

COMMUNITY LEGAL SERVICES OTTAWA CENTRE

ANNUAL GENERAL MEETING 2011

Report of the Executive Director

HIGHLIGHTS

Each year, Clinic staff assist hundreds of people with legal problems in the areas of public benefits, immigration and residential tenancies. Each case is important to the individual concerned. Staff in 2011 successfully represented a large number of people in obtaining ODSP benefits as well as other public benefits. Hundreds of tenants were helped at the Rental Housing Tribunal through the services of duty counsel, run by Diane Wade with the assistance of casework staff. Our immigration lawyers handled refugee claims, sponsorship denials and judicial reviews in the federal court.

Some of the highlights of the past year are as follows:

1. Landlord and Tenant Duty Counsel Services: Recent statistics show that duty counsel in Ottawa provided assistance to 30.6% of tenants appearing at the Landlord and Tenant Board from October 1, 2010 to September 21, 2011. The provincial average was 13.2%. Of the tenants assisted, 46.6% receive some sort of representation. This may be in the form of negotiations with the landlord, filing consents, obtaining adjournments etc. The provincial average for representation was 21.8%. The Board in Ottawa has decreased the number of Board mediators from three to two. The result is that duty counsel is more often called upon to carry out negotiations with landlords. Diane's guidance continues to produce above average results in Ottawa as compared to the rest of the province.
2. ODSP appeal capacity: Two initiatives implemented jointly with the other Ottawa legal clinics over the course of 2008 and 2009 have resulted in increased capacity to handle ODSP entitlement appeals and have resulted in a dramatic reduction in legal certificates issued in Ottawa for ODSP appeals from 2007 to the present.

Through the University of Ottawa Community Legal Clinic a law student provides 10 hours of service per week during the school semesters in order to assist with ODSP appeals.

The joint ODSP caseworker project has operated with special funding from Legal Aid Ontario since mid – 2008. The present occupant of the position is Emeka Adibe.

In 2007, 290 legal aid certificates were issued in Ottawa for ODSP appeals. Last year (2010) only 92 certificates needed to be issued.

As of the end of June of this year the three community legal clinics were carrying a total of 384 ODSP entitlement appeals.

4. Michael and Laila had some longstanding permanent resident status claims finally resolved. Michael's client had been denied because she had not produced a police certificate from her native country. The matter went to Federal Court which directed the Immigration office to reconsider the matter. The client was eventually exempted from the requirement to produce the police certificate.
5. The Clinic is beginning to see some cases involving federal benefits other than Canada Pension Plan disability benefits. One case in which the Clinic was involved concerned a denial of survivors' benefits to a common law spouse. The government took the position that our client was more a caregiver than a spouse, even though they were living together. The Clinic successfully represented the client in an appeal.
6. Daniel Gagnon was busy as chair of the Ontario Project for Inter-clinic Community Organizing (OPICO). In 2010/2011 OPICO engaged in the following activities:

1) LOBBIED THE PARALEGAL STANDING COMMITTEE OF THE LAW SOCIETY OF UPPER CANADA IN REGARDS TO THE APPLICATION OF THE LICENSING EXEMPTION OF PARALEGALS IN THE CLINIC SYSTEM.

2) STRENGTHENED CONNECTIONS WITH THE ACLCO AND PLAC TO BROADEN THE BASE OF SUPPORT OF COMMUNITY DEVELOPMENT WITHIN THE CLINIC SYSTEM.

3) OFFERED TOOLS AND TRAINING ON COMMUNITY DEVELOPMENT WITHIN THE CLINIC SYSTEM.

OPICO also organized a two day forum on community development as well as workshops on the Social Assistance Review and on election organizing.

7. Another very successful Immigration Law Conference was held this past spring. Michael Bossin, Laila Demirdache and Kylie Stanners were on the organizing committee. This conference is self – supporting. No LAO funding is received for it.
8. Diane was one of the organizers of this year's tenants' forum, held on September 10th. A number of workshops were held on issues such as provincial election issues and Smart Metering. Diane also deals with complaints from the Eastern Region clinics concerning the Landlord and Tenant Board.
9. **A REVIEW OF ONTARIO'S SOCIAL ASSISTANCE SYSTEM IS BEING CARRIED OUT BY A COMMISSION APPOINTED BY THE PROVINCIAL GOVERNMENT. THE CITY OF OTTAWA, OTTAWA'S SERVICE AGENCIES AND 4 LEGAL CLINICS PLANNED AND ORGANIZED OUR COMMUNITY FOR THE PUBLIC CONSULTATION ON THE SOCIAL ASSISTANCE REVIEW. THIS PUBLIC CONSULTATION TOOK PLACE ON JULY 27, 2011 AT ST-JOE'S CHURCH LOCATED AT 151 LAURIER AVE E. WELL OVER 200 INDIVIDUALS IN OUR COMMUNITY FROM SERVICE PROVIDERS TO RECIPIENTS OR LOW INCOME EARNERS ATTENDED THE JULY 27 CONSULTATION. THIS WAS**

APPARENTLY THE BEST ATTENDED CONSULTATION OFFERED IN ONTARIO AND THE EVALUATIONS FROM THOSE WHO ATTENDED WERE OVERWHELMINGLY POSITIVE.

Other community legal education and community development activities included production of the newsletter, as well as public legal education sessions by all of the caseworkers.

Immigration Law Changes

Legislation has been passed which will significantly change the way refugee claims are made. The law comes into effect in June 2012 and will pose significant challenges.

Legal Aid Funding

Legal Aid Ontario is continuing with its goal of obtaining “administrative savings” in the legal clinics. However the ACLCO has now negotiated an approach which will allow clinics more discretion as to the approaches for obtaining such savings.

Merger

The LAO Administrative Savings initiative resulted in merger negotiations amongst the Ottawa legal clinics and LAO grinding to a halt. In late summer the clinics submitted another proposal to LAO. LAO has now indicated that it wishes to resume discussions.

Remerciements

J'aimerais remercier tous les volontaires sur notre conseil d'administration, en particulier ceux et celles qui ont finis leurs termes sur le conseil. Un gros merci aussi aux autres volontaires qui ont aidé à la clinique. Et enfin je dois remercier notre personnel, qui travaillent tous très forts chaque jour.

We were very lucky to receive assistance from a number of volunteers in the past twelve months. Jennifer McKenzie and Greg Erauw completed placements through the University of Ottawa Law School. Murray Citron has continued to volunteer as has Peter Anderson. We also had the benefit of an articling student; Evan Sarazin. In September Sarah Sproule began her articles with the Clinic.

This year I would also like to give special thanks to our long serving Office Manager. Kylie Stanners has now completed twenty years of service for the Clinic. Kylie has been invaluable in the areas of clinic administration, board support, computer and IT and casework support.

Charles McDonald
Executive Director