

SUPPORTING INDIVIDUALS
AND OUR COMMUNITY BY
PROVIDING QUALITY LEGAL
SERVICES.

Northwest Community Legal Clinic

MARCH 2011

Association Membership

Don't forget to renew your annual Association Membership, or sign up to become a member.

Simply complete the enclosed form and return to your local office of the Northwest Community Legal Clinic.

Renewals are due annually and reminders are sent with the March newsletter.

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Bill C-3: Gender Equity in Indian Registration Act

Nan Normand, CLW, Kenora

As of January 31, 2011, Bill C-3 has come into force. Previously, grandchildren of aboriginal women who lost status as a result of marrying non-status men were ineligible for registration. An estimated 45,000 individuals are expected to be awarded status as a result of this Act. To meet the anticipated demand, Indian and

Native Affairs Canada (INAC) has developed a dedicated processing unit for these applications.

For inclusion under Bill C-3, applicants must have

- an aboriginal grandmother who lost status as a result of marriage to a non-Indian
- one of the parents was

registered or entitled to be registered under sub-section 6(2) of the Indian Act and was born after September 3, 1951.

Applications can be downloaded from www.inac-ainc.gc.ca, requested from 1-800-567-9604 or picked up at any Service Canada Centre.

CPP & GIS Increases

Sallie Hunt, Staff Lawyer, Kenora

CPP benefits are revised once a year, in January, based on cost-of-living (the Consumer Price Index, which is used by Statistics Canada). CPP benefits increased by 1.7 percent in January. The maximum CPP retirement benefit increased from \$934.17 to \$960 per month.

The basic OAS pension, the GIS (Guaranteed Income Supplement) and the Allowances increased by 0.5 percent. These payments are also based on the Consumer Price Index but are revised quarterly, in January, April, July and October. The maximum basic Old Age Security pension

increased from \$521.62 to \$524.23 per month. Anyone also receiving Ontario Works or ODSP disability benefits and CPP, OAS or GIS will have their OW/ODSP benefits reduced by the above increases.

Hospital Charges for Alternative Level of Care Beds

Nan Normand, CLW, Kenora

As has been positioned by the Advocacy Centre for the Elderly for the previous 12 years, hospital charges that exceed the co-pay rate (\$53.23) for patients who are in a hospital waiting for long-term care have been condemned by the Minister for Health, Deb Mathews, as "completely unacceptable".

In an effort to reduce costs by economically hard pressed hospitals, some facilities began charging extra fees in addition to the co-pay rate for patients who exercised their right to refuse placement in facilities that did not meet their needs appropriately. In Northwestern Ontario, this often meant that patients were pushed to move into nursing

homes that were significant distances from their families because local facilities did not have available beds.

The Minister for Health has confirmed that officials will be working with the LHIN to ensure that they do understand the proper application of the policies surrounding alternative level of care beds.

Changes to Rules for a Pardon

Sallie Hunt, Staff lawyer, Kenora
A person who has been convicted of a criminal offence can apply for a *Pardon*, after the sentence has been completed, and after a certain period of time. While a *Pardon* does not erase the conviction, if granted, the criminal record is then kept separate and apart from other criminal records.

A person who has a *Pardon* can answer “No” to the following question: Do you have a criminal record for which you have not been pardoned?

A person applies for a *Pardon* to the National Parole Board (NPB), who, under the *Criminal Records Act (CRA)*, may grant, deny, or revoke *Pardons* for convictions under federal acts or regulations of Canada, including the *Criminal Code of Canada*.

On June 30, 2010 the federal government changed the length of time that a person must wait before applying for a *Pardon*.

The new waiting periods are:
10 years

- for a **personal injury**

offence (S.752 of the *Criminal Code*, including manslaughter), for which there is a sentence of 2 years.

- for an **indictable sexual offence**

5 years

- for an **indictable offence** (other than a sexual offence).
- for a **summary sexual**

offence.

3 years

- for a **summary offence** (other than a sexual offence).

When applying for a *Pardon* a person will now have to explain why they are applying for a *Pardon*, how a *Pardon* would benefit them and how a *Pardon* would assist them in their rehabilitation into society.

If a person, who has been convicted of certain sexual offences listed in the *CRA*, is granted a *Pardon*, the criminal record will be kept separate and apart, but his/her name will be flagged in the CPIC computer system. If this person wants to work with children or vulnerable groups,

s/he may be asked to provide the criminal record to the employer.

When a person receives a *Pardon* for all sex offences, that person can ask that his/her name and personal information be removed from the sexual offender registry by providing proof of the *Pardon* to a local police service. The RCMP are responsible for removing names from the registry.

A person does not need to apply for a pardon if the criminal record consists only of Absolute or Conditional Discharges. Absolute or Conditional Discharges from July 24, 1992 onwards are automatically removed from the CPIC computer system, one year (Absolute Discharge) or three years (Conditional Discharge) after the court decision. For Discharges before July 24, 1992, a person must contact the RCMP asking that the Discharge be removed from the record.

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

Increase to Pardon Application Fees

Carol Grosset, OM, Kenora

The fee for a pardon application increased to **\$150, effective December 29, 2010.**

Applications received or post-marked before December 29th, 2010, were accepted under the previous \$50 application fee, as long as they

were deemed to be eligible and complete by the Parole Board of Canada Board at the time they were received.

Ineligible and incomplete applications submitted prior to December 29th, 2010, will be returned to the applicant along with the \$50 application fee.

Re-submitting the application will then become subject to the new \$150 fee.

For more information, contact the Parole Board of Canada INFO line 1-800-874-2652 or Email: pardon_fee@npb-cnlc.gc.ca.

Energy Contracts and the Energy Consumer Protection Act, 2011

Yvonne Hutton, CLW, Atikokan

The *Energy Consumer Protection Act* came into effect January 1, 2011. The Act is intended to stop the unfair practices of energy (hydro and gas) marketers and the sale of fixed-price energy deals. The Act ensures that you can easily compare the contract price for gas or electricity to the price you are charged by your local utility (for example, Union Gas). Under the new law, you will now be provided with a 'disclosure statement' produced by the Ontario Energy Board (OEB) – the provincial agency that oversees the province's electricity and natural gas sectors in the public interest – that contains information energy marketers often leave out. One of the first things you will see in the disclosure statement is; "There is no guarantee of savings if you sign a contract" (energy marketers would like you to believe that energy costs are rising and you would save money by signing a fixed-price contract immediately).

You will now be told that the energy marketer is a private company, not your local utility provider, and that it is not associated with the government. All contract costs must be disclosed up front, and all contracts and contract renewals must come with an OEB-approved price

comparison sheet.

The Act also gives consumers more rights when cancelling contracts, particularly electricity contracts. An electricity contract can be cancelled up to 30 days after getting the first bill without a penalty fee. A gas contract can only be cancelled without penalty in the 10 days immediately after proceed. After the first bill you are locked in for the duration of the contract unless you are willing to pay penalty fees to terminate early. Cancellation fees now have a set limit through the *Energy Consumer Protection Act*, but can still be very costly.

While electricity contracts can only be extended with your written or verbal consent, gas contracts can be automatically renewed by the energy marketer unless you provide written notice that you wish the contract to not be renewed.

The most important thing to remember about energy contracts, and that hasn't changed under the Energy Consumer Protection Act is...

If you don't understand the contract, don't sign up for one. You don't have to. No matter what the person standing at your door says!

For more information on energy contracts, energy prices and what your options are, please visit the Ontario Energy Board website at; www.oeb.gov.on.ca.

From the Ontario Energy Board consumer tip sheet, 'Before Signing an Energy Contract: What You Should Consider', You **have options**. Your energy can be supplied by....

(a) Your utility (prices set by the Ontario Energy Board), OR

(b) An electricity retailer / gas marketer if you sign a contract. These are private companies. They are not your utility nor are they associated with the Ontario Energy Board, the government or any government program.

It's a competitive marketplace so take time to understand your options, rights and responsibilities. Also, know who supplies your electricity or natural gas as well as how much you consume every month.

You do not have to sign a contract – your energy service will continue without interruption.

Keep your home address current

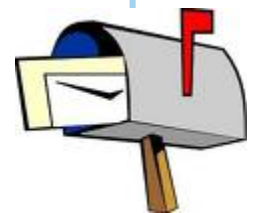
Fay Clark, CLW, Kenora

You may not feel the consequences of not updating your current address until it is too late. Many government programs such as Child Tax Benefit and Northern Ontario Hydro Rebate rely on you to update your address every time you move. Should you fail to

do so, the government may ask for proof of your residency. If you have not changed your address, this may be a difficult task and may result in loss of those benefits.

It is also important to not allow someone who is not residing at

your residence to use your address to receive mail. This may trigger an investigation from social benefit agencies and require you to prove that the person is not actually residing in your home.





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

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Office Closures

Thursday & Friday, March 24 & 25 -
staff meetings

Friday, April 22nd - Good Friday

Monday, April 25th - Easter Monday

Monday, May 23rd - Victoria Day

Sub-offices

Red Lake - April 6, May 4, June 1

Ear Falls - April 7, May 5, June 1*

It's Income Tax Time!

The deadline to file your 2010 personal income tax return is April 30, 2011.

NEW Children's Activity Tax Credit

The *Ontario Children's Activity Tax Credit* announced in November 2010 will allow parents and guardians to claim 10% of eligible expenses (cost of enrolling children in fitness and non-fitness activities) on their annual income tax return for a refundable tax credit of up to \$50/year per child under 16, or up to \$100/year per child aged 16-18. This new credit begins with the 2010 taxation year for expenses paid for on or after January 1, 2010. For more information on the credit and eligible expenses and activities, see <http://news.ontario.ca/mof/en/2010/09/ontario-childrens-activity-tax-credit.html>.

Both Ontario Works and Ontario Disability Support Program (ODSP) have stated that refunds received under the new *Ontario Children's Activity Tax Credit* will not be treated as income for social assistance purposes.

File your return!

In order to qualify or continue to qualify for the GST/HST Credit (including any related provincial credits), Canada Child Tax Benefits (including provincial programs), and Old Age Security benefits, you must file your return on time, if you don't your benefits will be delayed until after you file your return.

If you are of low income and your tax situation is simple, you may qualify for the Community Volunteer Income Tax Program (CVITP), where a trained volunteer will complete your return for free. In Kenora, the drop off location is Women's Place - 530 3rd Street North or call 468-9095 and in Atikokan, the Adult Learning Centre - 25 Rawn Road or call 597-1242 for further details, including hours of operation. For more information on CVITP, contact the Canada Revenue Agency at 1-800-959-8281.



Consider the environment...

Please recycle this newsletter!