on the job”) it is important to know what to do.

1. If required, attend medical treatment: ensure the health care provider knows you were working while you were injured. The doctor will submit a form to WSIB indicating the details of the visit. Ask for a copy.
2. Advise your employer of the accident. The employer must complete a form indicating the details of the accident and send it to WSIB. Ask for a copy.
3. If you belong to a union, advise your representative.
4. Advise your workplace health and safety officer. If the accident was caused by an unsafe work environment, contact the Ontario Ministry of Labour.

It is very important to keep detailed notes. Start a journal and write down doctor’s appointments, notes regarding your health status, conversations with your employer and conversations with any other persons/agencies involved.

For further information contact Safe at Work Ontario at **1-877-202-0008**.

Changes when appealing denial of CPP-Disability benefits

Sallie Hunt, Staff Lawyer, Kenora

When you apply for disability benefits under the Canada Pension Plan, the first decision whether or not to find you disabled is made by the Human Resources and Skills Development Canada (Service Canada). If the Human Resources and Skills Development Canada rejects your application for disability benefits, you must first appeal the denial by writing and asking for a *Reconsideration*. You have 90 days to do this.

If the Human Resources and Skills Development Canada denies your application for disability again, upon a *Reconsideration*, you can then appeal the denial by writing to the Office of the Commissioner of Review Tribunals. Again, you have 90 days. The Office will schedule a hearing where you as an Appellant can present your appeal to a Review Tribunal panel.

The Office of the Commissioner of Review Tribunals released a notice in

October 2011, advising that it has made changes to its process, specifically how the Office will communicate with Appellants and their representatives, and how hearing materials, submissions and other documents will be handled.

While the Office of the Commissioner of Review Tribunals used to communicate with both an Appellant and the Appellant’s representative, now it will communicate with representatives only. This means that Appellants will no longer receive a copy of the hearing materials. It will be necessary for Appellants to contact their representative to obtain copies of documentation.

In the past, the Office of the Commissioner of Review Tribunals prepared a bound, indexed and numbered booklet, containing a copy of all material submitted into evidence to be presented at the hearing. The Office will no longer do this. Hearing materials will not be numbered, indexed or bound.

Similarly, the Office of the Commissioner of Review Tribunals will no longer provide a copy of correspondence and it will be up to the representatives to maintain copies of correspondence and to bring them to the hearing.

Materials provided to the Members of the Review Tribunal panel will be separated into three sections: Correspondence from the Office of the Commissioner of Review Tribunals, Correspondence from the Appellant and Correspondence from the Human Resources and Skills Development Canada.

Representatives are to provide one submission, numbered and indexed, to the Office of the Commissioner of Review Tribunals at least 60 days before the hearing. This submission should not be bound.



Does your group require accessible meeting space in Fort Frances or Kenora during regular office hours? Please contact our office to discuss.



**Supporting individuals and our community
by providing quality legal services.**

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www.northwestcommunitylegalclinic.ca

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Office Closures

All offices will CLOSE on
Friday, December 23rd at 12noon;
and RE-OPEN on
Tuesday, January 3rd, 2012.
Monday, February 20th - Family Day

Sub-offices

Red Lake - February 1st, March 7th
Ear Falls - February 2nd, March 8th

Homelessness Outreach Program - Fort Frances

Starting with this issue, we will feature an agency or program from each of our communities once per year. This article is submitted by the featured agency or program.

The United Native Friendship Centre Homelessness Program in Fort Frances is open to all individuals and / or families who are at risk of becoming homeless, while also including a focus on urban Aboriginal peoples. The Homelessness Program offers a Community Kitchen, Drop In Centre, Emergency Financial Fund, Shelter Assistance, Transportation Support, Emergency Shelter, and a Food Bank. The program also provides support and advocacy in

connecting with other services and programs in the Fort Frances community. Workshops and community presentations to raise awareness of homelessness are also available at the UNFC. To get more information on any of these services provided by the United Native Friendship Centre please contact Rachel Spuzak at 274-8541 or drop by their office at 516 Portage Avenue.

**From December 1st – 16th the Northwest Community Legal Clinic in Fort Frances will be hosting a drop off box for non-perishable food items for the UNFC Homelessness Program.*



your legal rights

CLEO is pleased to announce the launch of Your Legal Rights – a new online source of legal information for people across Ontario. Your Legal Rights is the new face of CLEONet, CLEO's highly successful legal information portal.

New features include Common Questions to help direct people to the information they need and an interactive map of key legal and social services throughout the province. Still available are legal resources, news and events, and training webinars for community workers.

www.yourlegalrights.on.ca



*The Board and staff of the Northwest Community
Legal Clinic wish everyone a safe and enjoyable
holiday season and all the best for 2012!*



Consider the environment...

Please recycle this newsletter!