

Neighbourhood Legal Services

Serving the Community Since 1973

"Legally Speaking"

Accessing the Legal System

Phone: (416) 861-0677

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Volume 13 Issue 2

ON THE SOCIAL HOUSING FRONT

In October 2011 the Board of Directors for Toronto Community Housing Corporation approved the sale of 706 mostly single-family houses located all over the city. A number of these homes are in NLS' community, especially in South St. James Town.

Six hundred and thirty-one of these "scattered houses" are rent-geared-to-income (RGI) and the remainder is market rent. The Board stated that all RGI tenants will be relocated to other subsidized units within TCHC's stock. By law, the net number of RGI units will remain the same. An equal number of existing market rent units will be subsidized, though it is unclear what happens to market-rent tenants in units being sold or converted to RGI housing. Either way, the city will lose over 600 units of rental housing.

TCHC has stated that the sale will lower its maintenance costs (700 units will not have to be maintained) and generate up to \$400 million in revenue. It's claimed these monies will be invested in a low-risk fund and the interest will provide dedicated revenue for maintenance and repairs (\$400 million @ 3% interest per year will yield \$12 million). However, TCHC's rising maintenance and repairs deficit are already estimated at \$650 million. Plus TCHC will lose the rental income generated by the market rent units that get converted.

There is still time to raise questions and concerns. The sale of all the houses has yet to be approved by City Council and will also require the provincial government's approval. The province still hasn't approved the sale of the 22 TCHC units that the city voted to sell earlier in the year. The nearly 2,700 tenants affected are concerned about being uprooted from their communities, forced to live in buildings that TCHC admits have massive maintenance problems, and located in dwellings that may not accommodate their families. They continue to fight the sale before the municipal and provincial governments.

Fall/Winter 2011

CHILD SUPPORT TO PARENTS OF DISABLED ADULTS ON ODSP

Recently the Court of Appeal for Ontario made an important decision regarding the treatment of child support payments provided on behalf of a disabled 'adult child' (someone who is over the age of 18, disabled, and whose parent receives child support on their behalf).

In the past, ODSP has mainly treated this financial support as if it was part of the adult child's income. Some people were therefore denied benefits or had the support money deducted dollar for dollar from their ODSP benefits.

In a case called *Ansell v. ODSP* (2011) the court said: child support payments paid to a parent and not to the adult child directly should not be deducted from the adult child's ODSP benefits. But, eligibility also depends on how the child support money is spent

An adult child will now have to report to ODSP on how the support money is used by the parent. A "Child Support Monthly Report" form must be completed and returned to ODSP. If a parent, for example, used the money to pay for clothing (something that might be considered 'covered' by ODSP benefits), that might result in a deduction from the benefits. **It is important to remember to keep all receipts for a year for anything purchased with the child support income.**

Some things however are exempt. For example, a parent can give an ODSP recipient \$6,000 in gifts or money over a 12-month period. Payments made for disability-related items or expenses may also be exempt, BUT get prior approval from the ODSP worker before the expense is paid or the item bought. Contributions to a Registered Disability Savings Plan are also exempt.

If you wish for more information, please contact the legal clinic.

Immigration System - Major Changes Expected

The Conservative government appears to be unfolding a major transformation of Canada's immigration and refugee system. The following are some of the significant changes to Canada's immigration laws that have taken place in the second half of this year:

- **The *Balanced Refugee Reform Act*, or “BRRA” became law on June 29, 2011.** This legislation impacts the refugee determination process, as well as Pre-Removal Risk Assessments (“PRRAs”) and Humanitarian and Compassionate (“H&C”) applications.

Most of the anticipated changes to Canada's **refugee process** – which mostly centre on speeding up and limiting access to the determination process – won't come into effect until June 29, 2012. These changes were expected in late 2011, but the government announced it needed more time to roll out the new procedures. These changes will also include Canada Border Services Agency's (“CBSA's”) Assisted Voluntary Returns program. NLS plans to work with local social service providers to share information about the details of the new system as soon as they become known.

Already, though, certain other changes are in place. **H&C applications** submitted after June 29, 2011 will be now assessed differently. Only “unusual, undeserved, or disproportionate hardship” may be considered in deciding whether to require an applicant to leave Canada and apply from overseas. Whereas previously, any evidence of risk would have been taken into consideration and generally referred to a PRRA officer for a decision, now evidence of risk is effectively being ignored. H&C officers no longer have jurisdiction to even consider risk. This creates an absurd situation where risk has to be re-cast as “hardship”. The Federal Court has not yet issued any guidance on the new H&C determination process, but we are watching for judicial developments.

Overlaying all these changes, both current and proposed, is that CBSA has hired many more officers in recent months to “clear the backlog” – i.e. deport out of status people – prior to the new refugee changes taking effect.

“Only “unusual, undeserved, or disproportionate hardship” may be considered in deciding whether to require an applicant to leave Canada and apply from overseas”



.....*Immigration System - Major Changes Expected*

- **Bill C-4**, the *Preventing Human Smugglers from Abusing Canada's Immigration System Act* is currently working its way through Parliament. Many immigrant-rights organizations are advocating against this piece of legislation. Despite its title, it will actually punish refugees, rather than so-called "human smugglers".

The Bill proposes punishments for any refugee groups (i.e. a family) who enter Canada with the assistance of a human smuggler (i.e. an agent). Since refugees generally come from visa-requiring countries, and visas are very difficult to obtain, to reach safety the reality is many people must use agents to get to Canada. **Refugees captured by this Bill (including children) will be detained for a year, without the possibility of independent review, and denied family reunification and the right to travel abroad for over 5 years.**

Under Bill C-4, refugees will be victimized three times: first by their persecutors, secondly by the smugglers and finally by Canada. We urge you to write to your MP to speak out against this proposed legislation, which will be harmful for many people in our community.



- **Bill C-10**, the omnibus crime bill also working its way through Parliament, proposes amendments to the *Immigration and Refugee Protection Act* that **would allow government officials to turn down foreign worker visa applications if it is believed the worker will be subject to exploitation.** On the surface this can appear as a good step but many immigration lawyers worry it will introduce a troubling ambiguity to government decision-making. The current wording allows the Minister of Citizenship and Immigration to determine which jobs are potentially exploitative. This could have a huge impact on foreign workers seeking to enter Canada.
- Citizenship and Immigration Canada has put a 2-year moratorium on parent and grandparent sponsorships while it attempts to clear the backlog of applications, effective November 5, 2011. This was partly in response to ever-growing waiting times for these applications. Over the next 2 years the government will review the parent/grandparent sponsorship program, such that when the 2-year moratorium is lifted, the program is likely to be harder to access than previously. The government announced the introduction of a **"Super Visa" for parents and grandparents** of Canadian permanent residents and citizens, effective December 1, 2011. This "super visa" will allow multiple entries for up to a 2-year period. In many ways this looks like a mini-sponsorship, but only for short-term benefit because parents/grandparents must still pass a medical exam, have medical coverage, and their Canadian-based child must show a minimum income threshold.

NEIGHBOURHOOD LEGAL SERVICES

333 Queen Street East (near Parliament St.)
Phone: (416) 861-0677 & Fax: (416) 861-1777

WHAT WE DO

We provide free legal help to people with low incomes who live in our community. We also provide legal education and training for agencies. Call for more information.

The boundaries of our community are Yonge Street, Bloor Street, the Don Valley, and Lakeshore.

We provide advice in these areas:

- ◆ Tenants' rights
- ◆ Ontario Works & the Ontario Disability Support Program
- ◆ Canada Pension & Old Age Security
- ◆ Employment Insurance & Employment Standards
- ◆ Immigration
- ◆ Commissioning Documents



CLINIC HOURS OF SERVICE

Mon, Wed, Thurs & Fri 10:00 am to 5:00 pm
Tues 10:00 AM - 1:00 PM

Landlord & Tenant Drop-In:
Mon & Thurs 2:00 - 4:00 pm

Social Assistance Drop-In:
Wed 2:00 - 4:00 PM

Affidavits & Notarizing
Thurs 10:30 – 12:30
(Call in advance - cut off for information is Friday before 5:00 PM for next week service)

ADVICE LAWYERS

Dixon Hall (416) 863-0499
58 Sumach Street

Criminal Law Duty Counsel 1-800-668-8258
Old City Hall Court House
60 Queen Street West, Room 162

College Park Court House (416) 325-8910
444 Yonge Street, 2nd Floor

Family Law Advice (416) 963-0684
311 Jarvis Street

Landlord & Tenant Board 1-888-332-3234
Duty Counsel
79 St. Clair Ave. East

Information OW & ODSP Appeals (416) 326-0978
Social Benefits Tribunal

LEGAL AID

Legal Aid Office (416) 598-0200
Atrium on Bay
20 Dundas St. West, Suite 201

Apply Legal Aid Certificate (1-800) 668-8258
by phone

Refugee Law Office (416) 977-8111
Atrium on Bay
20 Dundas St. West, Suite 201

Family Law Office (416) 348-0001
Atrium on Bay
20 Dundas St. West, Suite 201

Lawyer Referral Service (416)947-3330
(Free half hour consultation)