

COMMUNITY LEGAL SERVICES OTTAWA CENTRE

ANNUAL GENERAL MEETING 2012

Report of the Executive Director

HIGHLIGHTS

The essence of the work that legal clinics carry out is ensuring that basic needs are met. Individuals who are not able to work are helped to obtain financial assistance, tenants are protected from unjust evictions, and those who seek refuge in Canada are ensured that their cases are heard. We strive to see to it that those basic human needs are met. We struggle with intransigent bureaucracies yet often deal with people within those bureaucracies who are also trying to help our clients. We appear before administrative tribunals and judges who present varying levels of competence and empathy. We deal with a funder which seeks to balance the interests of various stakeholders. We are at times exasperated by governments whose agendas do not seem to include the welfare of our clients. Yet even with all of those challenges we do manage to assist in a positive way the majority of our clients. A significant number of those we assist do obtain benefits they are seeking, the security of their accommodation or the right to a life in Canada.

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 30.1% of the 5,199 tenants appearing at the Landlord and Tenant Board from October 1, 2011 to September 30, 2012. The provincial average was 12.3%. Of the tenants assisted, 40.7% 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 21.3%. Diane Wade's guidance continues to produce above average results in Ottawa as compared to the rest of the province.
2. ODSP entitlement appeals: ODSP entitlement appeals have dominated the caseload at the Clinic since the regime was introduced in 1998. However a dramatic increase in demand for services in this area has developed since January of this year. The three Ottawa clinics carry a combined caseload of 499 appeals as of September 30th. This is a historically high number since combined statistics began to be kept in June of 2008 when the shared ODSP caseworker project began. Despite the work of Jane, Daniel and Charlie and the assistance of the shared ODSP caseworker as well as several law students from the University of Ottawa, the Clinic has been unable to keep up with the demand and has been forced to make referrals to the Legal Aid office in Ottawa. The other Ottawa clinics have reported to be in the same situation.
- 3.. Michael and Laila were extremely busy this past year not only with casework but also dealing with some significant legislative changes that will create huge

obstacles for our clients claiming refugee status and on those applying to remain in Canada on humanitarian and compassionate (H&C) grounds. Laila was successful in reuniting a client with her daughter, whom she had been forced to leave behind in her country when she came to Canada. Because the mother had not declared the daughter on her application form, the law prevented her from sponsoring her daughter. Laila was able to overcome this prohibition on H&C grounds. The daughter, who is now 8 years old, is scheduled to arrive in Canada on November 6th.

Michael represented a woman who was at risk of being deported to her home country, which would have separated her from her Canadian-born daughter, whom she had cared for since the child's birth. The client's H&C application was refused. Her appeal to the Federal Court was refused. Finally, with the aid of new evidence, the woman's application was accepted and she is now being processed for permanent residence in Canada.

Michael, Laila and Kylie helped organize another very successful immigration law conference. Michael and Laila also wrote an article concerning the interplay between child protection laws and the refugee regime for child refugee claimants.

4. The Clinic took on some cases involving federal benefits such as Canada Pension Plan disability benefits and Employment insurance benefits. One notable case in which the Clinic was involved concerned a denial of Guaranteed Income supplement benefits to a senior who was accused of having stronger ties with another country. The Clinic was able to establish that despite those ties with relatives in the other country, the individual did reside in Canada.
5. Daniel's work in community development was highlighted by the following activities:

Our clinic continued to actively chair the Ontario Project Inter-Clinic Community Organizing (OPICCO), which provided workshops at all regional training sessions and organized in June 2012 a two day forum on community development.

WE CONTINUED OUR INVOLVEMENT WITH THE ROOMING HOUSE INFORMATION AND EXCHANGE NETWORK (RHIEN) AND PROVIDED BILINGUAL INFORMATION SESSIONS TO CLIENTS OF SHELTERS, DROP IN CENTRES, COMMUNITY CENTRES, THE OTTAWA PUBLIC LIBRARY, AS WELL AS SERVICE PROVIDERS, NURSES AND DOCTORS OF COMMUNITY HEALTH CENTRES.

The *Commission for the Review of Social Assistance in Ontario* released in 2012 a summary of comments and recommendations received during their 2011 province-wide consultations on social assistance. Our office in 2012 chaired the *Social Assistance Review - Ottawa Working Group*. The group, composed of various non for profit organizations, provided a coordinated response to the paper. Our office also joined the Sandy Hill Community Center in providing an

information session on the Commission's paper. Comments from individuals in the Sandy Hill community were compiled and forwarded to the commission.

6. KYLIE AND CHARLIE WERE INVOLVED IN ORGANIZING THE ANNUAL LAW CONFERENCE FOR THE CASEWORKERS IN CLINICS LOCATED IN EASTERN ONTARIO. KYLIE IS ALSO PRESENTLY INVOLVED IN HELPING TO ORGANIZE A CONFERENCE FOR SETTLEMENT WORKERS IN OTTAWA.

Legal Aid Funding

Legal Aid Ontario is continuing with its goal of obtaining "administrative savings" in the legal clinics. Legal Aid has also now embarked on a review of how compensation for clinic staff is calculated.

Merger

We continue to wait for LAO to re-open the discussions over the possibility of merging the Ottawa legal clinics.

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. We have had a number of law students from the University of Ottawa. Jennifer McKenzie and Greg Eraauw were here in early 2012. Samaneh Mohammadi did a full time placement in August and has continued on since that time. In September she was joined by Angela Mooney, Will Tao and Debjani Poddar. Murray Citron has continued to volunteer as has Peter Anderson. We also had the benefit of an articling student; Sarah Sproule. Areesha Zubair then assumed that position in the spring.

This year I would also like to give special thanks to two staff members who are about to complete ten years of service with the Clinic. Diane Wade and Laila Demirdache both were hired in January of 2002. Diane was hired as the Duty Counsel lawyer at the Landlord and Tenant Board and Laila came on to do immigration and landlord and tenant work at the Clinic. Diane had been an articling student here prior to being hired as Duty Counsel and Laila had a history of volunteering at the Clinic. Both have proved themselves invaluable because of their level of competence, positive attitudes and energetic service to our clients.

Charles McDonald
Executive Director