

Kinna-aweya Legal Clinic

86 S. Cumberland Street, Thunder Bay, ON P7B 2V3
Phone: (807)344-2478 Fax: (807)345-2842

www.kalc.ca

Toll Free: 1-888-373-3309

September 2014

Volume 8, Issue 1

Inside this issue:

ID Clinics	1
Good Food Box Program	1
Overview of Clinic & Services	2
Staff Update	2
Housing Security Program	3
Request Inspections	3
Changes to OW/ODSP	4
ODSP Medical Reviews	4
OW Shelter Allowance	4
City of Thunder Bay Water & Tax Rebate Program	5
Volunteer Income Tax Program	6
Non-Insured Health Benefits Program	7
Canada Child Tax Benefit & Ontario Child Benefit	7
Thunder Bay Housing and Homelessness Coalition	8
Tenant Duty Counsel in the District of Thunder Bay	8
Landlord & Tenant Board: Tenant Applications	9
Landlord & Tenant Board: Fee Waivers	9
Staff & Board of Directors	10
Dates to Remember	10

ID!

Kinna-aweya Legal Clinic, in recognition of the growing need for help completing basic forms combined with a lack of available funds, has been providing ID drop-in clinics to help people obtain basic identification such as birth certificates and social insurance numbers.

ID is crucial to access many programs and services including health care, social housing, social assistance, education, Indian status, and financial services.

This year, in addition to ID clinics held at our main office in Thunder Bay, we held ID clinics at the Thunder Bay Indian Friendship Centre and at the Gull Bay band office. Many people come out to receive assistance in filling out the form and paying the fees.

Refreshments and bus tickets are provided by Bay Credit Union at each ID clinic.

Service Ontario and Service Canada both provide staff at each ID clinic to assist with the completion of forms for birth certificates, health cards and social insurance numbers. The Thunder Bay District Social Services Administration Board covers the application fees for eligible clients receiving Ontario Works.

When we receive the ID, we keep three certified copies and give the original to the client. We are in the process of looking at establishing an ID "Bank" where we would keep the original and clients would always have a safe place for their ID.

Funding for the application fees is provided by the Advocacy Centre for Tenants Ontario (ACTO), which provides funding for our Tenant Duty Counsel program.

Call our office to find out the date of upcoming ID clinics or visit our Facebook page for updates on when the next one is scheduled.



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

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 Thursday of each month. Food is available for pick up at the legal clinic on the 2nd last 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 pick up their food. To find the host site closest to you, call (807) 345-7819.

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.

Overview of Clinic & Services

Kinna-aweya Legal Clinic provides legal advice and assistance to residents of the District of Thunder Bay, particularly Aboriginal people, who need assistance with poverty law issues. Our focus is on helping people get income maintenance benefits and maintain access to housing.

Our main office is in Thunder Bay and we also have full-time branch offices in Geraldton and Marathon. Armstrong/Whitesand is serviced by a legal worker travelling to the community approximately every six weeks. Legal workers travel regularly to various towns and First Nations communities throughout the District. We also have a toll-free phone number that can be dialled from anywhere in the District.

Kinna-aweya is an independent, non-profit corporation overseen by a Board of Directors. The clinic is accountable to Legal Aid Ontario for the funds given to the clinic to provide high quality poverty law services in the District of Thunder Bay. In addition to casework, our staff is involved in a number of community projects, outreach activities, and law reform initiatives.

Legal Aid Ontario has required that all of the legal clinics in Ontario look at transformative change and innovation. As a result, all of the 11 legal clinics in the northern region have signed a framework agreement to look at opportunities for transformation and innovation. The first phase of the project is a needs assessment that will be undertaken over the next several months. A coordinator and a consultant will be hired soon for the project. The clinic's Board of Directors as well as the Association of Community Legal Clinics of Ontario have both been involved with the project and we will share information as the project develops.

Staff – Comings and Goings

Claire Littleton is on maternity leave and we hired Morgen Patterson to replace her. Previously, Morgen worked at the Algoma Legal Clinic in Sault Ste. Marie. Kim Facca has been re-hired on contract as a Community Legal Worker to replace Tracey Lasook, who is on a leave of absence.

In our Geraldton office, we've hired Pam Leblanc as Secretary/Receptionist. Guylaine Letourneau accepted a full-time position at the Geraldton hospital.

Last year we received funding to hire an articling student, Monique Woolnough. Monique was called to the bar and officially became a lawyer on Jun 20, 2014. We have been able to offer her a contract until December 2014, with a good possibility of an extension. Monique is a graduate of Osgoode Law School.

Marla Brown accepted a permanent, full-time position at the Hamilton Community Legal Clinic. Marla was working in our office on contract as a staff lawyer.

For the last couple of years Kinna-aweya Legal Clinic has hosted summer students and articling students in partnership with Legal Aid Ontario. This year, Benjamin Flight returned to our office for several weeks, as part of his term as articling student with LAO.

This summer, Lucas Jewitt, a student at the Lakehead University Law School going into his second year, volunteered twice a week in our office. Lucas assisted with a number of projects and activities in the office.

Housing Security Program

Community Action Needed for Housing Start-Up Costs

In January 2012 the provincial government decided to rescind the Community Start Up and Maintenance Benefit. This benefit was provided once in a 24-month period to help cover costs associated with establishing a new principal residence and preventing eviction. Up to \$1500 was available for a family unit which included children and up to \$799 was available for a single person or couples without children.

In lieu of the Community Start Up and Maintenance benefit, the Thunder Bay District Social Services Administration Board receives annual funding for the Housing Security Fund. The Housing Security Fund is available to help low-income individuals and social assistance recipients with rent, rent arrears, heat and utility disconnections, moving costs and tax arrears. Unfortunately there is no longer a fund to help pay for costs relating to household items and furniture associated with establishing a new principal residence. (bedding, linens, pots and pans, dishes, cutlery, curtains, cleaning supplies, clock, etc).

Kinna-aweya Legal Clinic is noticing a significant increase in the number of individuals who are being denied funding for housing start up costs. The TBDSSAB has very strict guidelines for the discretionary funding that may be available for some household items.

As a community that cares, surely we can find ways to help low-income individuals and families to obtain household items needed. Many of us may have excess household items we no longer need that may be of use to others. There are thrift shops and discount stores low income individuals may shop for some household items however not all household items may be available at the time needed and many times individuals living on \$250 a month cannot afford the thrift shop prices. If you are interested in becoming involved in solutions to bridge this essential gap, or to persuade the Thunder Bay District Social Services Administration Board to expand their discretionary benefits policy and guidelines, please contact Kim Facca, Community Legal Worker, Kinna-aweya Legal Clinic by telephone 344-2478 or by email faccak@lao.on.ca

Request Inspections of TBDHC Units

Are you Moving into or out of a TBDHC unit?

Thunder Bay District Housing Corporation holds all tenants directly responsible for any property damage inside their apartment. Any damage caused by neglect or abuse is at the tenant's expense. This includes: wallpaper removal, plumbing, heating or electrical problems, damages to flooring, walls, ceilings or fixtures or appliances of the apartment, including windows and screens.

In private market rental situations, only the Landlord and Tenant Board can impose costs for property damage after finding a tenant responsible for the problems. This is not the case with rent geared to income housing.

Protect yourself from liability of maintenance and repair costs not caused by you. Ask for an inspection when you move in AND when you move out. Ask your Property Manager for a Move-In Inspection Form within 7 days of moving in and make note of any needed repairs, deficiencies or damages.

Before you move out, ask your Property Manager for a copy of the Move-Out Inspection form so you are aware of any charges that may be billed to your account. Keep a copy of the Move-Out Inspection form and if you dispute any of the charges, contact Kinna-aweya Legal Clinic for assistance.

Thunder Bay District Housing Corporation sends unpaid accounts to a collection agency.

Changes to OW/ODSP

The changes that were announced in the Ontario 2014 Budget will provide mixed results for people receiving benefits from social assistance.

The 2014 Budget contains a 4.8% increase for single people without children receiving Ontario Works (OW). This increase would mean an additional \$30 per month for singles on OW. There will also be a 1% increase to rates for all families on OW and people with disabilities receiving ODSP. However, a freeze will continue to be applied to rates for the family members of people with disabilities receiving benefits from the Ontario Disability Support Program (ODSP).

The Budget also includes plans to consolidate seven different employment benefits in OW and ODSP starting in January 2015. The Ministry of Community and Social Services plans to conduct discussions with stakeholders about the design of the consolidated program. The result of the consolidation is currently unclear. It will depend on how the new benefit is implemented. Some advocates fear that the change is going to result in a reduction in the amount of money a recipient can access in employment benefits.

While Budget 2013 made several positive rule changes in OW and ODSP, Budget 2014 does not continue that trend. The Budget did not respond to the ongoing call from children's advocates across Ontario to end dollar-for-dollar deductions of child support from the benefits of single parents receiving OW and ODSP. And it did not end the continuing restructuring of OW and ODSP basic needs benefits as increases are made to the Ontario Child Benefit.

ODSP Medical Reviews

If you are receiving benefits from the Ontario Disability Support Program (ODSP), you may get a notice that your disability status is being reviewed.

Reviews of disability status – or “medical reviews” – are a normal part of the ODSP system. Many people are given a “review date” when they are found to be eligible for ODSP because their condition is expected to improve. However, medical reviews have not been done on a regular basis for many years.

ODSP has recently started doing medical reviews again.

What is the process for the review?

The process will require people to fill out **another** Disability Determination Package (DDP). This means that people who are having their file reviewed will have to go through the entire ODSP application and disability assessment process all over again.

What should I do now?

If you get a notice that your disability status with ODSP is being reviewed, you should contact the Kinna-aweya Legal Clinic if you have any questions OR if you do not have a family doctor and don't know what to do with your DDP.

Ontario Works Shelter Allowance

Are you receiving Ontario Works and unable to obtain a shelter allowance because you're living with a tenant and you can't get verification of the rent from the landlord?

Historically the local Ontario Works office will not provide a shelter allowance to someone who is living with a tenant unless the landlord provides verification of the total amount of rent paid for the rental unit.

The *Ontario Works Act* does not require an owner or property manager to provide verification to Ontario Works of shelter costs before shelter allowance is issued.

The Ontario Works regulations provide that in calculating entitlement “shelter” means the cost for a dwelling place, including rent. There is no requirement that rent be paid to the owner or property manager of the premises being rented. A recipient who is paying rent to another tenant is paying rent. Rent is defined as the monthly amount charged by an owner or landlord who holds legal title to the property for use of a house, apartment or a room for living purposes.

A tenant does not need the permission of their landlord to have a roommate who shares the cost of the rent. The landlord's permission is only required in the case of a sublet or assignment of a lease, which means that the original tenant is no longer residing in the premises.

We recommend that you provide your caseworker with verification of the amount of rent required for the rental unit. The verification may be from the rental lease or your room-mates rent receipt.

Contact Kinna-aweya Legal Clinic for help if you are denied shelter allowance after providing verification of the amount of rent.

City of Thunder Bay Water & Tax Rebate Program**Are you a low-income senior OR low-income person with a disability who owns your own home?**

You might qualify for a tax credit of \$100.00 and a water credit of \$100.00.
The deadline for receiving applications is June 30th of the year.

Eligibility criteria:

A low-income senior must be 65 years of age or older and in receipt of an increment paid under the Guaranteed Income Supplement (GIS) AND Total household income must be \$28,134 or less.

OR

A person with a disability in receipt of an increment paid under the ODSP or a disability amount paid under CPP-D

AND

Have a total household income of \$28,134 or less Household income is defined as the combined gross income shown on line 150 of the Canada Revenue Agency Notice of Assessment or Notice of Reassessment for all property owners and their spouses,
(Household income is defined as the combined gross income shown on line 150 of the Canada Revenue Agency Notice of Assessment or Notice of Reassessment for all property owners and their spouses)

Applications including all supporting documentation must be received by the due date in order to qualify.

How the program works:

You must apply each year to be considered for this program

Applicant's tax and water accounts cannot be in arrears when applying

Applicants must be owners of residential property within Thunder Bay for a period of one (or more) year(s) preceding the application

The Property must be your principal residence

Each owner or their spouse must meet the eligibility criteria in order to qualify for the program

For properties jointly held or co-owned by persons other than spouses, both or all co-owners must qualify under applicable eligibility criteria in order to receive the tax & water credit

If you qualify for a tax credit, a credit amount of \$100.00 will be applied to your tax account

If you qualify for a water credit, a credit amount of \$100.00 will be applied to your water account

How to get an application:

Pick up an application at the City of Thunder Bay Revenue Division, City Hall, 500 Donald Street East, Thunder Bay or send your request to us in writing to the City of Thunder Bay, Revenue Division, City Hall, 500 Donald St. E, Thunder Bay, ON P7E 5V3 or download from the City of Thunder Bay Revenue division website, www.thunderbay.ca/revenue

Please note that applications are no longer being accepted for this program for this year but applications will be accepted in 2015. In 2015 the amount of the credits available and financial eligibility may be different than those

Community Volunteer Income Tax Program (CVITP)

The Geraldton satellite office of the Kinna-aweya Legal Clinic participated in its 10th year as a volunteer through the Community Volunteer Income Tax Program which is a partnership between the CRA and local organizations. Joining with the CRA as a community partner provides a service to the local people who are in need of income tax filing. The program is designed to assist eligible people who are unable to prepare their own return in filing their income tax on time. Kinna-aweya Legal Clinic is responsible for organizing local tax preparation clinics and adhering to the policies set forth by the CRA. There is no CRA funding for this program. The CRA supports the program through its training for volunteers, making tax software available, and offering coordinators to facilitate the implementation at the community level.

This free program assists people who cannot afford to pay to have their taxes completed and as a result, obtain income they would not otherwise receive. Completing a tax return is needed in order to qualify for many government funded programs, including the Child Tax Benefit, GST and the Ontario Trillium Benefit.

Income is the most important determinant of health. Lower income is associated with poorer health status. For this reason, the Kinna-aweya Legal Clinic supports the CVITP.

Clients who have low income and simple tax situations are the intended beneficiaries of the CVITP. Clients who are in receipt of Ontario Works, Ontario Disability Support Program and seniors with minimal pensions automatically qualify for our clinic's services. We do assist on occasion with tax preparation for clients who are employed. In cases where clients are employed, the clinic's Financial eligibility Guidelines is reviewed to ensure financial eligibility.

The clinic's *Client Management Tool* program keeps track of the number of income tax returns the clinic prepares for clients. To date (January, 2014 to August 6, 2014) our clinic completed 249 income tax for the 2013 Taxation Year. This number has increased slightly from the 2012 Taxation Year where the clinic completed 208 returns.

As the number of people accessing this service continues to increase, this demonstrates the ongoing need for this service. Kinna-aweya Legal Clinic is looking forward to its 11th year as a community volunteer.



Non-Insured Health Benefits Program (NIHB)

The Non-Insured Health Benefits Program (NIHB) is a national program administered by Health Canada providing coverage for dental, drugs, medical supplies and equipment, medical transportation, vision care, short-term crisis intervention mental health counselling, benefits outside of Canada, and chiropractic care, for eligible First Nation and Inuit people.

You can visit Health Canada's website for more information and to access their publication, "Your Health Benefits – A Guide for First Nations to Access Non-Insured Health Benefits":

<http://www.hc-sc.gc.ca/fniah-spnia/pubs/nihb-ssna/yhb-vss/index-eng.php#a10>.

If you need help accessing a Non-Insured Health Benefit, you can call the Chiefs of Ontario's Northern Ontario NIHB Navigator at 807-626-9339 or toll-free at 1-877-517-6527.

If you are on *Ontario Works* and you are eligible for NIHBs, sometimes there are disagreements about who should pay for a non-insured health benefit. If this happens to you you can contact the legal clinic for assistance.



Canada Child Tax Benefit/Ontario Child Benefit

The CCTB/OCB are benefits paid to low-income parents or guardians to help with the cost of raising children. The benefits are paid through the income tax system, so it is important that you file an income tax return each year in order to receive the monthly payment. It is an important income source for people on social assistance.

We have helped a number of clients who have not been receiving the CCTB/OTB, or have been assessed an overpayment. Sometimes the Canada Revenue Agency considers people spouses when they are using the same address for their income tax returns. Sometimes they ask for documents proving that a child has been living with you, like school records. We can help you file an objection and gather documentation.

There are deadlines to file an objection about a decision so it is important to contact the clinic for advice as soon as you know there is a problem. Keep all the letters that you get from the Canada Revenue Agency.

You should receive a transitional child benefit from Ontario Works or ODSP if you have a dependent child and are not receiving the CCTB/OCB, as long as you are making efforts to get the child benefits.



Thunder Bay Housing & Homelessness Coalition

One of the local groups that we are involved with is the Thunder Bay Housing and Homelessness Coalition. TBHHC promotes the development of adequate, affordable, accessible housing in our community. We act as the Community Advisory Board for the federal government Homelessness Partnering Strategy and advocate for stable, safe and affordable housing.

One of our goals is to increase public awareness of housing issues. This year we have organized a series of Community Town Hall meetings. The first two were about Housing and Safety and Housing and Health. The third is about Housing and Prosperity; in Canada, our current response to homelessness relies heavily on shelters for emergency housing and emergency and crisis services for health care, at an estimated cost of \$7 billion each year. Housing people would save taxpayers money, create jobs, increase productivity and improve quality of life and community functioning.

The Housing and Prosperity Town Hall meeting will be held on Thursday September 18, 2014 at 7:00 at the Finlandia Hall (above the Hoito). Come and join in the discussion!



Tenant Duty Counsel in the District

The Landlord and Tenant Board holds hearings throughout the year to make decisions regarding landlord and tenant disputes. In recent years the legal clinic has a team comprised of a legal worker and an administrative assistant to help tenants who are facing eviction in the City of Thunder Bay.

Kinna-aweya Legal Clinic is now pleased to announce the expansion of this Tenant Duty Counsel Program to include our branch offices in Marathon and Geraldton and the communities they serve. Although the Landlord and Tenant Board hearings in the District are not held in person, they are held over the telephone. The legal worker in either Marathon or Geraldton is now able to participate and offer legal advice to tenants over the telephone prior to their hearings. Everything is confidential. Although a telephone hearing is not the same as an in-person hearing, the legal workers are there to help tenants in the District.

If you have further questions do not hesitate to contact our legal workers at our branch offices. They can be reached at:

Marathon office – 807-229-2290 or Toll-free 1-866-389-1477

Geraldton office - 807-854-1278 or Toll-free 1-866-875-4952

Landlord & Tenant Board: Tenant Applications

Tenants can bring a number of applications against their landlords at the Landlord and Tenant Board. The most common complaints we hear at the legal clinic are about outstanding maintenance and repair issues and tenants rights such as not having your unit entered illegally or landlords threatening, harassing or discriminating against you.

Your landlord is responsible for keeping your unit in a good state of repair and fit for habitation and complying with all health, safety and housing maintenance standards. Your landlord cannot interfere with your reasonable enjoyment of the unit or threaten or harass you. Landlords must comply with the *Human Rights Code* and not discriminate against you on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, marital status, family status, disability or the receipt of public assistance.

There are a number of ways you can prepare and protect yourself if you ever need to bring an application about maintenance and repair issues or tenants rights. Document, document, document! Take pictures of the problems, keep copies of texts or emails or letters you send your landlord about the problem and keep copies your landlord’s responses, get the Health Unit or Fire Marshall or City Investigator involved if your landlord is not responding and keep copies of receipts of any costs you have for repairs you end up doing yourself. If you have interaction where your landlord threatens or harasses you, write down what happened and the date and the names of any witnesses.

You can find more information about tenant applications on the Advocacy Centre for Tenants of Ontario website, www.acto.ca, or call the Kinna-aweya Legal Clinic for advice on whether and how to bring an application against your landlord.



Landlord & Tenant Board: Fee Waivers

The Landlord and Tenant Board (LTB) has taken an important step towards making it easier for tenants to make applications against their landlords. In the past, tenants who wanted the LTB to address maintenance and repair issues, illegal charges such as security or garbage deposits or wanting to review LTB orders they believed contained serious errors had to pay \$50 to make the application. This fee was a barrier to most low-income tenants who wanted to enforce their rights vis-à-vis their landlords. As of June 1, 2014, tenants can request a fee waiver when they are making their application to the LTB. If your primary source of income is OW, ODSP, OAS with a Guaranteed Income Supplement, War Veterans’ Allowance or Canada Pension Plan, the waiver will be granted. Otherwise, to be eligible for the fee waiver, your gross monthly household income must fall below the thresholds included below:

Threshold	
Number of People in Household	Gross Monthly Household Income
1	Less than \$1500
2	Less than \$2,250
3	Less than \$2,583
4	Less than \$3,083
5	Less than \$3,583

The “Fee Waiver Request Form” is available on the Landlord and Tenant Board website, www.ltb.gov.on.ca, in the “Forms” section under “Other Forms”.

Staff and Board Members

KINNA-AWEYA LEGAL CLINIC STAFF

Richard Atkinson	Community Legal Worker/Licensed Paralegal	Thunder Bay
Valerie Biggs	Community Legal Worker/Licensed Paralegal	Marathon
Sally Colquhoun	Co-ordinator of Legal Services	Thunder Bay
Kim Facca	Community Legal Worker	Thunder Bay
Patricia Fenton	Executive Secretary	Thunder Bay
Don Henderson	Librarian	Thunder Bay
Teri Hofer	Secretary/Receptionist/Bookkeeper	Thunder Bay
Cindy Johnson	Assistant Director of Administration	Thunder Bay
Tracey Lasook	Community Legal Worker/Licensed Paralegal (on leave)	Thunder Bay
Pam Leblanc	Secretary/Receptionist	Geraldton
Claire Littleton	Staff Lawyer (maternity leave)	Thunder Bay
Melanie MacKenzie	Community Legal Worker/Licensed Paralegal	Thunder Bay
Miriam McCutcheon	Secretary/Receptionist	Marathon
Morgen Patterson	Staff Lawyer (contract)	Thunder Bay
Beth Ponka	Director of Administration	Thunder Bay
Mary Veltri	Staff Lawyer (on leave)	Thunder Bay
Chantal Walterson	Community Legal Worker/Licensed Paralegal	Geraldton
Monique Woolnough	Staff Lawyer (contract)	Thunder Bay

BOARD OF DIRECTORS 2013/14

Wanda White	President	Nipigon
Louis Brizard	Vice-President	Thunder Bay
Cindy Whittington	Treasurer	Thunder Bay
Andrea O'Nabigon	Secretary	Geraldton
Angela Nodin	Director	Armstrong
Michael Deschamps Jr.	Director	Marathon
Alta Fenton	Director	Thunder Bay

Dates to Remember

Area Community Meetings

Armstrong

Wednesday, September 17, 2014 at 6:30 pm
Whitesand Rec Hall, Whitesand
Angela Nodin's term expires

Marathon

Tuesday, September 9, 2014 at 6:00 pm
Kinna-aweya Legal Clinic, 52 Peninsula Square

Thunder Bay

Friday, September 19, 2014 at 12 noon
86 S. Cumberland St.
Cindy Whittington and Louis Brizard's terms expire

Geraldton

Monday, September 22, 2014 at 6:00 pm
Kinna-aweya Legal Clinic, 404 Main St.
Andrea O'Nabigon's term expires

Nipigon

Monday, September 15, 2014 at 6:30 pm
Resource Centre, Lake Helen Reserve

ANNUAL GENERAL MEETING

Saturday, October 25, 2014, 9 am – 4 pm
Prince Arthur Hotel, Bertrand Room