



FLEMINGDON COMMUNITY LEGAL SERVICES

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This Newsletter provides information about Flemingdon Community Legal Services and issues of interest to our community. For specific legal advice, please consult the Clinic or a Legal Advisor.

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PRESIDENT'S MESSAGE

I would like to invite you to the Annual General Meeting of the Flemingdon Community Legal Clinic, to be held on Thursday, May 31, 2012 at the Thorncliffe Neighbourhood Office's Youth Room (on the south side of the East York Town Centre) at 6:30 p.m.

2011 was a dynamic year for the clinic, and the upcoming year promises even more excitement. We will be finding a new location for the office, partnering with other clinics to assess community needs, and exploring the possibility of being part of a community hub which represents the future of delivering social services to people. The issues of poverty, physical and mental illness and unfamiliarity with Canadian culture and services are inextricably linked with the legal problems we see on a daily basis.

Our relationship with our funder, Legal Aid Ontario, is solid. At the same time, we support efforts by the Association of Community Legal Clinics of Ontario to articulate our views in their on-going dialogue with the LAO over issues such as employee compensation and administrative costs savings. The responsiveness of the legal clinic system to community concerns and trends will always be our greatest strength.

At the AGM, we will have an opportunity to vote in new directors who promise to add their own original ideas and community contacts to the mix, and bidding goodbye to others. Carlene Harris and Wazir Mohamed will be stepping down as directors, and the board will sorely miss their contribution.

Speaking at the meeting will be Colette Murphy, Program Director- Inclusive Local Economies with the Metcalf Foundation. The focus of her talk will be on the working poor, whose legal needs the Clinic plans to be increasingly

FLEMINGDON COMMUNITY LEGAL SERVICES

INVITES YOU TO OUR

32nd ANNUAL GENERAL MEETING

Thursday, May 31, 2012

BUSINESS MEETING (voting members only) at 6:30 pm

GUEST SPEAKERS AND SOCIAL (open to all) at 7 pm

Topic:
The Working Poor

Keynote Speaker:
John Stapleton
Researcher - Author

Our AGM will be held at:

THORNCLIFFE NEIGHBOURHOOD OFFICE
YOUTH CENTRE
EAST YORK TOWN CENTRE
45 OVERLEA BLVD. SUITE 108A
(Entrance behind the mall – south side,
next to Ontario Early Years Centre)

LIGHT REFRESHMENTS

responsive to, particularly in the areas of consumer and employment law.

I look forward to greeting you all in person.

Andrew James
President, FCLS - Board of Directors

TRIBUTE TO BUTCH WINDSOR

In October 2011 the community legal clinic system and in particular FCLS lost one of its greatest supporters, Charles (Butch) Windsor. Butch had fought a long battle (over 8 years) with cancer. He had stepped down as Chair of our Board of Directors in June 2011. He still was doing work for his urban planning consultants business until a few weeks prior to his death. A memorial service/celebration of his life was held in the Crescent Town Club on November 26, 2011. It was well attended and many of those present had stories to share of how Butch had positively changed their lives.

Butch was initially elected to the Board of Directors at FCLS in 1992.

Except for a couple of years when he stepped down to comply with bylaw requirements Butch was a member of the Board of Directors until the summer of 2011. He served for many years on the Executive as Chair of the Board and also as the Treasurer. He chaired many Board committees and special projects over the years.

Despite his strong commitment to FCLS Butch found the time to be the long standing Chair of the Crescent Town Club and also the President of the Crescent Town Tenants Association. He served on the Boards of many other organizations throughout his long residency at Crescent Town and was a mentor to many who lived there. He championed the annual Fairs and Festivals there and was the key supporter for the Christmas Tree

Lighting and Hallowe'en events. Butch was a passionate supporter of his community.

I had the privilege of counting Butch as one of my close friends. He spent many Sunday dinners at my home where he was extremely kind to my elderly relatives. Butch enjoyed baseball. It was his passion. He even took me to a few games and tried to get me to understand the strategy of the game. He enjoyed cooking, outdoor exercise such as walking and going to the gym. Butch was always there when you had a problem. He was a true friend. I know many others who feel the same way about Butch. He will be sorely missed but he is always with us in our fond memories.

*Marjorie Hiley,
Executive Director*

THORNCLIFFE PARK & THE ONTARIO MUNICIPAL BOARD

A seven day OMB hearing wrapped up in February, involving an appeal by Imperial Oil of the City of Toronto's decision to turn down a proposed drive-through at 61 Overlea Boulevard. Currently a lube service and gas station, the owner proposed to convert it to a convenience store/restaurant/gas bar. The issue was only the drive-through aspect. The zoning bylaw allowed the restaurant and convenience store but not the drive through. The location is within 120 metres of the largest public school in North America with 1700 students and 150 teachers and a new all kindergarten school. The school principal noted that the new convenience store/restaurant would be a much bigger attraction for kids (read snacks) and teachers (read coffee) than a lube service station, yet the appellant had no measure of the increase in pedestrian traffic that would result from the change of land use! A side issue that came out of this hearing experience was the lack of participation of local residents (read tenants).

Thorncliffe Park, which was headlined by its developers back in the 1960's as "A Great Place to Live, Work and Shop", includes 34 high rise & low rise buildings which were designed to accommodate 12,500 people but whose present population is variously estimated at 25,000 to 30,000.

"We're a live-in community, not a drive-thru"

Under the Planning Act the owners of buildings within 120 metres would have been advised of the zoning bylaw amendment application -- but does that mean it gets communicated to tenants? We decided to find out what they thought of the matter and take that to the OMB. Our petition garnered 467 signatures of which 60 per cent were from residents from five buildings within 500 metres of the site. We found that the tenants in the area were almost completely unaware of the issue. And when they understood the issue they

were generally against. 80 per cent of those asked signed the petition. We also came up with a nifty slogan ("We're a live-in community, not a drive-thru").

On the day set aside for hearing the participants, several community members came out to present evidence to the Board.

- *Abdul Azeem for the TP School Parent Council*
- *Kevin Battaglia, Principal, Thorncliffe Park Public School*
- *Maria Calvachi, Flemington Health Centre*
- *Dr. Debesh Datta Choudhary, TP Resident*
- *Geoff Kettel and Parveen Amlani, FCLS Board.*

It's now May, and we await the decision of the Board.

Geoff Kettel

LICENSED PARALEGALS IN ONTARIO

Paralegals can now be a reasonably affordable, professional option when it comes to providing legal services to the people of Ontario. Prior to 2008, paralegals were not professionally accountable if they were negligent in representing their clients. Clients would have to sue their paralegals if they were dissatisfied with their services, unless the paralegal and client came to some other form of resolution. However, in 2008, that changed with the introduction of legislation that regulates paralegals practicing in Ontario. For the first time, this provided a new regime of accountability for the professional paralegal.

The Law Society of Upper Canada is a professional organization that regulates both lawyers and paralegals. The changes in 2008 made Ontario the only province in Canada where paralegals have to be licensed to provide legal services. After completing college with

a paralegal diploma, those who want to provide legal services to the public must write a licensing exam, which is held only 3 times a year. After passing the exam, and before they can provide legal services, the paralegal must obtain liability insurance. In addition, as members of the Law Society, they must pay their annual membership fees or they cannot provide legal services.

With the above-mentioned criteria in place, paralegals are far more accountable to the general public than they have ever been. Now clients who are dissatisfied with their paralegals can file a complaint with the Law Society. If a client sues a paralegal for negligence, and the negligence is real, the client could be compensated through the paralegal's liability insurance.

Paralegals are restricted in the kinds of legal services they're able to provide.

Legal services are commonly provided in highway traffic matters, landlord and tenant disputes, some lesser criminal offences, immigration matters,

small claims court issues and other cases that may involve tribunals, boards, and commissions. Paralegals are not allowed to deal with family law, real estate matters, or serious criminal offences.

Paralegals have recently become part of the community legal clinic staffing component as several community legal workers have become licensed paralegals. It is also becoming more common to see paralegal student placements in clinics.

*Bakhtier Shakhnazarov
Licensed Paralegal
FCLS Board of Directors*

COMMUNITY SERVICES COMMITTEE

We are currently in the process of restructuring our clinic's Community Services Committee (CSC). It has been severed into 3 sub-committees, each with its own responsibility. One deals with our Newsletter and Website; another is responsible for our Outreach and Membership, and the third is to develop and implement a plan regarding Consumer Issues. Each subcommittee has 3 or 4 members with one member taking the lead for each subcommittee.

At the present time, the CSC still generally meets on a monthly basis in order to oversee the work of the 3

sub-committees. However, it is expected that once the restructuring is fully realized and each subcommittee demonstrates that it can function independently, there will no longer be a need for the CSC to meet montly.

It is the hope of the CSC that over time, this new structure will prove to be more efficient and productive and provide the members with greater time flexibility.

Should anyone wish to become involved with any of these three subcommittees or would like more information about them, please feel free to contact Brook at (416) 441-1764 ext 28.



PAYDAY LOANS

Our legal clinic has had increasing requests for assistance regarding consumer issues, both from clients and from other agencies who are periodically surveyed regarding our services. In response to these requests, we have set up a consumer sub-committee as part of the Community Services Committee and, in addition, we will be adding information on consumer issues to our web-site. One of the specific consumer issues raised, has to do with Payday Loans, so we thought we would provide some basic information, obtained primarily from Ontario's Ministry of Consumer Services website, on this topic.

Unfortunately, often those who request Payday loans are least able to afford it. Payday loans have excessive fees attached to them and these fees can create a financial burden for those who are already struggling financially. When you enter into a payday contract, certain

information must be placed on this contract by the payday lender. This information includes the amount you are borrowing, the number of days that your loan agreement is for, and your total cost of borrowing the money (the total amount you will pay for your loan). Once this information is known, you may want to reconsider the loan. If this is the case, you will have 2 business days to cancel the loan without penalty.

The Ontario govt. has set a maximum on the total cost that a payday lender can charge the consumer when entering into a payday contract. The maximum charge to the consumer is no more than \$21 for every \$100.00 that a consumer borrows. It is worth noting that a consumer cannot enter into a contract for a payday loan from a lender if the consumer has a loan that has not been paid off in full from the same lender.

When you have entered into a payday loan contract, the lender must give you the money at that time. If you enter into the contract on the internet or over the phone, the lender must give you your loan money within one hour. There are no fees that can be subtracted from your payday loan. If you enter into a loan for \$400.00, then that is what you are entitled to receive.

Finally, if a payday lender needs to take action to collect on the loan, the lender can only attempt to contact the consumer no more than 3 times per week (although this does not include regular mail). They are also not supposed to threaten, intimidate, or use excessive or unreasonable pressure to collect. If they exceed what they are entitled to do during their collection practices, you should call the Consumer Protection Branch and make a complaint at (416) 229-6068.

THE CONTINUING BEDBUG SAGA

We are all aware of this problem and by now it should be clear that this is something that we must all address. Our clinic sees many tenants who have bedbug problems. Too often, they are dissatisfied with the landlord's attempts at getting rid of the pests. Sometimes they will tell us that the pesticide company does not do an adequate job. Frequently, we get complaints that the tenant is required to prepare the apartment for treatment and, for a variety of reasons, cannot do it. Sometimes they don't understand why they even need to because it is not properly explained. When we ask tenants if they have ever received a written protocol from the landlord explaining what to do about a bedbug problem, invariably the answer is a resounding "NO".

Recently, a conversation took place between a few tenants in Thorncliffe Park, a Toronto Public Health representative, members of the Flemingdon-Thorncliffe Interagency Network, and Flemingdon Community Legal Services regarding this issue. It was decided that we would organize a meeting of Thorncliffe Park landlords and include public health educators to give a presentation on bedbugs, with the ultimate goal of developing a Bedbug Protocol for landlords to give to their tenants. It is hoped that the tenants will then be better informed regarding expectations of both tenants and landlords when it comes to dealing with a bedbug issue.



A meeting was held and there were a good number of Thorncliffe Park landlords in attendance. The protocol idea was met with considerable enthusiasm by the landlords and at the end of the meeting, several of them offered to continue to meet in order to develop the protocol. One even offered to provide a prototype so we could build on that. There was also great interest in translating the protocol into several different languages in order to better communicate with the tenants.

We are planning the next meeting and hope that the end result will help move this issue forward and give tenants a better understanding of the expectations when it comes to dealing with the bed bug problem.