

# KINNA-AWEYA LEGAL CLINIC

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## Inside this Issue

Area Community Meetings	1
Important Dates to Remember	1
Legal Aid Ontario Update	2
Board of Directors News	3
Board and Staff Planning Session	4
Support Staff Training	4
Thunder Bay Good Food Box	5
Summer Student 2009	6
Student Placement	6
Geraldton Branch Office	7
Marathon Branch Office	8
Human Rights Legal Support Centre	9,10
Housing Network of Ontario Declaration	10,11
Public Forum on Housing	11
Tenants Awarded \$10,000.00	12
Landlord & Tenant Board Telephone Hearings	13
Social Assistance Rule Changes	14
Thunder Bay Urban Aboriginal Strategy	14
Speakers' School	15
Staff Listing	16

Kinna-aweya Legal Clinic is funded by Legal Aid Ontario (LAO). Kinna-aweya is an independent, non-profit corporation overseen by a Board of Directors, but the clinic is accountable to LAO for the funds given to the clinic to provide high quality poverty law services in the District of Thunder Bay.

## AREA COMMUNITY MEETINGS

An area community meeting is held each year to provide members with an update on the legal clinic's activities over the past year. This year, there will be an election for a new Board member representing the Marathon area, the Nipigon area, and one director for the City of Thunder Bay. In addition, four members are eligible to run as delegates to the legal clinic's Annual General Meeting being held in October. Membership in the legal clinic is open to people 18 years of age and older who reside in the District of Thunder Bay and who are of Aboriginal ancestry. Membership application forms are available at the legal clinic.

## IMPORTANT DATES TO REMEMBER

### Area Community Meetings

#### Armstrong

Monday, September 14, 2009 at 6:00 p.m.  
Whitesand Rec Hall, Armstrong

#### Marathon

Tuesday, September 22, 2009 at 7 p.m.  
Kinna-aweya Legal Clinic, 52 Peninsula Square

#### Thunder Bay

Friday, September 18, 2009 at 12 noon - 1:00 p.m.  
Kinna-aweya Legal Clinic, 86 S. Cumberland St., Thunder Bay

#### Geraldton

Thursday, September 24, 2009 at 5:00 p.m.  
Thunderbird Friendship Centre, Geraldton

#### Nipigon

Tuesday, September 22, 2009 at 6:00 p.m.  
Red Rock Band Office, Lake Helen Reserve

**Annual General Meeting**  
Saturday, October 17, 2009  
Prince Arthur Hotel  
Thunder Bay, Ontario  
9:30 a.m. to 3:30 p.m.

## LEGAL AID ONTARIO UPDATE

*By Beth Ponka*

Legal clinics are one aspect of the range of legal services provided by Legal Aid Ontario. Other services include the issuance and administration of legal aid certificates for criminal and family law matters and duty counsel services in family and criminal court. In Thunder Bay there is also a family law office that is equipped to provide legal advice and assistance to eligible clients seeking assistance for some family law matters. Nishnawbe-Aski Legal Services is also part of the legal aid family in Thunder Bay.

Legal Aid Ontario has been undergoing changes under the direction of the CEO, Bob Ward. All legal aid services have been organized into five Districts across the province and District Area Directors (DADs) have been hired to oversee the Districts. Jennifer Carten is the DAD for the Northwest. Jennifer is primarily the legal aid area director, meaning that she manages the certificate side of Legal Aid in Thunder Bay.

However, Jennifer has additional management responsibilities that include building stronger partnerships among all of the legal aid service providers in the District. As the former part-time Executive Director of the legal clinic in Kenora, Jennifer is familiar with the services clinics provide.

Sally Colquhoun and Beth Ponka, the legal clinic's management team, have been meeting regularly with Jennifer to share information about our services and to identify gaps in legal aid services in our community. Trudy McCormick, the Executive Director of the new Northwest Legal Clinic (an amalgamation of the Rainy River and Kenora Community Legal Clinics) has also participated in some of the meetings with Jennifer, Beth, and Sally. These meetings are a good opportunity to share information and build better communication among the legal aid service providers in our District.

Earlier this year Legal Aid Ontario also announced their new Aboriginal Strategy, which includes providing cultural competency training in Aboriginal culture to legal aid service providers. A two-day session was held in Thunder Bay in April. Another significant component of the Aboriginal Strategy is that LAO increased by five hours, the number of hours it would fund for legal aid certificates where a Gladu Report would potentially affect the outcome of the matter. This is a potentially significant contribution to assist Aboriginal people, who are disproportionately represented in our criminal courts. Unfortunately there is still the problem of being able to find (and pay) people who are adequately trained to complete the Gladu reports.

Through its Modernization Strategy, Legal Aid Ontario is helping ensure that people are able to access legal aid services utilizing technology, such as web-sites and telephones. Technology can be a good way to obtain information for people who have access to the tools of technology, like computers and phones, and who have the life skills to advocate for themselves.

Recently, Bob Ward, the CEO of Legal Aid Ontario, visited our office, along with Randy Ellsworth, the Vice-President for the Northern Region, and Jennifer Carten, our District Area Director. The visit was scheduled to coincide with the grand opening of the new Northwest Community Legal Clinic, which has offices in Fort Frances, Atikokan, and Kenora.

## BOARD OF DIRECTORS NEWS

by Beth Ponka

Kinna-aweya Legal Clinic is governed by a volunteer Board of Directors. Board members are elected at our Area Community Meetings, which are held each year in our five main communities: Armstrong, Geraldton, Marathon, Nipigon, and Thunder Bay. Each area elects one member to the Board of Directors, except Thunder Bay, which elects three members to the Board.

2008/09 Board of Directors:

Wanda White	President
Dave Fortin	Vice-President
Irene Merineau	Treasurer
Cathy Creighton	Secretary
Angela Nodin	Director
Andrea O’Nabigon	Director
Luke Sagutch	Director

For over 20 years, Wanda White has served on the Board of Directors representing the Nipigon area. She has been President of the Board since 1989. Wanda is a school teacher who retired from Lakehead University a couple of years ago.

Dave Fortin recently relocated to Thunder Bay and works at the Thunder Bay Indian Friendship Centre as the Aboriginal Healing and Wellness Co-ordinator. He has been on the Board since 2003, as a Board member representing the Marathon area. He is Vice-President of the Board.

Irene Merineau is the Director of Finance at the Thunder Bay Indian Friendship Centre. She is a Certified General Accountant (CGA). Irene is the clinic’s Treasurer.

Cathy Creighton represented the Geraldton area on the Board for several years. Last year Cathy relocated to Thunder Bay, and re-joined our Board representing the Thunder Bay area. Cathy works at Anishnawbe Mushkiki as an Aboriginal Health Advocate.

Angela Nodin was elected to the Board in 2006 to represent Armstrong/Whitesand. Angela is the Health Co-ordinator for Whitesand First Nation.

Andrea O’Nabigon was elected in 2006 to represent Geraldton/Longlac. Andrea works at Dilico in Longlac, as Home and Community Case Worker.

Luke Sagutch was elected in 2007 as a Thunder Bay director. Luke is the Regional Crisis Co-ordinator at Matawa First Nations Management.

All of our Board members are volunteers who donate their time and energy to the clinic. Sitting on the Board means coming to Thunder Bay approximately every two months for meetings. The legal clinic pays for mileage, meals, and hotel accommodation. However Board members are not paid for their travel time or for their time at the numerous meetings they attend throughout the year.

Board members set the direction for the legal clinic and provide direction to the management staff. The clinic is funded by Legal Aid Ontario; the Board of Directors ensure that the legal clinic complies with their funding conditions while providing high quality legal services to low-income residents of the District of Thunder Bay.

## BOARD AND STAFF PLANNING SESSION

The annual Board and Staff planning session took place at Dog Lake Resort on Friday, June 26, for supper and overnight into Saturday, June 27 for the full day. It was a different experience than the Nor'Wester Resort Hotel in Thunder Bay, more rustic, but it was more reminiscent of the planning session in 2003 at Quetico. Friday evening began with supper, followed by socializing and a bonfire at dusk where hotdogs and marshmallows were roasted and stories were told.

It was back to business the next morning. Sally Ledger, an Independent Contractor/Consultant, facilitated the planning session on Saturday. With her excellent guidance and knowledge, we were able to go through a SWOT analysis, which is identifying our Strengths, Weaknesses, Opportunities, and Threats that affect the clinic. From there, we developed a strategic plan for the upcoming year and brought focus to more long-term strategies. It was a fantastic experience for everyone and a great team-building opportunity. Being at a resort on a beautiful lake in a natural setting made it feel like it wasn't work.

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## SUPPORT STAFF TRAINING

The support staff attended the annual Northern Regional Support Staff Training in Toronto on June 11 & 12, 2009. A total of 23 Office Managers/Support Staff attended the training in June. Topics covered in this session were:

- Presentation by Lenny Abramowicz, Association of Community Legal Clinics of Ontario, on the history of the Clinic system and issues facing the system today.
- Introduction on CLEONet by Kim McKutcheon, on accessing information and navigating on their website.
- Presentation on Aboriginal Justice Strategy by Christa Big Canoe, Policy Counsel, LAO.
- Canadian Mental Health Association - Face to Face - presentation on understanding mental illness and dealing with people who suffer from mental illness.
- Anthony Schatzky, Senior Program Advisor - discussions, Q & A, and a tour of Legal Aid Ontario offices.
- Presentation from Sunlife regarding managing RRSP's, navigating the Sunlife website Q & A.
- An overview of the Employee Assistance Plan - Ceridian/Life works General Overview, presented by James Perrault



## THUNDER BAY GOOD FOOD BOX

Kinna-aweya Legal Clinic is a host site for the Good Food Box program in Thunder Bay.

The Good Food Box is a non-profit program for families and individuals who want to purchase quality, fresh, local produce at a lower price than shopping at grocery stores.

You can purchase a family box for \$20 or an individual box for \$12. Boxes are ordered and paid for by the first Tuesday of each month. Food is available for pick up at the legal clinic on the third Thursday of the month. This means food is accessible at a time when some have less money available for buying food.

There are many other host sites throughout the city to

make it easier for people to pickup their food. To find the host site closest to you, call (807) 628-5768.

To order and pick up a Good Food Box through the legal clinic's office at 86 S. Cumberland Street, please call (807) 344-2478 for more information.



Come on out and support your community by participating in Thunder Bay's Good Food Box Program

## SUMMER STUDENT 2009

by Riel Bouchard

This year I was fortunate enough to find employment as a legal assistant/researcher with the Kinna-aweya Legal Clinic. Working at Kinna-aweya gave me plenty of opportunities to try new things and meet new people, including the clinic's wonderful staff.

From the first day I started, it was all too apparent how dedicated each member of the staff was to helping their clients and that they had no equal when it came to their patience and compassion for the downtrodden. The staff of the clinic are the very epitome of dedication, by the way they contribute their time and effort to winning cases, providing assistance and going beyond the call of duty to deliver hope to the hopeless. It's not unusual to see clinic legal workers working hours past closing or on the weekends to prepare for a hearing, while still having time to participate in projects aimed at the betterment of the community.

At the clinic I was able to expand my horizons by working on a varied assortment of tasks. There was always something that needed to be done. A brief overview of some of the things I worked on this summer includes:

### Energy Contracts

I was instrumental in obtaining contract cancellations from energy retailers for our clients in receipt of social assistance. Far too often people are contacted door-to-door by energy retailers who attempt to convince people that under their contracts they will see a reduction in their energy costs. This is sadly not the case. Energy retailers purchase energy from the same companies that local utilities purchase from and sell the energy to consumers at a premium rate. This is justified by the claim that should energy prices raise drastically the contracted rate would be "locked-in". However, these retailers often mislead and coerce people into signing contracts that can only be cancelled after 5 years and with a written request for cancellation, or by paying a several hundred dollar cancellation fee. I've helped clients cancel their contracts with these energy retailers while having the cancellation fees waived.

...Summer student 2009 (con't)

### Legal Research

I found precedent research to be an interesting area of work during my time with Kinna-aweya, and one of my primary areas of focus during my time with the clinic was the gathering and preparation of case-law. I was amazed at the resources available to the clinic through the Clinic Resource

Office, and was able to use the CRO database and other sources to provide persuasive and binding case-law for the legal workers to use during hearings. The CRO and CANLII have both made the process of legal research more efficient and I owe a great amount of thanks to them for organizing published and non-published decisions in a way that is both efficient and effective.

### Client Intake

One of the major hurdles I had to overcome was the process of gathering information directly from clients I had never met before. This was one of the areas that I really had to push myself, and fortunately I was supported along the way. I started out not knowing what to expect, but after sitting in on intake calls and having the opportunity to listen in on meetings with clients, I now have the confidence to gather information and communicate it effectively because of the support of the legal staff. I am now able to process intake on multiple issues effectively and am no longer held back by a fear of gathering information over the phone. This positive change I wholeheartedly attribute to the support of Kinna-aweya's legal workers.

### Information Gathering

After the intake training process, gathering information for client's cases by phone or fax became much easier. I was able to recover information that led to the reinstatement of benefits because of the experience I was given, I was also able to search for other information requested by the legal staff when needed. Sometimes information regarding a certain issue would be hard to find or require you to wait on hold for what would seem like hours, but because of the example set by the staff I would never let myself give up when faced with difficulties and it is their example I celebrate when I think back to all the things I did this summer.

This summer has been such a positive experience for me that I hope another student is able to find work here next summer as it will definitely be an opportunity that will change their life as it has mine. Kinna-aweya Legal Clinic is an amazing place to work, with its warm and dedicated staff. I hope that I am able to continue living up to the standard set for me by the staff of Kinna-aweya, and that more organizations take note of what it means to be dedicated to making a difference for those who need it most.

## **STUDENT PLACEMENT**

Greetings to one and all. I'm Bill Ferguson, and I have the pleasure and honour of undertaking my first placement as a Social Service Worker student at Kinna-aweya's Thunder Bay offices. I look forward to working and learning within this wonderful organization. My own learning experiences with unemployment, loss of income, lack of education, and ageism led me down a path where I could use what I'd learned to help others in similar situations. As a Peer Helper with CEPLAC, I further learned helping people help themselves was both rewarding and compelling; this in turn led me to Social Service work. I look forward to meeting all you good people who work so tirelessly, and hope you look me up when you're at the Thunder Bay offices.

## GERALDTON BRANCH OFFICE

by Chantal Walterson

***The requests for the clinic's services continue to increase as the area has been seeing a steady stream of people losing their jobs and more families falling on hard times.....***

The Geraldton Branch office of the Kinna-Aweya Legal Clinic is located in Geraldton in the Municipality of Greenstone. The branch office provides services to Geraldton, Nakina, Longlac, Caramat, Jellicoe, Beardmore and to the surrounding first nation communities which include; Aroland, Long Lake #58 & Ginoogaming. The Municipality of Greenstone encompasses the communities of Beardmore, Geraldton, Nakina, Longlac, Caramat, Jellicoe, Orient Bay, and MacDiarmid, with an estimated population of 5700.

The Greenstone area is a wonderful place to live even despite the area's economic situation where so many are suffering financially due to the shutdown of local mills. Local residents face a grim future and light at the end of the tunnel is still a fair distance away. Requests for clinic services continue to increase as the area has been seeing a steady stream of people losing their jobs and more families falling on hard times. There are more first-time users of the clinic's services and we have seen an increase in inquiries for Ontario Works, and Ontario Disability Support Program benefits and for the most basic of services, such as food and clothing.

The two mills in Longlac, a plywood/waferboard mill and a softwood lumber mill, in Nakina, accounted for 820 direct jobs lost in the Greenstone area. The Ginoogaming First Nation and Long Lake #58 First Nation, located between the communities of Geraldton and Longlac, were both recently impacted by the shutdown of the Long Lake Forest Products sawmill operation. Between 50 and 80 percent of the employees at the sawmill were First Nation members. The number of requests for job search assistance, training, and funding to cover expenses associated with attending interviews out-of-province and relocation have increased in both First Nations. Job creation initiatives have been underway in both communities.

The Contact North Greenstone Campus has seen an increase in people accessing their educational courses and programs. The programs of interest have been in the areas of; adult literacy and basic skills, mathematics, computer literacy as well as the GED program. Many displaced workers have obtained employment outside the area, working an in-out rotation which permits them to return to their families between work periods. Resources to assist displaced workers across the District to deal with anger, reemployment barriers, and the emotions generated by lay-off, job loss and uncertainty are needed. A variety of resources have been developed to respond to these needs which include the Employee Assistance Program (*EAP is a confidential, short term counseling service for employees with personal problems that affect their work performance*), and access to independent, community-based credit and debt counselling services such as Thunder Bay Counselling Centre. As there is expertise within Thunder Bay Counselling Centre, this agency took the lead in formulating a delivery mechanism that provides better access for those residing within Greenstone.

Another common concern within Greenstone is the delivery of specialized health and social programs within the communities. Some of these agencies have already lost staff because the staff-member's spouse or partner has lost his/her job and both have relocated.

In anticipation of difficulties the Greenstone area may experience, there is a continuing need for greater education and awareness of health and mental health related issues, to increase prevention, early detection and treatment. Extending Employee Assistance Programs for displaced workers beyond their termination date, or instituting such support programs at the point of layoff would be possible ways to provide individuals and their families with a 'safety net'.

There is wide-spread concern for the future of Greenstone and the current crisis in forestry has brought our political leaders together to lobby other levels of government with a single, strong message. Our struggling economy has brought communities together to work on joint problems. It is imperative that our communities and our community leaders continue to work together to present a strong, single voice to provincial and federal levels of government in order to continue moving forward, sharing and examining community development models, and to develop proposals for consideration by appropriate levels of government for a regional diversification mechanism.

## MARATHON BRANCH OFFICE

It has been another busy year in our Marathon branch office. Val Biggs, our Community Legal Worker decided to take a four month leave of absence, from September to January to explore Italy (Tuscany by bike), Australia (Queensland) and New Zealand. After working at the legal clinic for over 20 years, Val felt it was time to take a break and recharge her batteries. During her leave, Miriam McCutcheon, our support staff, eagerly stepped into Val's shoes as the Marathon Community Legal Worker and we hired a temporary support person to fill Miriam's position. It worked out well with little or no interruption in the daily operation of the Clinic. For Miriam it was a learning experience and a very busy time. She had the opportunity to attend our Annual General Meeting in Thunder Bay, the Northern Regional Training in Sudbury as well as the Board and Staff Planning session in November. Miriam did a great job and didn't seem too stressed when Val returned to work in January.

In no time Val was back into the swing of things with a number of scheduled hearings in Thunder Bay as well as Marathon. It was as if she never left.

Val continues to provide legal services for Marathon and the surrounding communities of Pic Moberg First Nation, Pic River First Nation, Manitouwadge, Pays Plat First Nation, Schreiber and Terrace Bay. She often represents clients at hearings before the Social Benefits Tribunal or the Criminal Injuries Compensation Board in Thunder Bay as well as in Marathon. Each summer Val fills in at our Thunder Bay office for legal staff on vacation doing intake for a week. During the year she covers emergency intake for the other Branch offices when one of the Community Legal Workers is away from their office due to illness or vacation.

This past spring Val continued with her involvement with the Marathon Inter-Agency group as well as the Terrace Bay group. Although, she has been unable to attend the Manitouwadge Inter-Agency group the Marathon clinic continues to receive numerous referrals and requests for assistance from residents of Manitouwadge. In addition, Val is involved with the Marathon and Area Aging at Home Committee. The group was able to acquire funding from the local LHINS (Local Health Integration Network) to hire a Community Programs Manager to assist seniors living at home as well as the purchase of a Seniors' Services Van. This committee continues to work on a model for LHINS for the medical and non-medical needs of seniors in Marathon and area.

Val has also been involved with the Employment Adjustment Committee working with displaced workers in Marathon due to the shut-down of Marathon Pulp Incorporated. Sadly, the mill declared bankruptcy and laid off all 230 of it's workers this past spring. Some have found work elsewhere, some will be returning to school for retraining but many are waiting to see what happens next. Our clinic has provided information, pamphlets and representation for these workers as well as participating in an Information Fair this spring. We are ready and willing to help where needed.





## HUMAN RIGHTS LEGAL SUPPORT CENTRE

Ontario's new Human Rights Legal Support Centre (HRSLC) will be offering legal services through a lawyer in Thunder Bay, working out of Kinna-aweya Legal Clinic, starting in September. Amy Britton-Cox has been a staff lawyer at the HRLSC since last summer and has lots of experience in helping people who have faced discrimination and human rights violations. Before coming to the HRLSC, she worked at a specialty clinic and, prior to that, practiced human rights and employment law at a private law firm.

The HRLSC helps people who believe that they have experienced discrimination under the *Human Rights Code* and who seek resolution or compensation.

### Ontario's *Human Rights Code*

The *Human Rights Code* deals with discrimination in:

- Employment
- Housing
- Contracts
- Services, goods and facilities
- Unions or occupational/professional associations

### What is discrimination?

Treating someone unfairly may be discrimination if the unfair treatment is because of one of the characteristics or grounds below.

- Race; colour
- Ancestry
- Place of origin
- Citizenship
- Ethnic origin
- Creed (religion)
- Receipt of social assistance (housing)
- Sexual orientation
- Marital status
- Family status
- Record of offences (employment only, must have been pardoned)
- Age
- Disability
- Sex (includes being pregnant)

Discriminatory treatment includes denying someone a benefit, excluding someone from an opportunity, and/or imposing a different obligation on someone because of a characteristic listed above.

Discrimination can happen even if the employer, landlord or service provider does not intend to discriminate. It can also be discrimination if, for example, an employer, landlord or service provider fails to consider the special needs of an employee, tenant or customer where their needs are linked to one of the characteristics in the *Human Rights Code*.

### Examples of discrimination:

You are looking for an apartment and the landlord says "no, we don't allow children here."

At a job interview, the employer says "We won't be able to hire you if you're pregnant or thinking of becoming pregnant."

At work, your boss tells you, "We'd really like to promote you, but our customers don't like dealing with people wearing hijabs" or "We're going to have to let you go because your injury prevents you from doing the same tasks you were hired to do."

### Services Provided by HRLSC

The HRLSC can intervene on your behalf if you are experiencing discrimination at your workplace, in your housing, at stores, at a school or educational facility, or in accessing public services, such as government or medical services.

...Human Rights Legal Support Centre (con't)

The HRLSC can assist you:

- In preparing and filing an application to the Human Rights Tribunal of Ontario Works
- In trying to negotiate compensation for discrimination
- In seeking changes to discriminatory policies that will assist other people who might experience similar discrimination
- In representing you at a hearing about your experience of discrimination

To make an appointment with Amy in September, you can phone the HRLSC's toll free number (1.866.625.5179) or drop by KALC and set up an interview time.

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## HOUSING NETWORK OF ONTARIO DECLARATION

*We believe everyone in Ontario has the right to live poverty-free and with dignity in housing that is stable, adequate, equitably accessible and affordable.*

The Government of Ontario has committed to developing a Long-term Affordable Housing Strategy.\* According to the 2006 Census, 1-in-5 tenant households spend more than 50% of their income on rent, a figure that has remained constant for the past 10 years. Over 260,000 households are currently forced to make incredibly difficult choices between housing, food, clothing and other basic items that most Ontarians view as necessities.

The government must establish a housing strategy with firm targets and timelines to reduce and eventually eliminate the number of Ontarians in this situation - a strategy which meaningfully addresses the disproportionate experience of housing insecurity between different groups and communities.

Ontario's Long-term Affordable Housing Strategy must address four priorities:

...Housing Network of Ontario Declaration (con't)

1. **The affordability of housing**, including measures to increase the supply of affordable housing and to make existing housing more affordable.
2. **The availability of affordable housing** that is stable, safe and in a state of good repair, and which effectively addresses the diversity of needs in communities across Ontario.
3. **Supports, programs and protections** that help all Ontarians equitably access and maintain adequate affordable housing and thrive in their communities.
4. **A clear way to measure progress**, with overall and population specific targets and timelines to ensure that housing insecurity and homelessness are being meaningfully reduced.

**Creating and maintaining stable, equitably accessible and adequate affordable housing is good social policy.** People with stable housing are healthier, more productive, do better in school, and become more engaged in their neighbourhoods. Communities become stronger, jobs are created, a more competitive economy emerges and poverty will be reduced.

**The time is now.** A comprehensive and integrated long-term affordable housing strategy will bring hope to all Ontarians, particularly those in our cities and rural communities who are most in need: including homeless people, those living in inadequate housing, Aboriginal peoples, members of racialized communities, newcomers, women, people in need of supportive housing who live with mental health issues, experience with institutionalization, criminal justice system involvement, addictions, HIV/AIDS or disabilities and others.

**We call on leadership from the Province, to recognize that affordable housing is a priority in the fight to reduce poverty.** By working with all orders of government and co-operating across Ministries, and with the

...Housing Network of Ontario Declaration (con't)

contributions of people living on low incomes, we know that homelessness and housing insecurity can be eliminated.

\* *Breaking the Cycle: Ontario's Poverty Reduction Strategy, December 2008*

Over the summer, Ontario housing minister Jim Watson will be visiting a dozen communities to hear from Ontarians about their housing stories, and their housing solutions. The consultation for Thunder Bay will be on September 30<sup>th</sup> from 6:30 pm to 9:30 pm at Suomi Koti at 527 County Blvd.

Please see the attached declaration created by the Housing Network of Ontario. Go to <http://stableandaffordable.com/content/our-declaration> to endorse the declaration.

The Thunder Bay Economic Justice Committee, in partnership with Kinna-aweya Legal Clinic and the Lakehead Social Planning Council, will be holding public meetings to get community input on the housing issues faced by people with low income in Thunder Bay and to push for the kind of long-term affordable housing strategy that will address the needs in our community. To get involved, please contact Mary Veltri or Beth Ponka at 344-2478.



## PUBLIC FORUM ON HOUSING

by Aaron Park

On the 30<sup>th</sup> of September, people in the City of Thunder Bay will have the opportunity to have their voices heard regarding housing issues affecting our community. Jim Watson, Minister of Municipal Affairs and Housing, along with his staff, will make Thunder Bay their last stop on a cross-provincial tour aimed at collecting information that will assist in developing a new long term housing strategy for the province. The community consultations devised to inform the long-term affordable housing strategy are based on the discussion of 5 questions that have been set by the provincial government. However, the government should hear the entire range of the housing needs and housing solutions in our community, and participants should not feel bound by the wording of the questions set by the government. To this end, a partnership between the Kinna Aweya Legal Clinic, the Thunder Bay Economic Justice Committee, and the Lakehead Social Planning Council will be hosting a public forum on **Thursday, September 17<sup>th</sup> at St. John Ambulance from 1pm to 4pm.** The purpose of this public forum will be to assist people in the preparation of the Community Consultations hosted by Minister Jim Watson. Yutaka Dirks from the Advocacy Centre for Tenants Ontario (ACTO) will assist in leading the public forum and offer concrete tips on how individuals can share their housing solutions at the housing consultation.

All are welcome to attend the Public Forum, but please register by calling the Lakehead Social Planning Council at 624-1720.

Registration is also required for Minister Watson's Public Consultations. This can be completed on-line at <http://www.mah.gov.on.ca/Page6502.aspx> or by calling 416-585-6377, Toll-free 1-877-224-7271 or TTY 1-866-220-2290.

## TENANTS AWARDED \$10,000.00

by Mary Veltri

The *Residential Tenancy Act* protects tenants from a landlord's illegal entry into the rental unit and from illegal evictions. If a landlord illegally enters a unit without proper notice, changes the locks and throws out a tenant's personal belongings, the tenant is entitled to make an application to the Landlord and Tenant Board and ask for compensation from the landlord.

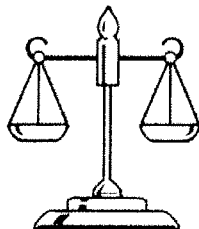
In a recent case, Kinna-aweya Legal Clinic represented a family of four in an application relating to an illegal lock-out. The tenants were one month behind in their rent at the time of the illegal eviction. They had left their apartment and gone away for the weekend in an attempt to secure funds to pay the rent arrears. While they were away, the landlord entered the unit illegally, changed the locks and removed all of their furniture, clothing and personal belongings onto the lawn. The family was forced to live in their van and stay with a friend for several weeks until they found new accommodation. These events caused the family a great deal of emotional distress and hardship.

At the Landlord and Tenant Board hearing, the landlord tried to persuade the adjudicator that the tenants had abandoned the unit and that he had to enter the unit because there was a foul odour coming from the apartment and the lights and fan had been left on. The Board did not accept his evidence but rather believed the tenants' story that they had merely gone out of town temporarily without any intention of abandoning the premises and all their worldly possessions.

The Board found that the landlord entered the unit illegally and altered the locking system without giving the tenants replacement keys and prevented them from re-entering the rental unit. As a result of these findings, the tenants were awarded \$6,218, the reasonable cost of repairing and replacing the property that was damaged, destroyed or disposed of as a result of the Landlord's actions of placing the property outside without due care. Another \$2,035 was awarded to the tenants for the reasonable out of pocket expenses they incurred by having to pay for temporary lodging, meals in restaurants and moving expenses. In addition, the landlord was ordered to pay \$1,747 to compensate the tenants for the emotional distress and extreme inconvenience of being illegally evicted from their rental unit. The tenants were thus awarded a total of \$10,000 which is the maximum allowed under the *Residential Tenancy Act*. The adjudicator indicated that he would have awarded more to the tenants but for the monetary limit imposed by the law.

The adjudicator also ordered the landlord to pay a \$2000 administrative fine because he had blatantly disregarded the provisions of the Act concerning illegal entry. The landlord was well aware of the law as he had been before the Board before in relation to an illegal entry of premises belonging to another tenant.

If your landlord illegally locks you out and evicts you without an order made by the Landlord and Tenant Board, be sure to call us for help.



## LANDLORD & TENANT BOARD TELEPHONE HEARINGS

by Sally Colquhoun

The Landlord and Tenant Board is the tribunal that deals with applications under the *Residential Tenancies Act*. Landlords start most of the applications, but tenants can also start applications for repairs or other issues. In Thunder Bay we used to have in-person hearings with an adjudicator present in the room, but late last year the Board announced they would be holding hearings in Thunder Bay by videoconference, with the adjudicator in Sudbury or Ottawa. In May the Board started scheduling telephone hearings, where the landlord and the tenant have to call in to a toll-free conference call.

Telephone hearings are not appropriate except for the most straightforward matters. We have a lot of concerns about telephone hearings. We know that many of our clients don't have telephones. It is hard to provide documents and other evidence to the Board. It is harder for the adjudicator to decide who is telling the truth. There is no longer in-person mediation offered by the Board. It is harder for our office to arrange for duty counsel services, because instead of having hearings once every two or three weeks, there are hearings every week, and sometimes on three different days in one week.

If you get a hearing notice for a Landlord and Tenant Board telephone hearing, you can ask that an in-person hearing or videoconference hearing be scheduled instead. Our office can provide advice and often representation, so call us as soon as you receive anything in writing from your landlord.

We are working with the provincial Advocacy Centre for Tenants Ontario and our MPPs to try to have in-person hearings again.



## SOCIAL ASSISTANCE RULE CHANGES

by Sally Colquhoun

In May there were a number of changes made to the rules for Ontario Works and the Ontario Disability Support Program. One of the changes is the definition of dependent child, which requires that most children have to be attending school in order to be included in their parent's benefit unit. Although all school-age children still need to be registered in school, they have removed the requirement that children over 16 have to be making "satisfactory progress".

If you want to appeal a decision made about your Ontario Works or Ontario Disability Support Program benefits, the first thing that you have to do is request an internal review. The deadline to do that used to be only 10 days after you were notified of the decision. Now it has been extended to **30 days**. It is still a good idea to contact our office as soon as you are aware of a decision that you disagree with.

Some families with children who are on Ontario Works or Ontario Disability Support Program benefits will have noticed reductions in their social assistance cheques at the end of July because the Ontario Child Benefit amounts have been increased.

Earnings from employment of family members who are attending post-secondary education will no longer be deducted as income or counted as assets for the benefit unit. There are a number of conditions, so if a member of your family planning to attend college or university and is working check talk to your caseworker about whether their earnings are exempt.

## THUNDER BAY URBAN ABORIGINAL STRATEGY

*by Beth Ponka*

The Urban Aboriginal Strategy was announced by the Government of Canada in 1998 through the "Gathering Strength: Canada's Aboriginal Action Plan", in response to the Royal Commission on Aboriginal Peoples, to better address the serious socio-economic needs of urban Aboriginal peoples.

The three main priorities of the Urban Aboriginal Strategy are: improving life skills; promoting employment training, skills, and entrepreneurship; and supporting Aboriginal women, children, and families. The Strategy is designed to improve policy development and program coordination among all levels of government.

The Neighbourhood Capacity Building Project (NCBP) is an initiative of the Thunder Bay Urban Aboriginal Strategy, under the sponsorship of Shkoday Abinojiiwak Obimiwedoon (Thunder Bay Aboriginal Head Start Day Nursery).

The NCBP is an after-school program designed to improve Aboriginal student success. Activities include cultural teachings, sports and recreation, and a nutrition break. The program is delivered in schools where there is a high concentration of Aboriginal families. During the summer school break, full day programming is available for children ages 6 - 13 at the Thunder Bay Aboriginal Head Start location, 1610 John Street Road. There are scheduled pick-ups from various neighbourhoods to help children get to the site.

The legal clinic's Director of Administration, Beth Ponka, is the Chair of the community-based advisory committee that provides input and advice on the delivery of the Urban Aboriginal Strategy in Thunder Bay. Thunder Bay is one of 12 sites across Canada working in urban centres to address the needs of Aboriginal people living in cities. The Urban Aboriginal Advisory Committee is expanding its role in the community by inviting various government and private sector partners to work with the Aboriginal community to address the priorities identified in our community plan.

The Thunder Bay Urban Aboriginal Strategy is funded by the Office of the Federal Interlocutor, the Thunder Bay District Social Services Administration Board, the Ministry of Aboriginal Affairs, and Fed-Nor. A significant donation has also been made by Grand Portage Lodge & Casino.

For more information about the Urban Aboriginal Strategy in Thunder Bay, contact Frances Wesley at 768-2310 or Beth Ponka at 766-7093.



## SPEAKERS' SCHOOL

*by Mary Veltri*

Kinna-aweya Legal Clinic is pleased to announce that Speakers' School has received a grant from the Trillium Foundation of Ontario to continue its operations for another two years. Speakers' School offers a 14 week course, twice a year, in public speaking with a social justice twist. The legal clinic has worked in collaboration with the Thunder Bay and District Injured Workers Support Group and the Lakehead Social Planning Council since the school's inception to oversee the development and delivery of the program. Speakers' School also receives funding from the Public Service Alliance of Canada Social Justice Fund and the Bay Credit Union Social Justice Fund.

The next course will begin the week of September 8<sup>th</sup>. The course facilitator is Robin Faye, who incorporates her varied experience and knowledge in social justice and environmental issues, conflict resolution, community development and amateur theater into this fun and dynamic program. The school is for people with economic disadvantages including those who are unemployed, disabled, receiving social assistance or earning low wages. The school is open to anyone interested in becoming a more effective speaker and learning about social justice issues no matter how much or little experience you have. Finding one's authentic voice to deliver a message in a way that appeals to a broader audience is an art that can be honed with practice and supportive feedback. Former graduates have reported that the school increased their confidence and enabled them to speak up in public meetings or when advocating for themselves.

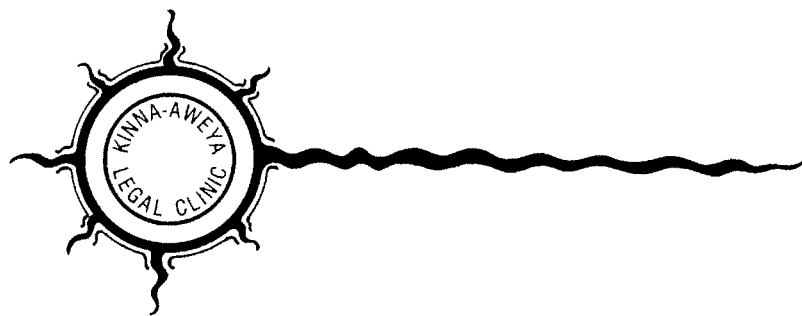
Each class includes a guest speaker, leadership exercises, and public speaking practice in an atmosphere of peer support. Classes are very participatory and adapted to the interests of the students. The final class is also a graduation ceremony, with participants addressing a panel of community leaders and receiving feedback. A light meal with an emphasis on locally prepared food is provided to the participants at each class as well as a transportation allowance and child care subsidy. The courses that ran last year were so successful that the graduates have established an alumni group which meets monthly to continue practicing their speaking skills.

If this interests you, contact the Speakers' School Coordinator at **627-9136**. Applications forms and an information brochure are also available at the legal clinic.



## KINNA-AWEYA LEGAL CLINIC STAFF

Richard Atkinson	Community Legal Worker	Thunder Bay
Barry Beaupre	Community Legal Worker	Thunder Bay
Valerie Biggs	Community Legal Worker	Marathon
Riel Bouchard	Legal Assistant/Researcher (summer student)	Thunder Bay
Sally Colquhoun	Co-ordinator of Legal Services	Thunder Bay
Dan Cox	Staff Lawyer	Thunder Bay
Patricia Fenton	Executive Secretary	Thunder Bay
Cindy Fortin	Assistant Director of Administration	Thunder Bay
Don Henderson	Librarian	Thunder Bay
Teri Hofer	Secretary/Receptionist/Bookkeeper	Thunder Bay
Tracey Kirby	Community Legal Worker	Thunder Bay
Barbara Kulifaj	Secretary/Receptionist	Thunder Bay
Guylaine Letourneau	Secretary/Receptionist	Geraldton
Miriam McCutcheon	Secretary/Receptionist	Marathon
Beth Ponka	Director of Administration	Thunder Bay
Mary Veltri	Staff Lawyer	Thunder Bay
Chantal Walterson	Community Legal Worker	Geraldton
Stephanie Wanakamik	Secretary/Receptionist	Armstrong





**KINNA-AWEYA LEGAL CLINIC  
APPLICATION FOR MEMBERSHIP**

NAME: \_\_\_\_\_ PHONE # \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
(MAILING ADDRESS)

\_\_\_\_\_

(CITY/TOWN) \_\_\_\_\_ (POSTAL CODE) \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_  
(DAY) (MONTH) (YEAR)

TYPE OF MEMBERSHIP: FULL \_\_\_ ASSOCIATE \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

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Full Membership in the Legal Clinic shall be open to any person of Aboriginal descent who is resident in the District of Thunder Bay in the Province of Ontario and who is eighteen years of age or older.

Associate Membership shall be open to:

- i) The spouse of a Full Member of the Legal Clinic who does not qualify for Full Membership, and
- ii) Any interested persons.

Honorary Membership shall be open to any person who, in the opinion of the Board of Directors of the Legal Clinic or that of the Full Members at an Annual General Meeting of the Legal Clinic, merits such special consideration.

Only Full Members of the Legal Clinic shall be entitled to hold office in the Legal Clinic, to sit on the Board of Directors of the Legal Clinic, to be elected as delegates at General Meetings and to vote at any meetings of the Legal Clinic.

Persons applying for membership in the Legal Clinic shall be added to its membership register upon receipt of their application. The Board reserves the right to terminate membership for good and proper reason.

The Directors may set membership dues and fees, if any, by By-law.