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# Neighbourhood Legal Services

*Serving the Community Since 1973*

## “Legally Speaking” Accessing the Legal System

Phone: (416) 861-0677

Fax: (416) 861-1777

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Fall/Winter 2009

### ***Ontario Disability Support Program... Important Changes***

In the last few months important changes have taken place with the Ontario Disability Support Program (ODSP).

#### ***Medical Eligibility Reviews***

Many people who qualified for ODSP, whether at the time of their application or after a successful appeal to the Social Benefits Tribunal, were given a 'medical review date'. That is, a review of whether someone is still medically eligible for ODSP. This usually happens when someone's medical conditions were expected to improve. (Please note, this is not a financial review of your eligibility.)

A medical review is conducted by the Disability Adjudication Unit (DAU) at ODSP and recently the DAU announced they would be doing 100 medical reviews a month. The review process requires people to have a full ODSP application completed again, including submitting all relevant medical reports, records of treatment programs, etc. People will have 90 days to submit the application and the DAU will conduct the assessment. If you are unable to get the application completed in the 90 days, contact the DAU and request additional time.

The legal clinics are working to convince ODSP that this is the wrong process to use. A full ODSP re-application is a time-consuming and costly measure. The legal clinics think a simpler form could be used to determine whether or not a person has seen improvement in their health conditions.



(Continued on Page 2 ....)

### ***Information for Nationals of Burundi, Liberia and Rwanda without permanent status in Canada***

On July 23, 2009, the government of Canada lifted the temporary suspension of removals for people from Burundi, Liberia and Rwanda. Formerly, people from these three countries who did not have permanent status in Canada were protected from imminent removal (with some exceptions, such as criminality, accusations of crimes against humanity).



It is very important that individuals from Burundi, Liberia and Rwanda who are not currently waiting for a decision of their refugee claim, and who wish to remain in Canada, apply for permanent residence on humanitarian and compassionate (H&C) grounds.

#### **All Applications Due January 23, 2010**

If you are from Burundi, Liberia or Rwanda, the effect of making an application for permanent residence on H & C grounds before January 23, 2010 is that you will be allowed to stay in Canada while the application is being considered and processed. Further, if you have made such an application you will be allowed to work and study while waiting for the outcome of the application. (Note: An application for permanent residence on H & C grounds does not normally have the effect of deferring removal while the application is being considered, nor does an application ordinarily entitle the applicant to work and study permits. **This is a special program.**)

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### ***Ontario Disability Program (cont) ...***

If so, then a full ODSP application would be issued. However, for now if you are required to undergo a medical review you must take the ODSP application to your doctor and have it completed.

*If your ODSP application is turned down on review, you have the right to appeal the negative decision. You should contact your local legal clinic for advice and assistance.*

### ***Addictions Considered a “Disability”***

A long standing issue in dispute with ODSP has been whether or not ‘addictions’ should be considered a disability and a medical condition. The ODSP law says it cannot be considered a medical condition when evaluating eligibility for the ODSP program. The courts however, have arrived at a different conclusion and said the current law is in violation of the *Ontario Human Rights Code*.

Although the issue is still under appeal, the ministry has decided to apply the court’s decision until the matter is resolved. That means, ODSP applications should now include any information relevant to someone’s addictions under the section on health conditions. The DAU will then include those conditions in their assessment of eligibility for ODSP.



For those applying, it is important that you make this known to your health care provider. This is a new and very important change in the ODSP program and the eligibility determination process. ♦

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### ***Nationals (cont) ...***

If you do not have the decision from your refugee hearing, you must wait. Hopefully, it will be positive. If the result is negative, then it will be important for you to make an application for permanent residence on humanitarian and compassionate grounds. If your claim for refugee protection preceded July 23, 2009, you will have up to six months to apply.

The cost of an application for permanent residence on humanitarian and compassionate grounds is \$550



per adult and \$150 for each dependent child under the age of 22. H&C applications are completely discretionary and it is never clear who will be accepted under this program. However, based on our

experience, it is especially important to demonstrate that you have become well established in Canada.

If you are a national of Burundi, Liberia or Rwanda whose status in Canada is unsettled, you can find information relevant to making an application for permanent residence on humanitarian and compassionate grounds on the Government of Canada website at [www.cic.gc.ca](http://www.cic.gc.ca).

You may also contact our Clinic at (416) 861-0677. ♦



*NLS Staff and Board of Directors  
wish you a Happy Holiday season  
and peace and happiness in the  
New Year.*



## ***Co-op Evictions to be decided by the Landlord & Tenant Board ...***



Long awaited changes to the *Co-operative Corporations Act* are in the pipeline and will change the way that co-ops and their members/tenants will enforce their legal rights. Presently, the Board of Directors at a co-op makes the decision to evict a co-op member. The member can appeal the decision to the entire membership, which can vote to uphold or overturn the decision of the Board. The co-op then goes to Superior Court to obtain an eviction order that can be enforced by the Sheriff.

Both co-ops and members have long raised concerns about this process. The co-ops think the process is complex, time-consuming and expensive. Members say that they often don't get a fair hearing. Members feel that Boards have often already decided the issue even before they listen to the member. The Courts do not like to interfere with the decision of the Boards and most often do not listen to all the relevant evidence. Judges are mostly just interested in making sure that the co-op followed all its own formal rules and procedures.

The Ministry of Housing has met with representatives of co-ops and members and agreed that in the future co-op evictions will go before the LTB that presently listens to all landlord and tenant cases in Ontario. There are some disagreements over some specific processes. For example, should members be able to raise maintenance issues at the LTB the way that regular tenants can? Will the LTB have the authority to look at subsidy issues? Will the courts be involved in some kinds of cases or will the LTB listen to everything? These points and some others are still being worked on by the Ministry and advocates for co-ops and members. But it seems that the LTB will soon start listening to co-op cases. This may result in more eviction applications being filed by co-ops as the process will be easier and cheaper. But it will also hopefully mean that every co-op member will get a full and fair hearing based on the evidence. ♦

### **We Need ODSP Stories**

The time to change ODSP is NOW!!

The ODSP Action Coalition is a province-wide coalition of community agencies, provincial groups, anti-poverty groups, legal clinics and people with disabilities on ODSP. The coalition's mission is to advocate for improvements to ODSP so that people with disabilities can live adequately and with dignity.

**The Coalition is collecting personal stories to know better what the challenges of living on ODSP are. We will use these stories to:**

- a. Lobby elected officials in government to improve the ODSP system**
- b. Get media attention about ODSP issues, and;**
- c. Educate the general public around the issues and challenges faced by people on ODSP**

If interested in participating, please fill out the questionnaire that can be found at:  
[www.odspaction.ca](http://www.odspaction.ca)

## 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

### ADVICE LAWYERS

Dixon Hall (416) 863-0499  
58 Sumach Street

#### *Criminal Law Duty Counsel*

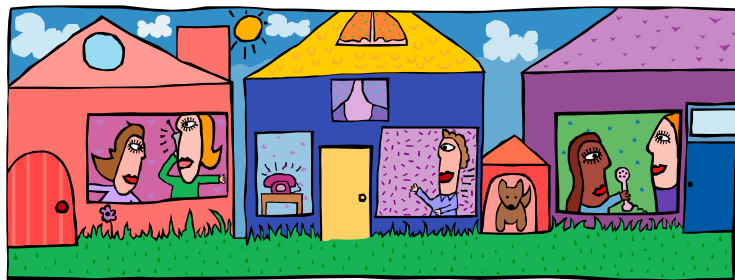
Old City Hall Court House  
60 Queen Street West, Room 162

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

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

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

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



### CLINIC HOURS OF SERVICE

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

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

Social Assistance Drop-In:  
Wed 2:00 to 4:00 pm

#### Housing Affidavits

**Please call our clinic as changes have been made to the schedule.**

#### Other Affidavits & Notarizing

**Please call our clinic as changes have been made to the schedule.**

### LEGAL AID ASSISTANCE

Legal Aid Office (416) 598-0200  
Atrium on Bay  
20 Dundas Street West, Suite 201  
(Apply for Legal Aid Certificate for criminal, family, immigration and civil law)

Refugee Law Office (416) 977-8111  
Atrium on Bay  
20 Dundas Street West, Suite 201  
Suite 603

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

Other:  
Lawyer Referral Service (416) 947-3330  
(\$6.00 charge on your phone bill  
and free half hour consultation)