

Neighbourhood Legal Services

Serving the Community Since 1973

ANNUAL REPORT 2019–2020

Presented to:
Annual General Meeting
February 3, 2021



NEIGHBOURHOOD LEGAL SERVICES

Community Legal Clinic | Serving the Community Since 1973 | Barristers & Solicitors

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We recognize that we live, work and play on treaty land. Toronto is in the 'Dish With One Spoon Territory'. The Dish With One Spoon is a treaty between the Anishinaabe, Mississaugas and Haudenosaunee that bound them to share the territory and protect the land. Subsequent Indigenous Nations and peoples, Europeans and all newcomers have been invited into this treaty in the spirit of peace, friendship and respect. We recognize the role we play as actors in the legal system to confront colonial harm to aboriginal peoples, and we continue to learn and work in order to play our part in pursuing the Truth and Reconciliation Calls to Action and the Recommendations from the Missing and Murdered Indigenous Women and Girls Inquiry.

Funded by Legal Aid Ontario: NLS Chairperson's Report for 2019–2020

Introduction

Neighbourhood Legal Services is a non-profit corporation registered in Ontario and a registered charity (CRA BN/Registration#11888 7090 RR0001). In 2019–2020 we received funding from Legal Aid Ontario and the City of Toronto.

Our Mission, Vision & Values

OUR MISSION

Neighbourhood Legal Services is a non-profit and independent community legal clinic that has been serving the downtown east community of Toronto since 1973. We provide free legal services and assistance to low income individuals who live within our catchment area and qualify for our services.

OUR VISION

We believe that the low-income residents of our community have a right to access to justice through effective legal representation, to be treated with dignity and respect, and to direct their own destinies. We work with the community to address the root causes of poverty and systemic legal problems facing low-income people.

OUR VALUES

We are committed to confronting and combating racism, ableism, heterosexism, classism and other forms of oppression. We are committed to the promotion of the values contained in the [Ontario Human Rights Code](#).

Statement on Anti-Black Racism

Neighbourhood Legal Services ("NLS") is outraged by the deaths of Regis Korchinski-Paquet, Breonna Taylor and George Floyd in 2020 who represent the latest of too many who have died in lethal interactions with the police. NLS understands the collective grief experienced at this time and it is aware of the specific stress, grief and triggering impact that these recent fatalities have caused on our board members, colleagues, clients, community partners and friends who are Black.

We acknowledge that these recent deaths are reflective of a very long history of anti-Black racism and anti-Black violence too often perpetrated by state actors, institutions and agencies. In a 2018 CBC News investigation¹ focusing on the period of 2000–2017, it was found that Black people comprised 36.5 per cent of deaths involving Toronto police while only making up 8.3 per cent

1 *Deadly Force: Fatal Encounters with the police in Canada: 2000–2017*, Jacques Marcoux and Katie Nicholson, accessed at: newsinteractives.cbc.ca/longform-custom/deadly-force

of city's population. This same study identified that "more than 70 per cent of victims suffer from mental health and substance abuse problems". This means that at least some of the Black persons who died at the hands of the police were also experiencing substance abuse issues and mental health crises. NLS recognizes that when racism interlocks with other systems of oppression like poverty, gender identity etc., it heightens the likelihood of encounters of anti-Black racism and anti-Black violence.²

NLS understands that it too is part of a network of state agencies that are complicit in perpetrating anti-Black racism and anti-Black violence. However, NLS commits to being actively anti-racist by among other things, continuing to educate ourselves about implicit bias and systems of oppression as well as reflecting on how we can work internally and externally to dismantle systems of racism.

A statement is not enough. Education, action, and advocacy can bring and have already begun to effect real change. NLS is committed to continuing to learn, taking action, and advocating against anti-Black racism and the systems which perpetuate it. To start, we have compiled a list of [helpful resources](#) that we commit to updating regularly.

Key Highlights from 2019–2020

Further to how clinic law is defined in Ontario's *Legal Aid Services Act* and the strategic priorities set by our Board of Directors, NLS provided legal services in **1,703** matters in the areas of housing, social assistance, immigration, employment, and through a weekly affidavit/notarizing clinic. We also assisted low-income patients of the Family Health Team at St. Michael's Hospital navigate legal systems relating to **260** matters on a wide range of legal issues. Further information about our casework is detailed in the pages that follow.

A summary of highlights from the 2019–2020 year includes:

- » **30% cut to LAO's budget announced in April 2019 (with a 10% cut passed onto NLS in summer 2019)**

On April 11, 2019 the provincial budget for the year was announced, and with it an unprecedented 30% cut to Legal Aid Ontario's budget.

The subsequent months became a time of great uncertainty for clinics including NLS. We learned in the summer of 2019 that a 10% cut to our budget was passed on, retroactive to April 1, 2019. This prompted the retirement of our Community Legal Worker Anita Barnes, after over a decade of providing excellent income security and mental health advocacy to our community. It also prompted the retirement of Jack de Klerk who was at NLS for two decades. Jack was first our staff housing lawyer, then Legal Director and then Executive Director. We had send-offs for Anita

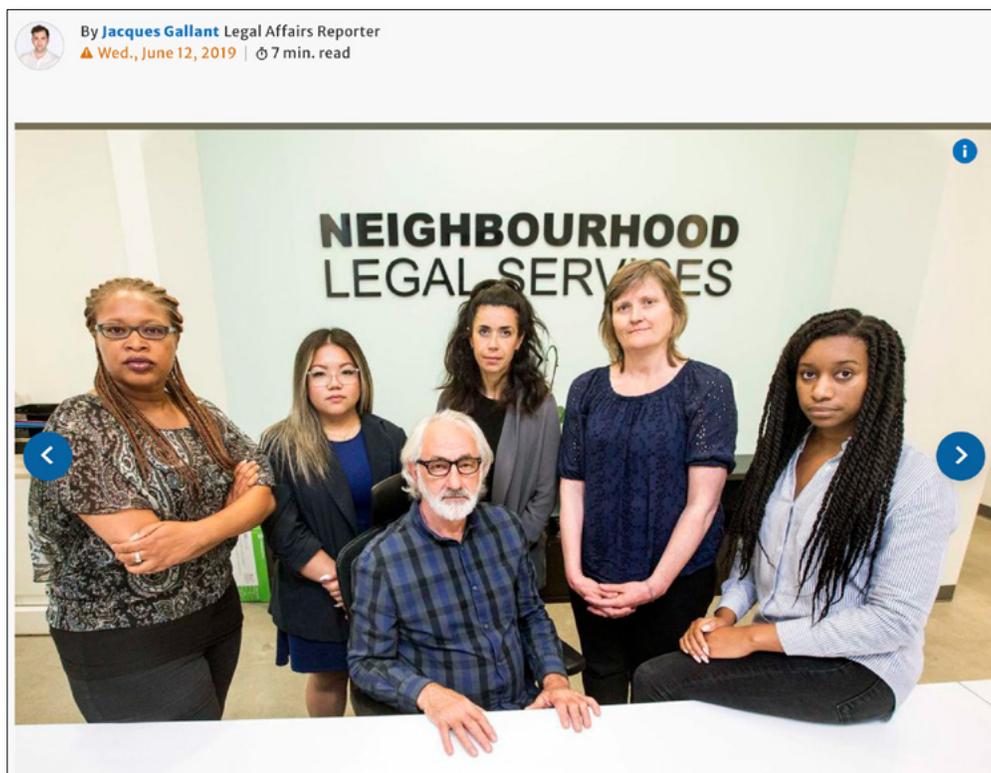
² Note we are using the word 'Black' because many within the movement have chosen to identify as such and we respect the right to self-identify.

and Jack with heavy hearts, and tremendous gratitude for their many years of service to the NLS community. Jennifer Stone, formerly NLS' staff immigration lawyer, then the Health Justice Program's onsite lawyer, became the Interim Executive Director in October 2019.

Working in concert with other community legal clinics and the Association of Community Legal Clinics of Ontario, we worked hard to raise awareness of the impact of these deep cuts on our ability to protect and advance the legal rights of our community. These advocacy efforts did not turn back the cut we received, but as of writing it appears that the second cut that was to follow in the 2020–2021 fiscal year has been halted.

GTA

Sweeping cuts to legal clinics called a 'directed attack' on Toronto and organizations challenging Ford government



From left to right: Geri Thompson, Office Co-ordinator; Kathleen Castillo, Legal Administrative Assistant; Jack de Klerk, Executive Director; Asiya Hirji, Staff Lawyer; Anita Barnes, Paralegal & Community Legal Worker, and Linette King, Staff Lawyer



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Health Justice Tuesdays

HEALTH JUSTICE TUESDAYS

Working together with Dr. Rami Shoucri, the Clinical Champion for the Health Justice Program and select members of the HJP's Education Sub-Committee, we rolled out an 11-part seminar series for clinicians from SMHAFHT and the broader primary care community entitled *Health Justice Tuesdays*, starting in January 2019 and ending November 2019. This curriculum was co-designed and co-delivered by medical and legal experts, and is based on the top 10 (plus an introductory seminar) legal issues that were referred to the HJP during the first three years of the Program. In addition to delivering an interactive recorded seminar, co-leads produced two or three key practical resources for clinicians to use in facilitating timely early interventions on patient legal needs. More information can be found on our website: www.stmichaelshospital.com/hjp

COVID-19

This fiscal year ended with the World Health Organization calling the COVID-19 virus a global pandemic. March 13, 2020 was the last day our office was fully open to the public without PPE and other safety measures in place. We had to pivot very quickly, taking our laptops home and finding innovative ways to serve our community virtually. We conducted numerous online workshops, set up an online intake option, continued receiving intakes by phone, and adapted to virtual hearings before tribunals and courts. We applied for funding to install plexiglass throughout our office, got trained in infectious disease control in the workplace, built up an inventory of PPE, and at the time of writing we have been nearly a year into this new reality. Although we continue to work remotely, we have become adept at providing drop-in hours weekly with protocols in place to ensure everyone's safety.

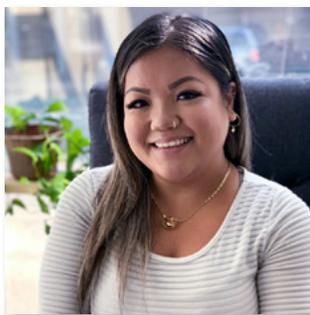
NLS Staff

In 2019–2020 the NLS community was served by the following staff, students and volunteers: Geraldine Thompson (Office Coordinator), Kathleen Castillo (Reception and Legal Administrative Assistant), Sheleca Henry (Program Assistant – Health Justice Program), Anita Barnes (Paralegal and Community Legal Worker – Social Assistance, retired August 2019), Linette King (Staff Lawyer – Housing), Brendan Jowett (Staff Lawyer – Housing), Asiya Hirji (Staff Lawyer – Immigration), Anda Wang (Articling Student – Immigration), Nazareth Maynes (Staff Lawyer – Housing and Social Assistance), Seema Kavar (Articling student), Jack de Klerk (Executive Director and Lawyer – Housing, retired October 2019), and Jennifer Stone (Staff Lawyer – Health Justice Program until October 2019, then Interim Executive Director). In January 2020 we were joined by Daniel Bastien (Paralegal and Community Legal Worker – Social Assistance).

Our work was supported by clerical support funded through the City of Toronto’s Investing in Neighbourhoods Program, and we specifically acknowledge Blessing Samuel and Anahit Chiljyan for their contributions to our work in 2019–2020.



Geraldine Thompson
Office Coordinator



Kathleen Castillo
Reception & Legal
Administrative Assistant



Linette King
Staff Lawyer – Housing



Brendan Jowett
Staff Lawyer – Housing



Asiya Hirji
Staff Lawyer – Immigration



Nazareth Maynes
Staff Lawyer – Housing
& Social Assistance



Jennifer Stone
Staff Lawyer – Health Justice
Program until October 2019,
then-Interim Executive Director



Daniel Bastien
Paralegal & Community Legal
Worker – Social Assistance

NLS Volunteers

Our work was generously supported by *Pro Bono Students Canada* through the University of Toronto and Osgoode Hall Faculties of Law, and the dedication of the following volunteer law students:

- » Logan Hale and Abdullah Khan (working on our Tenant Application Student Support program);
- » Lavalee Forbes and Katrina Martin (working on our Affidavit services);
- » David Thomson and Jonathan Mertz (working on our Wills and Power of Attorney Clinic with the Health Justice Program);
- » Melissa Bowen and Flint Patterson (working on intakes with our Program Assistant, Health Justice Program); and
- » Jamie Ahn, Eileen Liu, and Rachel Allen (working with PBSC's Family Law Project, through our Health Justice Program).

Special thanks also goes to Edgar Montigny who trained and supervises students to serve our Wills and Power of Attorney clinic *pro bono*. Special thanks also goes to Solmaz Sopary, who generously worked with our Family Law Project *pro bono* during 2019–2020.

Additional volunteers who supported the work of NLS are Adrian Merdzan, Justin Darroch and Niklas Menzel.

Finally, the Health Justice Program is grateful for the contributions of the following volunteers and students who spent summer 2019 with us: Jonathan Wakelin, Nihal Naqvi and Amanda Steger.

We estimate NLS/HJP benefited from at least 560 hours of volunteer time.

NLS' Board of Directors

NLS was governed by the following community members and allies in 2019–2020: Aadil Mangalji (Board Chair), Alexander Procope (Vice-Chair, resigned October 2019), Mary Boushel (Treasurer; became Vice-Chair November 2019), Lana Frado (became Treasurer November 2019), Michelle Bashir (Secretary), Hayley MacPhail, Diana Mavunduse, Lesa McPherson, Mat Savulescu and Nisha Anand. We thank this Board for their volunteer commitment to their stewardship of NLS on behalf of the community we serve. We estimate our board volunteers at least 363 hours of time to NLS each year.



Aadil Mangalji
Board Chair



Mary Boushel
Treasurer, became Vice-Chair
in November 2019



Michelle Bashir
Secretary



Diana Mavunduse



Lesa McPherson



Nisha Anand

The Community Legal Clinic System

NLS is part of the Legal Aid Ontario community legal clinic delivery system:

- » A network of 70+ independent geographically based, racially focused and specialty oriented community legal clinics offer services. The former provide services mainly in landlord and tenant disputes, income security, employment law and immigration and refugee law while the latter provide legal services related to workers' health and safety and injury compensation, elder law, children's law, HIV/AIDS related law, housing and income maintenance, disability law, environmental law and public legal education, as well as a host of other civil law issues to low income members of the community;
- » Many private bar lawyers who work on legal aid certificates mostly in the areas of criminal, mental health, immigration and refugee and family law;
- » LAO staff lawyers and staff offices providing services in criminal, family and refugee law;
- » Duty counsel offices in local court houses offering services mostly in criminal and family law.

We all provide legal aid services to people throughout Ontario who qualify for legal aid. They are amongst the poorest in Ontario. We receive our funding from LAO, which, while operating at arms-length from the government, is in turn funded by the Ministry of the Attorney General and the Law Foundation of Ontario.

NLS is a member of the Association of Community Legal Clinics of Ontario (ACLCO). The ACLCO plays an important role in helping to build and maintain the clinic movement. The result is a much wider and a much better understanding in the community and in government of the work that clinics are engaged in on a daily basis.

The Association continues to advocate for the clinic system for more funding for clinics, for improved recognition within LAO and MAG for the unique work clinics do for clients in improving their economic wellbeing, but also empowering our clients. Clinics help create social capital in a way that few other sectors do because they work on legal issues, legal rights and social engagement.

In addition the ACLCO is also a leader in learning and training for the clinic system. Their resources have supported training conferences in all Ontario Regions including the GTA and have begun an annual training program for clinic managers. In addition the ACLCO has developed a number of webinars on various issues of interest to clinic staff, and Board members.

Areas of Law Reports

Housing Work

The scope of NLS housing work is broad, and the majority of our work continues to focus on eviction prevention. This year, however, we have taken significant steps to better support tenants in taking proactive action to enforce their rights around issues such as maintenance and repair, harassment, and human rights. We are also organizing with tenants and community groups to preserve affordable housing stock in our community on a large-scale, systemic level.

Eviction Prevention

The largest housing provider in our catchment area is Toronto Community Housing Corporation (TCHC). TCHC houses individuals at both market and subsidized rental rates. Given the lack of affordable housing option in the city, eviction prevention is especially important for subsidized households as eviction also means the loss of their subsidy.

The primary eviction notices NLS clients receive are N4s (rent arrears), N5s (antisocial behaviour and/or damages), N6s (illegal activity), and N7s (behaviour which has seriously impaired the safety of others at the residential complex). NLS often is able to resolve and mediate these matters with the landlord without a need for a hearing before the landlord and tenant board. In cases where we cannot resolve the matter by mediation we provide representation or hearing preparation depending on the complexity of the issue.

We have also seen an increase of N12 notices wherein private landlords assert that they require the rental unit for personal use. These applications are especially difficult as the landlord must only show that they reasonably need it for themselves or a close family member (parents/children). It is difficult for tenants to prove that the landlord is bringing this application in bad faith and any remedies available become available post-eviction and require much diligence and follow-up by the evicted tenant.

Tenant Application Student Support (“TASS”) Program

Most of our housing work has focused on preventing evictions, leaving a service gap for tenants looking to enforce their rights. The Tenant Application Student Support (TASS) program has filled that gap since it came into effect in October, 2019. While the program was initially intended to be limited to maintenance issues, we quickly learned that our student volunteers were capable of addressing other issues such as landlord harassment and illegal unit entries.

TASS places law student volunteers recruited through Pro Bono Students Canada with tenants who have been struggling with maintenance issues in their units and issues with their landlords. Under the supervision of NLS staff housing lawyers, TASS students support tenants through the time-consuming and frustrating process of gathering evidence and information needed to make a successful application to the LTB. While we originally intended for the student volunteers to

collect information so that our staff housing lawyers could draft the applications, the students shows both the initiative and ability to draft applications themselves as well. This allows staff lawyers to quickly and easily review the prepared case with the client.

TASS would not have been possible without the help of some fantastic students. University of Ottawa placement student Adrian Merdzan worked with us through the summer of 2019 to prepare a guide for students, helping them understand the legal framework of the RTA and the workflow of the program. He also piloted the program with a client who received a significant financial settlement. Abdullah Khan and Logan Hale were our two PBSC placement law students from the U of T Faculty of Law. They underwent training in the RTA, principles of drafting submissions, anti-oppressive practice and working with clients. They proved to be highly capable and worked very well with our clients.

While resource shortages continue to make it difficult for NLS lawyers to represent tenants before the LTB, TASS exposes tenants to the evidentiary standards and legal framework around a tenant application, and equips them to represent themselves before the LTB.

TASS assisted approximately seven additional clients to bring applications to the LTB. Unfortunately, in March 2020 the program had to be put on pause due to COVID-19 for a number of reasons, including significant delays at the LTB and PBSC rules around in-person contact with clients (which is a critical part of the students' role).

Tenant Organizing & Group Applications

There are a number of highrise apartment buildings in St. Jamestown owned by Wellesley-Parliament Square. These buildings include 240, 260 and 280 Wellesley, 77 Howard, and 650 Parliament (which had 1500 tenants displaced by a fire which took place in August 2018). These buildings have experienced frequent fires, floods, and multi-day power and water outages. In partnership with the Federation of Metro Tenants Associations, we have engaged in a number of organizing drives in these buildings.

The 280 Wellesley Tenants' Association emerged as a strong tenant association, with capable leadership and a lot of support from fellow tenants. We agreed to represent tenants in a group application to the LTB seeking a rent reduction for the loss of pool and gym facilities, as well as compensation for power outages and dysfunctional elevators in the building. The Tenants' Association signed up over 200 households to join in the application, which was filed in August, 2019.

It has taken the LTB a long time to schedule the application, and after the COVID-19 shutdown it is not clear when the application will be heard. After hard work and building momentum for this effort during 2019–2020, tenant organizing became difficult in March 2020 because of the provincial lockdown order and high rates of COVID-19 in St. Jamestown.

Defending Downtown Rooming Houses

In July, 2019, we began working with a group of tenants at the Inglewood Arms, a rooming house on Jarvis Street which is home to over 90 tenant households. A developer is trying to purchase the building and knock it down to build a 36-storey condo complex. We formed a coalition with the Ontario Coalition Against Poverty and the Advocacy Centre for Tenants of Ontario to defend this important affordable housing stock.

The tenants do not oppose the development of the property. They want to have a right to return to the building once it is completed, at their previous rents, and they want to have an acceptable interim relocation plan. They also want to ensure that these affordable housing units are maintained as affordable housing.

There are a number of legal issues that arise in this case. The first is that the landlord claims the tenants are not tenants at all, but more like hotel guests – meaning they don't have legal rights. We disagree. Our main client has been living in his unit for 10 years, and many other tenants have been in their units for 5+ years. The tenants do not have any other home; this is their primary residence. Many of their rents are paid directly by ODSP. To assert that the tenants are indeed tenants, we brought an application to LTB confirming that the RTA applies. This was adjourned due to COVID-19 shutdowns.

The other legal issue is that the developer is challenging an Official Plan Amendment that requires them to re-house the tenants in the new development, and replace the affordable housing that would be lost in the development. In January, 2020, we applied for the tenant Joseph Da Silva to get party status at the Local Planning Appeal Tribunal, in order to defend this Official Plan Amendment. We won party status. If we are successful, all developers who seek to remove rooming houses in the City of Toronto would be required to follow these rules.

Public Legal Education & Advocacy

We have been expanding our delivery of public legal education (PLE) sessions to build stronger relationships with tenants, tenant associations, and other service providers. We were among the first advocates to provide virtual PLE sessions for tenants struggling with rent arrears during COVID-19. On March 30, 2020, we did a PLE with two firms which dealt with tenant and employee rights during COVID-19.

On December 3, 2019, MPP and Housing Critic Suze Morrison invited us to speak at a PLE session with tenants to discuss advocacy strategies, legal frameworks, and tenant organizing. We also participated in PLE sessions at Seaton House, Sound Times and Street Health through the year.

On October 5, 2019, Brendan Jowett co-wrote an article with Amy Slotek (lawyer at Legal Aid Ontario) about changes to social housing rules that would prevent people evicted for an "illegal act" from being eligible for social housing for a period of five years. [The article was published in Now Magazine](#). On December 5, 2019, Brendan spoke at a press conference at Queen's Park to

criticize the government's inaction on making tenants aware of expiring Above-Guideline Increases that would reduce their rents.

Social Assistance Work

As described above, in April 2019 the Government of Ontario announced a 30% cut to the operating budget of Legal Aid Ontario. NLS received a 10% retroactive cut in the summer of 2019, which led to the early retirement of Anita Barnes, our social assistance paralegal and community legal worker. Her position sat vacant until January 2020. This staffing shortage was challenging for our income security advocacy. Despite this NLS has continued to do extensive social assistance casework in Ontario Works (OW) and the Ontario Disability Support Program (ODSP). Staff also continue to be engaged in outreach, public legal education (PLE) and law reform activities in these areas. The area of social assistance continues to form a significant part of NLS' practice.

The majority of the social assistance cases that NLS takes on are ODSP appeals. We continue to assist clients at the application stage to ensure that a strong application is submitted as this in many cases means that appeals are not needed. In cases where applications have been denied we assist with internal reviews, appeals to the Social Benefit Tribunal (SBT), and representation at the SBT. NLS is very successful at settling ODSP appeals with ODSP/DAU (Disability Adjudication Unit), thereby helping clients avoid having to endure an appeal hearing at the SBT. We also have a high grant rate at the SBT in cases where the clients self-represent and when NLS prepares them in advance. These positive results can be attributed to our efforts on applications and settling with the DAU by focusing on obtaining medical records and working closely with health professionals.

ODSP Appeals & Overpayments

Often people do not know what an overpayment is about, have never been advised of their appeal rights, and there is considerable confusion about recovery of the debt. Because the government rigorously pursues overpayments, regardless of whether someone transfers from OW to ODSP or leaves either social assistance program, many people need legal assistance. For these cases, the SBT schedules an early resolution session, and a future hearing if needed. NLS provides support, advice and at times representation in these cases. Some examples of cases where our efforts have resulted in favourable outcomes for clients include:

- » An ODSP overpayment of \$19,782.15 (monies alleged to not have been disclosed) was determined uncollectible by the SBT on the basis that ODSP failed to follow their policies. Decision was issued Sept. 13, 2019. This was a referral from the Health Justice Program.
- » An ODSP overpayment of 1,564.33 (self-employment income review) was resolved at the early resolution stage of SBT appeal. The Ministry agreed that the overpayment should not have been issued and they issued the client a cheque for \$441.48 for monies that were recovered to pay the alleged overpayment from his monthly benefit up to that point. Decision letter from Ministry issued August 19, 2019.

- » An ODSP medical review case settled at the appeal stage. This case is notable because one major medical issue of several medical issues had resolved and several new ones had emerged meaning that different legal tests had to be applied to assess disability. It was a complex case and Interim Assistance had been issued by SBT until appeal was resolved. The settlement offer was issued in August 2019.

Medical Reviews

Once an individual has been approved for ODSP, the DAU or the SBT can give a medical review date; this means that the individual needs to apply for ODSP again once the medical review date is reached. We encourage those who succeed with their ODSP appeals and who receive medical reviews to come back to our clinic for assistance when the time comes.

NLS assists clients by reviewing their completed medical review forms before they are submitted. In our experience if clients have a supportive and precise family doctor they do not face any issues staying on the program. In cases where clients are denied their medical review we assist them with appeals to the Social Benefits Tribunal.

Other Areas of Social Assistance Work

In addition to the ODSP eligibility, overpayment, and medical review cases, NLS continues to hear from residents in our community about other OW and ODSP issues. These issues include: inheritances, access to social assistance for refugee claimants, mandatory special benefits, absent spouse, and sponsorship breakdown. NLS also provides support and advocacy for clients who are having difficulty accessing benefits they are entitled to by communicating on their behalf with the relevant staff at OW and ODSP offices. We find that with some good advocacy and intervention these issues can be resolved fairly swiftly.

Outreach & Law Reform

On the **outreach and law reform** front, NLS continues to be an active member on **Social Assistance Action Committee** (SAAC – the Toronto inter-clinic work group). SAAC meets regularly with Toronto Employment and Social Services (TESS) representatives during the course of the year. Generally SAAC's recommendations are well received, and frequently they are acted upon.

CHANGES TO SOCIAL ASSISTANCE

In November 2018, Minister of Children, Community and Social Services Lisa Macleod announced the government's plan for social assistance reform. Since then there is a new Minister and the government has backed away from key proposed changes in response to a strong advocacy campaign from legal clinic and community partners, including NLS.

For example, the government reversed its decision to end the Transition Child Tax Benefit, except for OW recipients living in First Nations communities. The regulations introducing this change were revoked in July 2019. This was a result of an advocacy campaign by clinics, recipients, health professionals, and other community partners.

In addition, the changes to OW and ODSP programs announced in the spring of 2019, including the new proposed earning exemption rules, have been halted. The Ministry has been silent as to whether the government is re-thinking its intended plans to change the definition of a disability to bring it more in line with the federal definition under the CPP-Disability program. No changes have been implemented in this regard since the intended changes were announced in June 2018. To safeguard our clients' interests NLS has been keeping clients informed of possible changes when assisting on their files.

The onset of the COVID-19 pandemic in March 2020 led to many changes and announced changes in social assistance, including: a move from OW and ODSP to remote service provision; the temporary suspension of procedural deadlines; the suspension of the rule from MCSS that limited emergency assistance provision to only once in a six-month period for individuals and families affected by COVID-19; allowing people to receive emergency assistance for longer (48 days) without submitting a full Ontario Works application; the temporary introduction of COVID-19 benefits for OW and ODSP recipients, and the introduction of the Canada Emergency Response Benefit. NLS kept clients up to date on the changes when assisting on their files, and beginning in March 2020 through regular updates on our website.

NLS did not hold many PLEs from April 2019 to March 2020 as it was a transitional period for staff. The Community Legal Worker Anita Barnes retired in July 2019 after over a decade of excellent and compassionate service. Anita invested a great deal of time and energy in building NLS' knowledge on working with clients facing mental health crises. Her exemplary work will have a lasting impact on NLS, the clinic community including SAAC, and the Toronto interclinic training meetings where she presented on multiple occasions.

Neighbourhood Legal Services was fortunate to have Daniel Bastien come on board as a Community Legal Worker in January 2020 who would be dividing half his time by doing casework and the other half engaging in community development. Daniel has been a brilliant addition. His previous experience in community organizing has been of tremendous assistance to NLS' community development efforts.

Additionally, the experienced social assistance lawyer Nazareth Maynes was on maternity leave from September 2019 to April 2020. Previous NLS articling student and new lawyer, Seema Kawar covered for Nazareth's parental leave.

Immigration Work

In 2019–2020, our immigration practice continued to focus on our three priority areas of **family reunification, regularization or maintenance of legal status, and overcoming barriers to citizenship**. We also provide a range of other services as needed, such as judicial reviews, motions to stay deportations, criminal rehabilitation applications, and work related to inadmissibilities. Our staff immigration lawyer provides these services to clients from over 40 countries of origin. Our immigration practice was capably assisted during 2019–2020 by articling student Anda Wang.

In the last year we have focused on permanence of status and family reunification, especially for parents of children with special needs. Some case highlights include:

- » We successfully landed a Mexican national whose spouse did not meet the sponsorship criteria because of a very old sponsorship debt – allowing her to remain in Canada with her Canadian spouse, but most importantly, her special needs daughter.
- » Additionally, we helped to obtain permanent residence for two foreign national families, with children living with Autism Spectrum Disorder. The first from a couple, who were failed refugee claimants from Nigeria, with two children. Both were educators in their home country, who were working and studying Canada. The second a couple from Tanzania, with a daughter with ASD.
- » We were able to successfully obtain a Temporary Resident Permit (“TRP”) for a Sri Lankan foreign national who is the spouse of a Canadian and the mother of four Canadian children. She has been deported following a failed refugee claim, and the family resided in Sri Lanka for decades. She sought entry to Canada once her husband fell very ill with renal failure and was forced to return to Canada. She is now in Canada, and a sponsorship application has been filed to ensure the reunification is permanent.
- » We were also able to obtain a Temporary Residence Permit (TRP) for a Kenyan national, whose spouse and five Canadian children reside in our community. She and her family have been separated as her husband does not qualify as a sponsor. Following a successful litigation to the Federal Court, we were able to obtain a TRP for her.
- » NLS successfully filed emergency applications to reunite two Sundanese at-risk children with their refugee mother in Canada.

We also represented numerous individuals before the Immigration Appeal Division, successfully obtaining stays of removal for them. We also regularly represent clients before the Immigration Division to ensure that their appeal rights are preserved.

We have assisted countless refugees in obtaining permanent residence, many of whom have included their family members overseas on those applications.

Public Legal Education & Law Reform

NLS has regularly participated in speaking engagements in the community over the last year. We spoke at the CARL conference on IRB practices, as well as numerous talks to clients at the Canadian Centre for Victims of Torture.

NLS provided seminars to the Inter-Clinic Immigration Working Group on motions for stay of removal.

Employment Work

NLS continues to be a partner clinic to the *Toronto East Employment and Immigration Law Services Program*. Although we do not make use of the immigration resources of TEEILS, through TEEILS NLS community members receive the services approximately one half-day per week of Andrew Langille.

Andrew provides employment law advice and representation to clients of the TEEILS clinic partners (Willowdale Community Legal Services, Don Valley Community Legal Services, West Scarborough Community Legal Services, and Scarborough Community Legal Services). Andrew also consults regularly with clients of the Health Justice Program and supports us to be able to help clients navigate remedies related to rights at work.

TEEILS work at Neighbourhood Legal Services in 2019–20 has covered all areas of workplace law (employment insurance, labour law, human rights, employment law, taxation law, etc.) and has included appearances or representation on behalf of NLS clients at the Labour Program, Service Canada and the Employment Insurance Commission, Canadian Industrial Relations Tribunal, the Ontario Labour Relations Board, Canada Revenue Agency, the Social Security Tribunal, the Ontario Court of Justice, and the Human Rights Tribunal of Ontario. Andrew's work resulted in awards or settlements and employment insurance benefits secured for clients through formal and informal interventions with Service Canada.

Law Reform

NLS, as part of TEELS, has an active law reform program in the area of employment, labour, and human rights law. In 2019 we intervened in two cases at the Supreme Court of Canada and in 2020 we received the decisions in *Uber v. Heller* and *Mathews v. Ocean Nutrition Canada Limited*. These decisions were largely favourable to workers. Currently, we have intervened in the case of *Northern Regional Health Authority v. Horrocks*, which is a case involving jurisdictional issues related to concurrent claims made in different forums and choice of where workers can advance human rights claims while unionized. We note that the issues involved in this case commonly appear in our practice. We are always on the lookout of new cases with law reform potential.

Public Legal Education, Training & Outreach

We have done a variety of outreach and public legal education activities over the past year in the areas of employment standards, Employment Insurance, the Canada Emergency Response Benefit and Canada Recovery Benefits, and other areas of law. Andrew did a degree of media work around the Canada Emergency Response Benefit and employment law generally with articles appearing in the Toronto Star, the Hamilton Spectator and appearances on CP24. Andrew also participated in organizing the annual WRAG conference for clinic employment workers.

Case Highlights from 2020–21 Fiscal Year

Below is a sampling of the types of cases that we have resolved in the past year which show the full scope of our legal work in the various areas of law that we practice. We have anonymized the individuals, organizations, and identifying details about the sample cases provided.

Human Rights/Wrongful Dismissal

- In this case, the client had been employed with a local government. After a period of harassment the client was terminated for spurious reasons. We filed an application with the Human Rights Tribunal of Ontario. In mediation the applicant received a substantial settlement.

Employment Insurance

- The client had a significant overpayment when he came to see us. He had been hospitalized and had received regular instead of sickness benefits. We were able to work with him and his doctor to get the necessary medical and job search information. We reversed the \$6,000.00 overpayment and got him an additional \$9,000.00 in Employment Insurance benefits.

The Health Justice Program

The Health Justice Program (HJP) is NLS' signature outreach program. Through the HJP, since 2017 an NLS lawyer and Program Assistant have been embedded in the St. Michael's Hospital Academic Family Health Team (SMHAFHT) (patient population approximately 55,000 over six health clinic sites across the downtown east side of Toronto, with approximately 180 clinicians including physicians and allied health care providers). This unique medical-legal partnership in a large urban Family Health Team, launched in late 2014³, is the first in Canada to adopt a poverty law and social justice lens. St. Michael's Hospital and the partner legal clinics (NLS as the lead clinic and MOU partner, in collaboration with Aboriginal Law Services, ARCH Disability Law Centre, and the HIV and AIDS Legal Clinic of Ontario) have complementary expertise working with vulnerable populations. We continue to develop and deliver an innovative holistic wrap-around service to support the needs of families and vulnerable individuals, stabilize clients' situations, and where possible, prevent cascading problems.

The continued goals of the HJP are threefold:

1. To improve social determinants of health where a legal remedy exists for low-income patients of St. Michael's Hospital's Family Health Team, and in turn improve the "legal health" of this population through preventative, stabilizing interventions before they cascade into crises. The **direct service** offered is the cornerstone of the program, and helps to inform education and systemic advocacy initiatives.
2. To support and cultivate clinicians' abilities to recognize and smartly refer legal issues that impact their patients' health. As such, our **education** program continues to strengthen the capacity of Family Health Team and related primary healthcare community to provide services with a knowledge of their patients' rights within the healthcare system and how to navigate appropriate legal resources in the community. In turn, the HJP aims to improve legal partners' ability to deliver service within a trusted primary care setting.
3. To identify and take action on collaborative **systemic law reform** issues that impact the social determinants of health, and to bring together the legal aid and medical partners in advocating for positive change for the betterment of the populations we jointly serve.

General Overview & Highlights

Below is a summary of milestones and key activities from April 1, 2019 to March 31, 2020. In 2018–2019 we learned that LAO is committed to permanently funding the HJP as part of NLS' envelope funding.

3 Note that from 2014–2017 ARCH Disability Law Centre was the lead clinic for this partnership.

General Overview & Highlights

Expanding & Increasing Client Services

1. Direct Service. Our goal is to continue and expand the provision of enhanced services to clients via St. Michael's Hospital Academic Family Health Team.

The trajectory of **direct service** intakes continues to demonstrate expanded areas of law, even though due to some extenuating factors (funding cut, restructuring, and COVID-19) numbers were somewhat down this year compared to the year previous. Since the launch of CIMS which took place in late Q1 of 2017, intakes have averaged about 24 per month. Last year (2018–2019) we came very close to our target goal of 350 per year. **This reporting year (2019–2020) we saw 260 intakes, at about 22 per month.** We attribute this to a number of factors:

- » The August 2019 10% retroactive funding cut to Neighbourhood Legal Services' budget resulted in a restructuring of NLS and HJP, with the HJP's onsite lawyer Jennifer Stone transitioning to a new role as both interim Executive Director of NLS while continuing to manage the HJP. Under this new role, Jennifer continues to liaise with FHT staff and partners on inter-professional education and systemic advocacy, but the direct services part of HJP's mandate is now provided by Sheleca Henry, the Program Assistant, along with NLS' staff lawyers (Asiya Hirji, Linette King, Seema Kwar⁴, Brendan Jowett, along with articling student Anda Wang) who rotate to provide consultations to clients referred through the FHT. This transition required us to close intakes for about a month while we oriented the NLS legal staff and settled our operations into a new system.
- » In February 2020 we noticed that the referral numbers were down. At first we were not sure why, but checking in with our health partners we learned that they noticed their clinics were not as busy as usual either. It soon became clear why, as news of COVID19 gripping first China and then Italy and the rest of the world became real. By mid-March 2020 the HJP and NLS had moved its operations virtual along with schools and other workplaces. At the time of writing, everyone continues to practice physical distancing in line with public health advice. This has impacted the number of referrals from health care providers, and has required us to pivot more to outreach, education and systemic advocacy.

4 Note Seema Kwar was covering Nazareth Maynes maternity leave from October 2019-April 2020.

Quantitative Target Outputs including **number of intakes** and **expanded areas of law** are set out in the tables below.

# of intakes in first 3 years of HJP (Nov 2014 – Dec 2017)	# of intakes at end of this Reporting Period (April 1 2019 – Mar 31 2020)	Target output per year	Target met?
894 matters (approx. 24/mo)	261 (= 22/mo)	350	No, for reasons above

Areas of Law 2014–2017	Percentage	Areas of Law 2019–2020	Percentage (Bolded where percentage of total increased)
Health/ESTATES/POA – 139	13%	Health/Estates/ Decision-Making – 33	13%
Public Service – 153	17%	N/A	N/A
Other – 37	3%	Other – 14	<1%
Employment – 107	10%	Employment – 36	14%
Criminal/Policing – 56	5%	Criminal – 14	<1%
Civil Litigation – 42	4%	Civil Litigation/Personal Injury – 9	3%
Income Security – 103	10%	Income Security – 23	9%
Violence – 66	6%	Violence – 6	2%
General administration – 28	3%	N/A	N/A
Housing – 168	16%	Housing – 76	29%
Family – 146	14%	Personal Stability/ Family – 30	12%
Immigration – 76	7%	Legal Status/ Immigration – 10	4%
Consumer/Debt – 31	3%	N/A (included in Income Security)	N/A
Human Rights – 49	5%	Human Rights – 10	4%

Last year (2018–2019) we reported that in all the key I-HELP Factors⁶ (Income, Housing, Employment, Legal Status/Immigration, and Personal Stability/Family), our service demonstrably expanded, thereby meeting a key goal of expanding areas of law served. This past year (2019–2020) this remained true, with the percentage of our total intakes continuing to increase in the areas of Employment and Housing. For Family, Immigration and Income, the percentages remained relatively consistent with previous years. In addition, demand for Health/Estates/Substitute Decision-Making support remains consistent.

Case highlights from 2019–2020 include the following:

- » A female patient was originally referred to the Health Justice Program regarding an ODSP appeal, but during the course of our work with her we learned that she was experiencing domestic abuse. Central to her referral was the fact that she wanted to increase her income and thereby her independence in order to leave her abuser. She was reluctant to go to a shelter but we made a plan for her to check-in on a weekly basis. The HJP program lawyer, assisted her with making a successful ODSP appeal without a hearing and the client is reconnected to a community agency where she checks in regularly as she plans next steps.
- » An elderly patient was served by our Wills & Power of Attorney clinic in creating and executing these documents. Shortly afterwards he ended up in the Emergency Department, and thanks to this Advance Care Planning work, the doctors administering treatment were able to confirm his wishes via the Wills clinic and volunteer lawyer.
- » A female patient faced a very strange property tax issue, from a by-law infraction ticket handed out years ago to someone who used her ID after her purse had been stolen. This was causing her great distress, as she was simultaneously working with the HJP to challenge an ODSP overpayment issue. With the assistance and accompaniment of our law student she was able to successfully appeal the by-law fines. However, the City of Toronto failed to follow through to remove the fines from her property tax bill even though the court had allowed her appeal. The HJP continued to advocate with the City until they were finally removed.
- » A patient who worked as a waitress was referred to the HJP because her employer was withholding her tips. The HJP lawyer helped her to make a complaint to the Ministry of Labour against her employer, which resulted in a successful negotiation and she received her tips in full.
- » A patient living with schizophrenia is well-supported in Toronto, with stable housing and a good relationship with his Assertive Community Treatment (ACT) Team. He has returned to college and is looking forward to future job prospects. The HJP helped him to connect with a criminal lawyer in another Ontario city where he faced an outstanding warrant for arrest for failing to appear in a criminal

6 Note this mnemonic is explained in the [National Centre for Medical-Legal Partnerships Guidebook on Performance Measures](#).

harassment matter, which arose during a time when he was ill. We arranged for him to travel to that city and turn himself in accompanied by the criminal lawyer, who negotiated his release the same day. We also negotiated that he could fulfill his probation in Toronto, supervised by the Toronto Bail Program. Once his probation is complete, this charge will be withdrawn.

- » A patient with high medical needs and ever-deteriorating health was trapped in an inaccessible townhome, which had stairs she could no longer use. She was limited to the ground floor, which meant she had no access to the bath/shower upstairs and no access to laundry in the basement. She had been self-advocating for years to get a transfer but to no avail. The HJP presented medical evidence to her housing service provider and made human rights arguments to negotiate an transfer on medical accommodation grounds. She successfully moved in the early days of COVID-19, with the ongoing support of her social worker at the FHT.

2. Education. Our education goals are to ensure clinicians are well-armed to identify legal issues, ideally “upstream”, and make smart referrals, as well as ensuring lawyers are better informed about how to deliver legal services within a health care setting. In 2019-2020 we pursued these goals in multiple ways.

Education highlights:

- » Working together with Dr. Rami Shoucri, the Clinical Champion for the HJP and select members of the Education Sub-Committee of OPS, we rolled out an 11-seminar series for clinicians from SMHAFHT and the broader medical community entitled, Health Justice Tuesdays starting in January 2019. This curriculum has been co-designed and co-delivered by medical and legal experts, and is based on the top 10 (plus an introductory seminar) legal issues that were referred to the HJP during the first three years of the Program. In addition to delivering an interactive seminar, co-leads will produce two or three key practical resources for clinicians to use in facilitating timely early interventions on patient legal needs. These were all recorded; materials can be found on our website: www.stmichaelshospital.com/hjp
- » A pro bono lawyer named Ed Montigny generously donated his time and expertise to our Wills/PoA Project, organized through Pro Bono Students Canada. Ed helped to train and supervise two law students (David Thomson and Jonathan Mertz) who together were able to serve about two dozen clients by providing wills and powers of attorney for their advance care planning needs.
- » We launched a new elective experience for Medical Residents with the following objectives.
 - a. *Gain an appreciation of potential solutions and barriers in the legal system to addressing adverse impacts on the social determinants of health for patients*
 - b. *Gain an understanding of how medical-legal partnerships can promote CanMeds roles of Health Advocate and Collaborator as well as limitations and challenges of the model*

- c. *Develop an approach to case finding or screening for “health harming legal needs”*
- d. *Understand referral pathways and resources for patients’ health harming legal needs, especially for low income patients in Ontario (i.e. the Legal Aid system)*
- » Working with a Nurse Practitioner and Patient Liaison, the HJP carried out the second of a yearly Seniors Education Series talk on Advance Care Planning 101. It is noted that older adults comprise a significant part of the Family Health Team, and advice around Powers of Attorney, Wills & Estates are frequently sought from the HJP. Many adults in our community live alone, and social isolation is notable. These information sessions serve as a practical and social outing on many levels.

3. Our goal of pursuing **systemic law reform as it relates to Health Justice** continues. To date, this work has been reactive and broad-based, to reflect the many areas of law the HJP encounters. Although we recognize there will always be the need to respond to issues as they arise, in 2019-2020 we focused our advocacy efforts on better understanding the links between health and housing, as this was the #1 legal issue referred to our program. .

- » We did this through a community engagement project titled *Improved Housing Conditions, Improved Health*. We submitted our final report for this Canadian Mortgage Housing Corporation (CMHC)-funded planning activity at the end of March; it can be found [here](#). This grant allowed us to engage meaningfully with FHT patient-tenants and service providers in order to re-imagine how our medical-legal partnership can better respond to and empower tenants in our community. The timeliness of this report is striking. We heard about tenant experiences just weeks before the COVID-19 pandemic shone a bright spotlight on the need for safe and stable housing, and led the world to appreciate the strong link between housing and health. We learned so much; this community engagement project gives us recommendations to act upon, to work together with tenants in the pursuit of adequate, accessible and affordable housing as a human right from our unique vantage as a medical-legal partnership. We had April 21st in all of our calendars for a special breakfast event, when we were planning to (among other things) “launch” this report and thank our Advisory Committee and participants properly. Very sadly that had to be cancelled due to COVID-19. We continue to reflect on how we can implement the recommendations once we emerge from the COVID crisis. •

We are grateful to MASS LBP, and especially Katelynn Northam, Rukhsaar Daya, Laurie Drake, and Alex Way for guiding us through this project.

For this project, for Health Justice Tuesday’s, and for all of the work of the Health Justice Program we wish to give a special thanks to its Clinical Champion Dr. Rami Shoucri.

Note our audited financial statement is available on request.