

KINNA-AWEYA LEGAL CLINIC



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Greetings from the President of the Board

Kinna-aweya Legal Clinic was established 42 years ago by a group of volunteers. They had a vision which is reflected in Kinna-aweya Legal Clinic's Vision Statement - "A community where all low income and vulnerable people have equal access to social justice and improved quality of life". This is still our vision and Kinna-aweya Legal Clinic provides high quality legal services to all residents of the District of Thunder Bay, particularly Aboriginal people, who need assistance with poverty law issues. This is done in a variety of ways, such as providing legal representation, referral, information and education, and pursuing systemic change to improve the quality of life for "kinna-aweya" - everyone. Our culture and traditions are the foundation of the work we do. Kinna-aweya Legal Clinic continues to be governed by a volunteer Aboriginal Board of Directors and funded mainly by Legal Aid Ontario. 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 has three members represented on the Board. 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. The Board provides direction to the management staff and oversees the activities of the clinic. I am pleased to have this opportunity to provide an update on some of the activities that the Board has been involved in this past year.

Last year, the main concern was cuts to legal aid funding by the government. The campaign to stop these cuts resulted in the government reversing their decision to further cut funding for this year. After revising our 2019-2020 budget, we were able to maintain services and prevent any staff cuts. The areas that were impacted included training, community development and law reform services. However through a team effort and working with other organizations, we have been able to reduce the impact on these areas. We have also been involved in the Legal Aid Modernization process, which will involve updating the funding agreement and relationship with Legal Aid Ontario. We expect to hear more about this after things settle down from the Covid-19 pandemic.

This fiscal year, 2020 - 2021 continues to be one with many challenges. Covid-19 has had a major impact. Despite the many health restrictions, we continue to provide services to our clients while keeping them safe. We have limited staff in our offices and are encouraging everyone to contact us by phone. However, we do have protocols in place including mandatory masks, social distancing and hand sanitizing, for when clients need to come to our offices in person. Regular updates are done to align with changing public health guidelines to ensure the safety of clients and staff.

On behalf of the Board, I would like to thank everyone, community members, clients, staff and board members for your hard work and support of Kinna-aweya during these challenging times.

Miigwech,
Alta Fenton
President

Overview of 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. We help people get income maintenance benefits and maintain access to housing.

We offer our services at no cost to people with low incomes who meet our financial eligibility guidelines.

The main areas that we deal with are income maintenance – Ontario Works, Ontario Disability Support Program, CPP Disability, Employment Insurance, Canada Child Benefit – and preventing evictions.

In addition to casework our staff are involved in community development projects, public legal education workshops, outreach activities, and law reform initiatives.

Our main office is in Thunder Bay and we have full-time branch offices in Geraldton and Marathon with toll-free phone numbers. Armstrong/Whitesand is serviced by a legal worker that travels to the community approximately every two months.

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 an all-Aboriginal Board of Directors. We are funded by Legal Aid Ontario.

Comings and Goings

Claire Littleton is on maternity leave and is expected to return October 2021. We are in the process of hiring a legal worker to replace her

Angie Lynch, who was our Speakers' School and Peer Support Organizer, has been hired as our ID Services Coordinator. Angie's project through Advocacy North finished and Fabienne Spiess left the legal clinic to pursue other opportunities.

Cheyenne is away at school completing her PhD. We hired Mayisha Choudhury temporarily as the replacement Operations Assistant. Mayisha is completing her studies at Lakehead University in the Masters of Social Justice program.

Jessica Barry has been hired as a part-time Administrative Assistant. Jessica is entering her third year at Lakehead University in the Indigenous Learning program. She was able to join us full-time during the summer and she will continue to work with us part-time during the academic year.

Katrina Langevin has joined our office as a summer student through the Bora Laskin Faculty of Law. She will be staying on in September as our Integrated Practice Curriculum student through to December.

Cerina McWatch joined our Marathon office temporarily as a placement student through Confederation College. We wish her the best of luck in continuing her studies.

Danika Goshaluk and Maryam Hassan joined our office this year through the Pro Bono Students Canada program administered by the Bora Laskin Faculty of Law. They assisted with our Awenen Niin ID Services program and made a great contribution. We wish them all the best as they continue on in law school.

Cameron Allan worked in our office in various capacities, joining us as a law student at the Bora Laskin Faculty of Law and staying on to provide support to our caseworkers. He is now working out of town and continuing on with his studies.

Mary Powell was our IPC student last year from the Bora Laskin Faculty of Law. She has completed her program and has moved back to Sudbury.

We accepted with regret, the resignation of our Board member representing Nipigon/Red Rock, Manon White. Manon is continuing on with her business enterprises in Toronto. We really appreciate the time that she put in on our Board of Directors, stepping in after Wanda White passed away unexpectedly in 2016. We wish Manon the best of luck in her endeavours.

Thunder Bay Good Food Box



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 \$25 or an individual box for \$15. 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.

Providing Services during the COVID-19 Pandemic

Like everyone, we were shocked when the global COVID-19 pandemic struck. While the pandemic affected the normal operations of our office, we continued to have staff in all three of our offices to assist clients.

We are not open to the public however we are able to provide services by telephone and by appointment. We do accept walk-ins for people who do not have access to a phone - we can provide a phone or an appointment depending on the circumstances. Masks are mandatory and we are able to provide one for those who do not have one.

We have been slowly increasing the number of staff in our Thunder Bay office. Our branch offices have one staff member in the office every day. We have been renovating our offices to equip them with the necessary protection for the safety of our staff and clients, and we will continue to follow guidelines for Personal Protective Equipment, social distancing, and hand sanitizing.

We don't know when we will be able to open our offices to the public. Legal Aid Ontario recently announced that they will continue to be closed until at least January 4, 2021. We are continuing to review and update our practices and will provide updates on our web-site and through Facebook.

Indigenous Legal Needs Assessment

The 11 northern legal clinics received funding from the Law Foundation of Ontario and Legal Aid Ontario to conduct an Indigenous Legal Needs Assessment. We have hired Indigenous Community Engagement (ICE) to hold focus group meetings with staff, board, and clients to help identify the poverty law needs of Indigenous people in the north. Consultations have been held in many of the legal clinic catchment areas although consultations were put on hold when the COVID-19 pandemic hit. We are looking at resuming consultations on a limited basis in-person and using other technology where possible.

Sexual Harassment in the Workplace Project

We have received funding to hire a community legal worker to provide information and advice on Sexual Harassment in the Workplace. We expect to have someone in this part-time position by mid-September. The purpose of the project is to provide advice and information for vulnerable workers dealing with sexual harassment in the workplace.

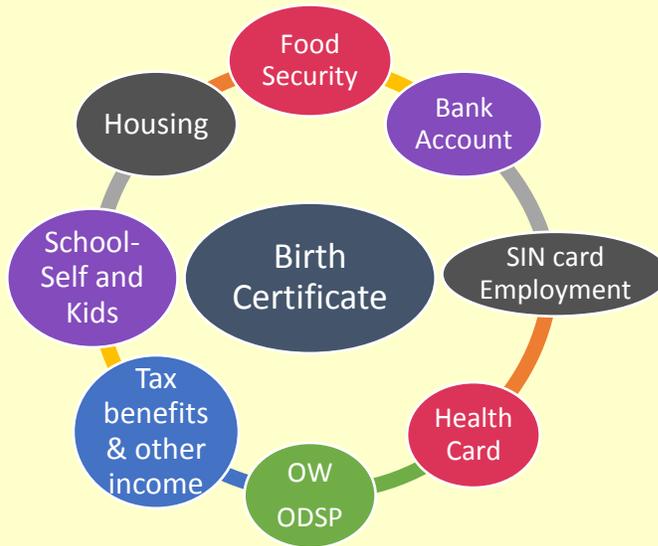
This project is funded by the federal Department of Justice and the Law Foundation of Ontario.

Awenen Niin ID Services



Kinna-aweya Legal Clinic’s Awenen Niin ID Services Program assists vulnerable populations, particularly Indigenous people, to obtain identification, through paying the upfront cost of birth certificate applications. We also provide a safe place to store identification in the Awenen Niin ID Bank, where ID is stored in a locked, fireproof cabinet, and is available for folks to sign in and out whenever they need their ID

Here’s just a few examples of why having a birth certificate is so important:



Partnership and capacity building- Partnerships and collaboration are an important part of the work that we do. We can’t do this work alone. We’ve recently signed new MOU partnership agreements with Elizabeth Fry, Roots to Harvest and BISNO and we look forward to working with them as well as continuing the work with our other MOU partners which include: Lakehead University Community Legal Services, Lutheran Community Care, and NorWest Health Clinics.



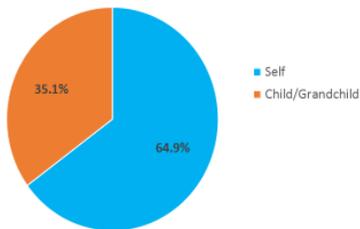
ID Clinics- Plans are underway to organize a safe way to be able to offer ID Clinics to those folks that need their birth certificates for themselves, their children or children in their care.

Save the Dates: Upcoming 2020 ID Clinics will be on September 24th, October 15th, and November 3rd.

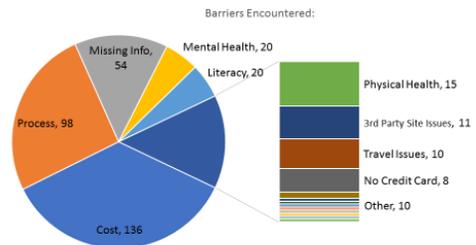
Stay tuned for more details!

Research- We continue to work closely with Dr. Kristin Burnett, and Dr. Chris Sanders, who are conducting an independent evaluation of the ID Services program. The following are some examples of the data that has been collected through our ID Clinics.

Who ID Was For:

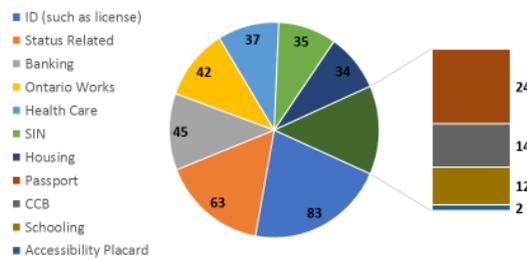


Barriers Encountered:

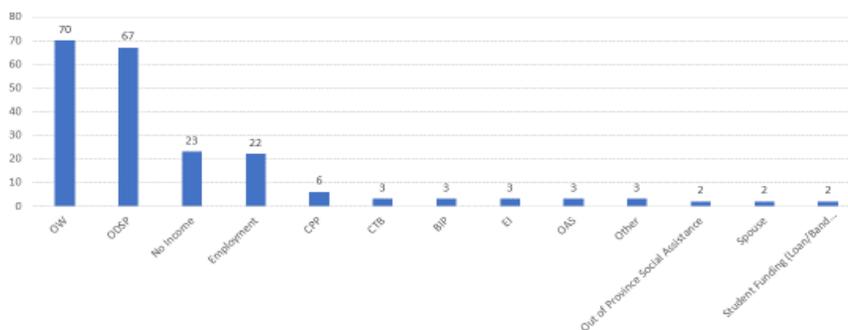


Services Needed:

Services Birth Certificate is Needed to Access:



Primary Source of Income:



Cell Phones to People Project

Kinna-aweya Legal Clinic, as part of their work with the Breaking Down Barriers to Employment and Training working group, was involved in an innovative project which arose as a result of the pandemic. As you can imagine, once libraries, malls and resource centres started closing their doors at the outset of the pandemic, a lot of people were left digitally disconnected. This was concerning for so many reasons. Digital access is required in order to access food security, primary care appointments, mental health counselling, peer groups, housing, income supports, employment opportunities, harm reduction, addictions support, custody visits, and access to justice etc.

The Breaking Down Barriers to Employment and Training working group, a collaborative group of local organizations, applied to the Thunder Bay Community Foundation and United Way Covid-19 Emergency response fund in order to be able to purchase 50 cell phones to distribute to the most vulnerable people affected by the pandemic so that they would be able to connect to much needed services, resources and supports. A partnership with Tbaytel was formed and they provided a free three month data plan to go with the phones. In addition, 5 wifi hotspots were installed in low income social housing units to ensure that folks would have access to the internet. The group was recently awarded additional funding so that the project can move forward and they will be holding a cell phone drive in the fall so stay tuned!

Basic Income Class Action

A class action lawsuit has been filed on behalf of all the participants in the Ontario Basic Income Pilot. It was supposed to be a three-year pilot program and was cancelled in 2018 after only one year. There were about 1,000 people in Thunder Bay who were enrolled in the Pilot. The class action claims that the cancellation of the Basic Income Pilot amounts to a breach of contract and a breach of the *Canadian Charter of Rights and Freedoms*.

Arguments were made in court for the lawsuit to be certified as a class action and a decision about that first step is expected soon.

If you were a recipient of the Ontario Basic Income Pilot and you want to be updated about the case you can fill out a form with the lawyers who are acting for the recipients, Cavalluzzo. Their website is www.cavalluzzo.com/basicincomeclassaction.

Commissioning Documents

The Kinna-aweya Legal Clinic suspended commissioning services in March 2020 because of the COVID-19 pandemic. In normal circumstances, the legal clinic offers drop-in commissioning services for community members on Friday afternoons at the Thunder Bay office. Because of the continued public health concerns, we are offering limited commissioning services. Currently we are commissioning documents for clients who are (1) financially eligible for our services and (2) cannot access commissioning services elsewhere. We are encouraging clients who require commissioning services to call our office in advance to make an appointment. Clients who do not have access to a telephone are welcome to ring the doorbell at the Thunder Bay office for assistance.

CERB and Social Assistance

The Canada Emergency Response Benefit (CERB) was rolled out in April to help people who had lost their jobs due to the Covid-19 pandemic. It was a very simple application process and there was no documentation required to apply.

Recipients of OW and ODSP who had been working were eligible for CERB. It is treated the same way that income from employment is treated. A bit less than half of what was received is deducted from your social assistance.

Unfortunately there were quite a few people who received CERB in error and will likely be required to pay it back by the federal government. IF their provincial social assistance is reduced and they have to pay back the federal government that means that they will be paying back more than they received.

Our office has been helping social assistance recipients who received CERB in error make voluntary re-payment arrangements and stop the deductions from their social assistance.

CERB Repayment (Canada Revenue Agency)

The Canadian Emergency Response Benefit was set up by the federal government to provide income to people who lost their jobs due to the covid-19 pandemic. There was a very simple application process, and we have spoken with many people who applied for and received the benefit who weren't actually eligible. It is causing problems for people on social assistance, and CERB is taxable income so it will have to be reported on next year's tax return.

We don't have any idea when Canada Revenue Agency will be in a position to audit the receipt of CERB. The government has been asked to not require repayment by low income recipients, but we do not know yet what position they will take about the necessity of repaying CERB received in error.

At this time our best advice to those who received the benefit in error is that they should contact the Canada Revenue Agency to acknowledge that they now understand that they were not eligible, and would like to make arrangements to repay the benefits that they received. You can contact the CRA's Virtual Office Calls Allocation System (VOCALLS) at 1-800-675-6183 to make a repayment plan, and they will send you remittance vouchers. You can make payments to CRA at any bank.

If you use in-line banking you can make instalment payments through My Account – CRA Online at <https://www.canada.ca/>, or find Canada Revenue Agency as a payee. You will need to have your Social Insurance Number. You can also mail a cheque or money order to the CRA.

If you need more information about repaying CERB please contact our office.

Impact of CERB on Rent Geared to Income Housing Rent Calculations

Tenants who received a payment(s) from the Canada Emergency Benefit (CERB) may face higher rent costs because the CERB is considered income in the calculation of rent geared to income subsidies.

Tenants who qualify for the CERB payment(s) because they were unable to maintain their employment due to COVID19 restrictions will experience rent increases. These rent increases are based on regulations set out in the *Housing Services Act*.

The Thunder Bay District Social Services Administration Board (TBDSSAB) has forgiven rent increases in situations where tenants received a CERB payment(s) but did not qualify for the CERB because they did earn more than \$5,000 in 2019 and/or they did not lose their employment due to COVID19 restrictions IF the tenant has provided their Property Manager with a Declaration Statement.

The Declaration Statement is a tenant's acknowledgement that they received the CERB payment in error, and that the tenant is or will be making arrangements to repay the federal government for the CERB payment(s) received.

TBDSSAB Property Managers have referred many tenants to the Kinna-aweya Legal Clinic for assistance with completing and obtaining a Declaration Statement.

Tenants who did not qualify for the CERB payment(s) are encouraged to contact Kinna-aweya Legal Clinic for advice.

Tenant Rights During COVID-19 Pandemic

What to do if you cannot pay rent?

The most important thing to get help as soon as possible. Don't delay and wait until the arrears have accumulated too high. The Local Ontario Works Provider and other social service organizations may have funds available to assist in these situations. In some cases Indigenous community member's bands have funds available.

If you are having trouble paying the rent, **talk to your landlord**. You may be able to work out a repayment plan and avoid eviction and legal fees. Make sure it is reasonable, take into account what you need to meet your basic needs and go from there.

Consider advising your Landlord to investigate **specific relief for landlords** during for COVID-19. (I.E. Mortgage Payment Deferral). Landlords should contact the Landlord Self-Help services for their own information on possible financial relief.

When can my landlord enter my home?

The law says that a landlord can only enter a tenant's unit in specific circumstances. In most cases, the landlord must give the tenant 24 hours written notice, state what day and time they will enter (between the hours of 8 a.m. and 8 p.m.) and state the reason for entering the unit. There are some exceptions to this requirement, for example, in case of emergency. If the landlord has a valid reason for entering the unit, a tenant should not reasonably refuse to let the landlord in.

However, during the pandemic landlords are encouraged to **request entry only in urgent situations** and to follow physical distancing guidelines (Government of Ontario Recommendation). Landlords who are selling tenant-occupied homes are **strongly advised** to follow the guidance of the Real Estate Council of Ontario and **avoid in-person showings**.

As always, landlords are subject to the Human Rights Code and have a duty to accommodate tenants (i.e. if tenant is immuno-compromised or suffers from severe anxiety due to current state of public health), which may mean deferring non-urgent inspections.

If you have any questions or concerns about your rights as a tenant during the pandemic please contact our office and speak to an intake worker.

Indian Day School Class Action

A settlement has been reached in a lawsuit that was filed on behalf of all students who attended and suffered abuse or harm at Federal Indian Day Schools that were operated by the Government of Canada. The Claim Form is available on-line at www.indiandayschools.com. The deadline to file a claim is July 13, 2022.

Our office can help people complete their claim form if they need help completing it or getting supporting documents. A level 1 claim only needs to be signed, and witnessed. If your claim is for a higher level our staff can commission the Declaration that is required once we start doing commissioning again.

Filling out the claim form can be emotionally difficult or traumatic. Counselling services are available from the Hope for Wellness Help Line at 1-855-242-3310 or on-line at www.hopeforwellness.ca.

Many communities have staff in the Band office or from their Tribal Council who are assisting with applications. You can also contact the class counsel (the lawyers who filed the lawsuit) if you have questions or want help with your claim. Their number is 1-844-539-3815.

Food hampers to help clients



Food hampers for clients! Food items are donated by staff and put together by volunteers and little helpers during the Christmas break. The hampers are then given to clients in January.

Update from Geraldton office

The Geraldton Branch office of the Kinna-aweya Legal Clinic provides services to the Municipality of Greenstone which includes; Geraldton, Nakina, Longlac, Caramat, Jellicoe, Beardmore and to the surrounding first nation communities of Aroland, Long Lake #58 & Ginoogaming and Rocky Bay. The clinic has intake hours for legal matters from 9am-12pm Monday to Friday. The Geraldton branch office is staffed with one full-time Community Legal Worker and Legal Administrative Assistant. Though the branch office is small it sees constant traffic through its door for requests for services in a variety of areas of law.

The Geraldton branch office recently benefited from 2 new signs on the outside of its building. The signage is modern and bright and really makes the office stand out and much easier to find when driving down the Main Street.

In early February the Legal Worker presented to a full classroom of young, bright indigenous students at the Geraldton Composite High School about clinic services. The session's topics included the importance of having proper identification and reasons why it will be useful as they become adults and entering the workforce. A brief discussion was also had on the importance of filing income tax returns and their functions when one starts working and paying income tax. A lot of laughs were had once the students understood that though the government does get generous at times with benefits/credits, it also unfortunately keeps a good portion of a person's salary by way of deducting taxes. The Geraldton branch office continues to take part in the Community Volunteer Income Tax Program which is administered with the assistance of the Canada Revenue Agency. A number of Income Tax Clinics are usually held in various communities every year but this year because of COVID only 1 clinic was held in early March. Though the branch office had concerns on how this essential service was going to be delivered with COVID and the travel restrictions, First Nations Band Members and staff were all very accepting of the clinic's decision to cancel the income tax clinics and accepted our offer to post notices in their communities that our clinic was still accessible by fax/email/telephone. Clients have been extremely supportive of our decision and have reached out to us by calling and submitting their tax information by fax/email. On a few occasions, some have had to come to the clinic to drop off their information. For those who had no alternate way to get us the information besides coming to the clinic, safety measures put in place to protect employees and clients were followed and respected.

Update from Marathon office

What can I say, the year 2020 has been a different one.

It's has still been a busy year here in the Marathon Branch Office. The challenges have been very different this year with COVID-19. Working from home has presented its own challenges, but it has been a good learning experience. The Community Legal Worker and Administrative Assistant worked day about between the office and home.

Due to the Covid-19 Pandemic, the Community Legal Worker has been unable to travel to the surrounding communities that we provide service to since the beginning of March. These communities include Manitouwadge, Terrace Bay, Pic River First Nation, Pic Mobert First Nation and Pays Plat First Nation.

Our office participated in the Volunteer Income Tax Program again this year. This program is a partnership with Canada Revenue Agency and has proven to be a very essential program in our area. This program is designed to assist financially eligible people complete their tax returns in order for them to qualify or maintain their government funded benefits. These benefits include GST, Ontario Trillium Benefits and Canada Child Benefits. Our clients rely on these monthly benefits. We were only able to hold one workshop in Manitouwadge before Covid-19 prevented us from travelling to our surrounding communities. Even though we were not able to travel we were able to complete the income tax returns by getting the client's information over the telephone and the client either dropping information slips under our door, faxing or emailing them to us. Canada Revenue Agency extended the deadline from April 30th to June 1st for people to submit their returns. We are still getting and completing income tax returns from people.

I continue to do hearings for Ontario Disability Support Program denials, Canada Pension Plan Disability denials and Landlord Tenant issues. Most of these hearings are now being scheduled as telephone hearings so there will be less contact. Hopefully someday we will all be able to get back to video hearings. Our office also provides Tenant Duty Counsel Services over the telephone for the surrounding area for tenants with various tenancy issues – which include eviction, maintenance issues, etc.

Due to this interesting year of Covid-19 there has been a lot of training sessions available through webinars, which has been great. We were only able to travel to Thunder Bay in January for our Annual Board/Staff Planning Session. At that time we also participated in an All Staff Meeting, a Training Session and a Wellness Session. In April we participated in our Training/Wellness Session virtually. It worked out really well.

The Marathon office, along with the Thunder Bay and Geraldton offices, are now starting to prepare to once again open to the public. We have just had a glass partition installed as a barrier between the client and ourselves to help with the distancing and no contact when they first walk in. We have also put a screening process into place. We will also be providing masks and gloves for the clients if they do not have one if they need to come into the office. We are hoping to open up after the long weekend in September.

I look forward to an interesting year ahead!

Miigwech
Miriam McCutcheon
Community Legal Worker
Marathon Branch Office
Kinna-aweya Legal Clinic

STAFF

Jessica Barry
 Sally Colquhoun
 Kim Facca
 Patricia Fenton
 Esmā Haider
 Teri Hofer
 Cindy Johnson
 Iris Johnson
 Katrina Langevin
 Tracey Lasook
 Pam Leblanc
 Claire Littleton
 Angie Lynch
 Melanie MacKenzie
 Miriam McCutcheon
 Claire McDowell
 Julia Michano
 Beth Ponka
 Caycie Soke
 Larissa Speak
 Chantal Walterson

Administrative Assistant
 Co-ordinator of Legal Services
 Community Legal Worker/RSW
 Executive Secretary
 Community Legal Worker (contract)
 Administrative Assistant/Bookkeeper
 Assistant Director of Administration
 Librarian
 Summer student/Law student
 Community Legal Worker/Paralegal
 Administrative Assistant
 Staff Lawyer (on leave)
 ID Services Coordinator
 Community Legal Worker (on leave)
 Community Legal Worker
 Staff Lawyer (contract)
 Administrative Assistant
 Director of Administration
 Staff Lawyer
 Staff Lawyer
 Community Legal Worker/Paralegal

Thunder Bay
 Geraldton
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 Geraldton

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Thunder Bay
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We're on the Web! Visit us at:

www.kalc.ca



Dates to Remember

Our Area Community Meetings are coming up in September and we are planning to go ahead with in-person meetings with limited capacity. Additional participants can join by zoom. Register early to ensure that you secure your spot in person! We will be providing \$25 gift cards for all members who participate in our meetings as well as individually wrapped food for in-person attendees. Please come out and support the legal clinic! We will be electing members to attend our Annual General Meeting which will be held at the Valhalla Inn on Saturday, October 24. We will also be electing members to our Board of Directors in Nipigon, Geraldton, and Thunder Bay.



AREA COMMUNITY MEETINGS 2020

Armstrong

Tuesday, September 22, 2020 at 6:00 p.m.
Whitesand Health Centre Board Room
Supper provided
Mary Day's term expires

Geraldton

Tuesday, September 15, 2020 at 6:00 p.m.
Metis Nation of Ontario, 404 Main Street, Unit E
Supper provided
Andrea O'Nabigon's term expires

Marathon

Monday, September 14, 2020, 12 noon
Zero-100 Motor Inn, 21 Peninsula Road, Marathon
Lunch provided

Nipigon

Wednesday, September 16, 2020 12 noon
Nipigon Legion, 102 5th St.
Lunch provided
Board vacancy – one year term

Thunder Bay

Friday, September 25, 2020, 12 noon
Prince Arthur Hotel, Provincial Room
17 N. Cumberland St., Thunder Bay
Lunch provided
Cindy Whittington and Jamie McGinnis' terms expire

Annual General Meeting

Saturday, October 24, 2020
Valhalla Inn, Ball Room
Lunch provided
9:00 a.m. to 4:00 p.m.

