



FLEMINGDON COMMUNITY LEGAL SERVICES

Unit 1 – 1 Leaside Park Drive
Toronto ON M4H 1R4
Tel: 416-441-1764 Fax: 416-441-0269
TTY: 416-441-9156



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Did you know?

Our office is accessible by TTC Buses From:
Pape Subway Station
bus # 25, 81

St. Clair Subway Station
bus # 88 and 88A

Broadview Subway Station
bus # 100, 100A and 100D

Donlands Subway Station
bus # 56

MESSAGE FROM THE PRESIDENT

BOARD OF DIRECTORS OF FCLS

It is with great pride that I invite you to attend our 35th AGM as a community legal clinic. We have seen so much change over those 35 years in how we staff our clinic. From an initial staff complement in 1980 of 4 (2 community legal workers, one lawyer, one secretary) we now have full and part time staff of 13 with 7 lawyers and 5 licensed paralegals [plus another lawyer on short term contract] and our office manager. As well we have an administrative assistant, a family law administrative assistant [part of the family law lawyer project with several other legal clinics and another agency in Scarborough] and two coordinators for volunteers and community outreach which we share with our community partner Thorncliffe Neighborhood Office (TNO). As well we must not forget our volunteers for the A2J (computer program for ODSP clients) and the numerous placement students, the pro bono law students, articling students and pro bono lawyers that help us with service delivery to our clients.

At our AGM on the evening of Thursday October 8, 2015 we will learn more about the dispute resolution clinic from Peter Bruer, the Conflict Resolution and Training Manager at St Stephen’s Community House. This clinic involves a number of community agencies such as TCHC, Aga Khan Conciliation and Resolution Board (CAB), Flemingdon Health Centre, Thorncliffe Neighborhood Office and FCLS.

Prior to his presentation there will be a business meeting for FCLS members where I will be pleased to provide information on all the different projects that our clinic has been or continues to be involved in throughout 2015.

It has been a great privilege for me to have served as the President of the FCLS Board of Directors for the past three years.

Our newsletter contains a number of articles that will help you understand the type of work being achieved at our clinic since our last AGM that was in September 2014.

I look forward to seeing you at the AGM on October 8, 2015 The business meeting commences at 6:30 pm in the LINC classrooms located at TNO. We are very grateful to our community partner TNO for permitting us to use their space to hold our AGM.

Shamsh Kara—President

IMMIGRATION LAW INFLUX

By Nir Gepner

Immigration law in Canada has undergone many changes in the past years. These changes affect our communities – the rights and privileges of immigrants in Canada and their ability to remain in Canada permanently.

On June 11, 2015, Canada completed amending important segments of the Citizenship Act. As of that date, all Applicants who are 14-64 years of age must show that they are able to communicate in either English or French and demonstrate they understand elements of Canadian history and governance. Only those who are medically exempt from these requirements could receive citizenship without passing the language and knowledge tests. In addition, adult permanent residents of Canada must now show four years of residency in Canada as permanent residents in the six year period before their citizenship application.

The new amendments also require adult applicants who wish to become Canadian citizens to declare their intention to reside in Canada after the receipt of citizenship and demonstrate some compliance with Income Tax filing.

Alongside increased fees for citizenship applicants (now \$630.00 for an adult applicant), these changes make it more difficult for permanent residents of Canada to become Canadian citizens. Lawyers and community advocates continue to challenge many of the changes affecting newcomers to Canada. Two recent

successful court challenges are currently awaiting court appeals by the government.

In November 2014, following a Federal Court decision, citizenship and immigration restored health coverage to many refugees. In fact, currently, children refugee claimants (including refused claimants in Canada) and pregnant claimants (including refused claimants in Canada) are able to receive additional health benefits through the Interim Federal Health Program.

In another successful challenge to the government's previous changes to refugee law, the Federal Court determined that it is unconstitutional to deny access to the Refugee Appeal Division from people who are citizens of Designated Countries of Origin (for example, citizens of Mexico, USA, many European countries and more). These two decisions are currently in effect. Both are being appealed by the Federal government.

We anticipate more important decisions from the courts in the coming months. These decisions may affect immigrant's Humanitarian and Compassionate applications and their Pre-Removal Risk Assessments.

Immigration law in Canada is dynamic. In order to fully understand how the law applies to you, please visit our clinic.

Employment Law project

FCLS has partnered with the following clinics, Neighbourhood Legal Services, East Toronto, Willowdale, West Scarborough, and Scarborough, to create a new employment law project for those clients living east of Yonge Street. We have hired an experienced employment law lawyer and as well seconded a paralegal from West Scarborough who has a great depth of experience with community development work and employment issues. Our focus will be to provide summary advice sessions at all six community legal clinics and to have extensive community engagement projects with key agencies and clients throughout our catchment areas. This project will last for one year and we are hopeful that we can document the need for these type of services on a permanent basis.

Clinic Transformation: Next Steps

Our clinic was an active member of a large project called the GTA Community Legal Clinic Transformation project. It involved 16 general service clinics located in the City of Toronto, Peel Region and the Region of York. A report entitled the Vision Report had been produced last fall and it outlined a variety of quantitative and qualitative data, a literature review, a draft of a model clinic and a list of key high level principles to be considered when dealing with transformation of service delivery processes.

It was evident by the spring of 2015 that this group could not progress to the next level of discussion, that being the transitional period to frame how to implement the model clinic and how to transform service delivery to our clients. Accordingly the project was concluded by August 2015 and any remaining funds were returned to LAO.

Starting in the late spring of 2015 the Executive Directors of 4 clinics east of Yonge Street [Willowdale Community Legal Services, FCLS, Neighbourhood Legal Services, and East Toronto Community Legal Services] had discussions on how they could proceed

given the demise of the larger project. Those discussions lead to the production of a key principles document which deals with the integration of the four clinics. This document was provided to the Boards of Directors of these four clinics. To date 3 of the 4 clinics have had their Boards approve the key principles document and the 4th approval should happen shortly. A funding application has been submitted to LAO and hopefully it will result in some funding to permit this project [tentatively called the Don River Clinics project] to have the ability to hire consultants/experts as required.

As well there has been convened a meeting of staff of the four clinics for October 2, 2015 in order to discuss the key principles and to have a meaningful dialogue on how they perceive an integration project.

This project is still in its initial stages but it is evident that there is considerable interest in exploring how these clinics can be integrated and how that could enhance their service delivery capacity. As well there will be opportunities for community feedback and information sharing as the project moves forward.

UPDATE ON THE COSTCO APPLICATION FOR THORNCLIFFE PARK

It was in this space almost two years ago that we wrote about a planning application to place a Costco warehouse store and gas bar on Overlea Boulevard in Thorncliffe Park. This application is still ongoing and has created considerable debate about its value to Thorncliffe Park and the surrounding area. Since the original application, nearly 3 years ago, there have been others; four applications to date.

The current application is still for a large scale retail store (Costco Warehouse Membership Club), an 18 pump vehicle fuel station and 625 surface parking spaces on the former Coca-Cola site in Thorncliffe Park. The one significant change is that Costco agreed not to demolish the Coca-Cola HQ building, at least the façade, and instead to re-use it in their retail store, with lots of additional space.

Residents of Thorncliffe Park may want to contact their City Councillor, Jon Burnside, for updates on the application, the results of any traffic and air quality studies, and for any decisions that Toronto City Council will be

NEW GUIDELINE RENT INCREASE FOR 2016

This is a reminder for tenants that a new guideline rent increase will take effect commencing January 1, 2016. The increase is 2%. As a guideline increase is set for each calendar year, this one will be in effect from January through December, 2016. A landlord cannot increase the rent higher than the guideline except under certain circumstances when an application can be made for an above-guideline increase. The vast majority of tenants will receive the guideline increase.

ODSP WORK RELATED BENEFIT TO CONTINUE

The provincial government has deferred changes to OW and ODSP employment benefits. With this decision, low-income people with disabilities across the province have won a big victory in a campaign to ensure that people on ODSP who work don't lose an important source of monthly income.

The Ministry of Community and Social Services has announced a hold on plans to change OW and ODSP employment benefits. This means that the \$100.00 Work-Related Benefit for people on ODSP will not be eliminated in October, as previously announced. This will ensure that this benefit will continue to be available for the foreseeable future, so people on ODSP who earn income from work, a training program, or self-employment will continue to get that money.

The ODSP Action Coalition (which includes FCLS) has been campaigning for several months against the loss of the Work-Related Benefit. Through perseverance and hard work, the Coalition and its allies, including the Income Security Advocacy Centre (ISAC), have successfully convinced the Ministry that making changes to the employment benefit policy can have a serious impact on people's monthly incomes, and that any changes must take place within a broader context of reform and only after proper consultation.

Changes to this policy were first announced by the

provincial government in the 2014 budget. A new Employment-Related Benefit would have replaced the Work-Related Benefit and six other employment benefits in OW and ODSP starting in April, 2015. It was then postponed until October 1. This deferral means that all seven employment benefits currently available to people will continue to be available.

Since December, 2014, the ODSP Action Coalition and allies have been campaigning against the loss of the Work-Related Benefit. Together with ISAC, they created background information materials, held an information webinar, and requested input from people who would be affected by the change.

Hundreds of people responded to that request. In addition, a report was written, signatures were gathered on a petition, hundreds of emails were sent to various politicians, including the Premier, letters were written and the Toronto Star gave the issue some media attention.

The Ministry has now said that the new benefit is being delayed "to ensure alignment with the government's broader work on social assistance reform". They have already announced that they will consult on the larger issue of "rate restructuring" as the next step in reforming OW and ODSP. It is anticipated that the whole issue of changes to employment benefits will be part of these consultations.

FAMILY LAW LAWYER PROJECT

FCLS is participating in a family law lawyer project with three other clinics [East Toronto, West Scarborough, and Scarborough] and one community partner, East Scarborough Storefront. A family law lawyer, Ana Rico, who is an employee of Legal Aid Ontario travels to each site for one day per week to provide advice, referral and in some rare cases document drafting and court appearances. The clients are provided access to the wide range of family law services within Legal Aid Ontario including certificates to private bar lawyers, access to duty counsel at the Family Court and access to mediation services at the Family Court. If a client is in crisis that person will get immediate access to the family law lawyer no matter where the client resides in the various catchment areas. The response for this project [which was commenced in March 2015] has been overwhelming and there is need to expand the project as to number of lawyers and extent of the catchment area. FCLS houses the administrative assistant for this project and this staff person schedules the clients, determines urgency of need, does conflict checks and collects the statistics for the project. We are very grateful for the assistance of both Legal Aid Ontario and the City of Toronto's Investing in Neighbourhoods program who provide the funding for this project.