

**Kinna-aweya Legal Clinic
Board Meeting Report
Coordinator of Legal Services
Sally Colquhoun**

Meeting Date: November 26, 2022

Client Service

Our office doors have been unlocked for several months now. Clients appreciate being able to come right in and speak to someone, and community members are starting to come back in to use the phone and get a snack. The Health and Safety Committee has been having discussions about whether it is appropriate for community members to use the bathrooms in our Thunder Bay office.

Statistics

Based on the first three quarters our numbers of cases and summary advice matters in 2022 will reach pre-pandemic levels by the end of the year. Things are quite busy and often intake in Thunder Bay is not available for people who are calling with a matter that is not an automatic file opening. It can be very frustrating for someone who has called several times only to be asked yet again to call back on the next intake day. It is also difficult for the support staff who are asking people to call back another day. We will be discussing this issue at our staff meeting on November 22nd.

Personnel

With just a few weeks left until my retirement date at the end of December, I am feeling a whole range of conflicting emotions. I would like to thank the Board for granting me the honour of honorary membership in the clinic. That sentence is a bit repetitive but it is accurate. It is a great honour and I am very appreciative. Kinna-aweya Legal Clinic has been an amazing place to work for all of these years and I have always appreciated the support of the Board of Directors. I am grateful to have had the opportunity to do this work.

I am very thankful that Claire will be replacing me as I am confident that she will do an amazing job as Coordinator of Legal Services. There were periods in the past when I thought that I would never be able to retire but we have been so fortunate to hire smart young lawyers who are dedicated to the work that we do. Claire has a broad knowledge of issues in the clinic system and keen awareness of issues specific to our clinic and our communities. She and Beth will make a great management team.

Legal Aid Ontario

We were very disappointed to learn that much of the senior management of LAO, including the new Chair of the Board, were in Thunder Bay for a meeting with the Board

of Nishnawbe-Aski Legal Services Corporation in October. They didn't contact us to advise that they would all be in town, or make any effort to reach out while they were here.

Beth and I plan to reach out to the regional LAO management to ask for an opportunity to meet with them, as we haven't had any contact with them for some time.

Casework

The dysfunction at the LTB continues, with significant delays in hearings being scheduled, and unprecedented delays in decisions being released.

ACTO has met with the LTB to propose a new regional scheduling process; we have been asking them since they moved to electronic hearings to schedule hearings geographically as they did in the past. It would be helpful for our staff if we didn't have LTB hearings every week. We are using the new LTB Portal for filing applications and serving documents.

We have had numerous SBT hearings postponed, often at the last minute, because an adjudicator was not available. That is very hard for clients who have in some cases been waiting years for their hearing.

The eviction prevention project funded by the federal Reaching Home project has been really helpful for our clients and our legal workers.

We have been contacted by several tenants who were abruptly evicted from their rooms in cluster units at Andras Court that were rented to them by Elevate NWO. We think there is a strong argument that they are tenants pursuant to the *Residential Tenancies Act* and should be protected from arbitrary eviction. Elevate says that they are providing emergency shelter and are exempt from the Act. We have filed an application at the LTB for a determination as to whether the Act applies, which will be hearing in early January.

We were successful in two long-standing disability appeals for clients whose appeals were denied after hearings in 2021. We requested reconsideration hearings and the clients were both granted after the reconsideration hearings. Both clients will receive significant retroactive benefits.

Training

The northern clinics are holding the first northern regional training session in three years next week in Thunder Bay. Each clinic has contributed funds towards the session, with most clinics paying for travel and accommodation for their staff. LAO has not provided any funding for regional training since the budget cuts in 2019, despite advocacy from ACLCO.

We take advantage of electronic training opportunities for staff but in-person training is incredibly valuable. There have been a number of electronic training sessions organized by specialty clinics and the CRO that our staff have attended, including a session about Active Listening organized by ACTO.

We did the Kairos blanket exercise and other cultural training as a group when the branch office staff were in town for the AGM. Ann has been teaching us a word of the week in Anishinaabemowin, and we also review and discuss one of the Calls to Action from the Truth and Reconciliation Commission Report at our weekly staff meeting.

Community Development

1. Bora Laskin Faculty of Law

We have done the application to have Matthew Jollineau do his third year placement here next fall through the Closed Stream Placement Process. Hopefully he will be able to be here in summer as well. He is working for us part time during the school year in the ID services position funded by TBDSSAB.

We have also indicated that we would be willing to take a student through the Open Stream but haven't heard yet whether any students have applied.

The LUCLS clinic at the law school stopped taking referrals and we plan to meet with them to discuss what is happening that they can't take on new matters.

2. SHIW Project

Esma is working with other SHIW staff in other clinics to develop electronic materials to share through social media, and presenting public legal education sessions. I attended a meeting of the SHIW Advisory Committee.

3. Public Legal Education

We have done a number of PLE session in our communities. Caycie did a presentation to the Speaker's School class about clinic services. We will be meeting with the caseworkers at the ODSP office to tell them about the work that we do and who they should be referring to our office. Kim staffed a booth at the Rockin Recovery event to let community members struggling with addiction know about our services.

4. Meeting with ODSP Managers

Claire and I met with the Managers of the ODSP office to discuss systemic issues. Communication with the Ministry office is more challenging now since Covid; we are encouraged to send communications by email and there is a third-party company that sorts the emails. Often it is several days before the caseworker dealing with the issue gets a copy.

5. Meetings with MPPs

Beth and I met with the two new MPPs and some of their staff in early August. We spoke to them about the work that we do and mutual referrals.

6. Steering Committee on Social Assistance

Claire is the Co-Chair of the SCSA, a provincial legal clinic committee that works for systemic change with respect to social assistance. They have had a number of meetings with the Ministry and the SBT recently. Our clinic was asked to attend a meeting with SBT management about their ERO Improvement Pilot project and whether we would like to take part in the pilot.

Other

1. Indian Day School Class Action

The final deadline to request an extension to file a claim for the IDSCA is coming up soon. It is an individual request and there aren't clear criteria as to how they are making decisions about the extension requests.

2. Computer upgrade

We went through two separate computer upgrade projects and for the most part staff are happy with their new computers. We haven't done the upgrade to Office 365, which likely will happen in the spring.

3. Clinic Resource Office Caseworker Advisory Committee

I am the northern representative on the CRO-CAC, and will be attending my last meeting this week. The ED of the CRO left suddenly in the spring and they will be moving with the rest of the LAO staff to new office space that doesn't meet their needs.

4. Other

I attended a number of meetings including a case management meeting, and various staff meetings and file reviews. I missed what would have been my last work-related trip to Geraldton in September when my spouse got Covid but was able to attend the ACM in Thunder Bay and the AGM and say goodbye to long-time members of the clinic.

Respectfully submitted,

Sally Colquhoun,
Coordinator of Legal Services.