



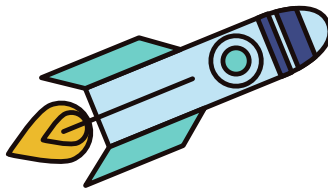
Scarborough
Community
Legal Services

2023

ANNUAL REPORT

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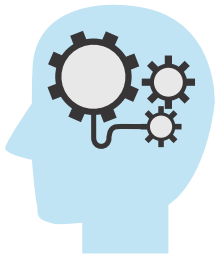
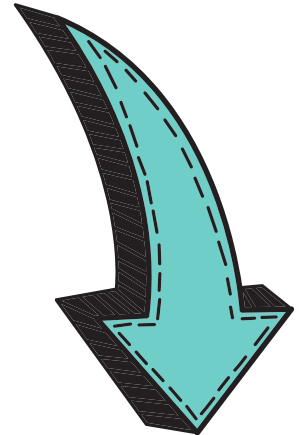
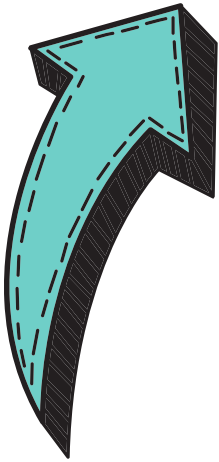
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MISSION

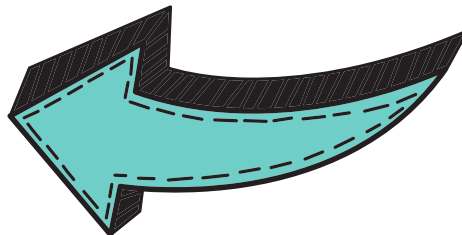
Scarborough Community Legal Services assists low-income individuals and groups access justice and protect their legal rights by providing free legal services and working to change systems to benefit people living in poverty. We work with community members, organizations, and social justice groups to achieve our mission.

Our four key strategies are:
legal services, legal education,
community development,
and law reform.



VALUES

Respect
Diversity, Inclusion, & Equity
Accessibility
Social Justice
Community
Collective Action
Excellence & Accountability
Expert & Caring Staff



VISION

We envision a community where all people can access justice, have equality of opportunity, and live free from discrimination and poverty.

MESSAGE

FROM THE CHAIR & EXECUTIVE DIRECTOR

Daniel Greanya & Renee Griffin



Scarborough
Community
Legal Services

Dear Friends,

For over forty years, Scarborough Community Legal Services has been increasing access to justice for East Scarborough's most vulnerable communities. It is our outstanding team of staff, volunteers, and partners who are responsible for our impact. Through our Annual Report, we are excited to share the dedication of our team and highlight our accomplishments and successes.

Over the last year, we have seen an increase in demand for legal services, with a marked increase in demand for cases related to housing and eligibility for the Ontario Disability Support Program. As our community continues to grapple with the unpredicted changes brought on by the COVID pandemic, they are also facing a deepening housing crisis, rising food costs, and an unprecedented rise in inflation. Each day we see the impacts of these systemic issues on our community members as they struggle to meet their daily needs. However, our community is strong. Community members have come together to collectively fight against unfair and unjust systems over the last year and we continued to be inspired by the resilience of our community.

Throughout the last year, we were excited to complete our transition back to in-person services. Our intake services are once again available all day and our office re-opened for walk-in services for new clients. We also returned to hosting and attending in-person workshops and events to build connections and share legal information with our community members. Like many organizations, however, we continue to embrace a virtual and hybrid service delivery model and have the flexibility required to meet our clients' needs in the way that works best for them.

We continue to be impressed by the dedication and perseverance that our staff bring to their work, and we want to take this opportunity to express our sincere gratitude to them for their impressive efforts over the last year. We thank our staff and students for their tireless efforts and the invaluable part you play in the success of our clinic.

We also want to thank our volunteer Board members who support and assist all the clinic's efforts to remain responsive to our community. Next year will be a year of transition for the leadership of the clinic, as we say farewell to four of our Board members, including our former Chair Anjala Kulasegaram, Secretary Susan Fletcher, long-serving Director Yusra Murad, and Director Anna Aidoo. Together you have given decades to the clinic. We wish you only the best in your future pursuits and sincerely thank you for your unwavering dedication to our community.

It is always a challenge to summarize our work in just a few pages, but we encourage you to review this Annual Report and learn more about our work. Over the next year, we will continue to adapt and thrive. We are committed to continuing to provide meaningful and accessible services to our community and look forward to working with you in the year ahead.

Best regards,

Daniel Greanya
Chair of the Board

Renee Griffin
Executive Director

COMMUNITY UPDATE

COMBATING ANTI-BLACK & ANTI-INDIGENOUS RACISM

In October 2020, following a summer of reflection and careful consideration, we shared a statement of support for Black and Indigenous community members living with the daily realities of violence and racist systems of oppression. We pledged to listen and learn how to do better as an organization. We are committed to implementing our action plan to better serve our Black and Indigenous community members and to take meaningful steps to address anti-Black and anti-Indigenous racism throughout our work.

Further to our commitment to transparency and accountability, we are providing our community with an update about the actions we have taken over the last year and about our plan for the future:

- We continue to collect race-based data and utilize our protocol which includes information about the intent for the collection and use of this data.
- We have used the anti-racism policy lens created by our Policy and Anti-Racism & Anti-Discrimination Committees to great effect this year. Our multi staged review has been completed on almost all clinic policies. Additionally, we have developed several new policies to further our commitment to combating anti-Black and anti-Indigenous racism and to support fair labour practices. These include new policies on job advertisements, interview procedures, and living wages.
- We have also completed our review of the *Ontario Non-Profit Corporations Act* and drafted the related changes to our Bylaws and Letters Patent, making further adjustments through our combating racism policy lens.
- We hosted many learning events throughout the year focused on celebrating Black and Indigenous Communities and LGBTQ2S+ Pride. In several cases, we opened the learning event to attendees from the entire legal clinic system.
- We have begun data analysis to better understand our catchment area's demographics using data collected through our case information management system and information from the most recent Canadian Census.
- We have received a Discretionary Grant from the Law Foundation of Ontario to fund a pilot project, "Communities Building Justice Together (CBJT): Increasing Access to Justice for Indigenous and Black Communities in Scarborough". We deeply thank the

Law Foundation of Ontario for their support of this work. This pilot will build and develop community-led resources with East Scarborough's Black and Indigenous communities. We will develop and deliver public legal education events, materials, and resources relevant to the needs of these communities. Further, with the Black and Indigenous communities, we will provide support in navigating the legal system and provide a platform for community development and organizing around access to justice issues. This work will be fundamentally grounded in a comprehensive, community listening process which will guide us with respect to the specific legal needs of Indigenous and Black communities in East Scarborough.

- We have continued to review our hiring and retention practices to ensure the diversity of our staff reflects the community we serve.

Over the next year, we will continue to work diligently on our action plan and commit to taking the following actions:

- We will continue to develop and host anti-racism and anti-discrimination learning events for our staff and Board, the clinic system, and the community.
- We will work with the Association of Community Legal Clinics of Ontario (ACLCO) to develop a mentorship program for new clinic staff — with a particular focus on supporting Black, Indigenous, and other racialized staff.
- We will complete a community listening process with our Black and Indigenous communities to better understand their legal needs and how to meet them.
- We will develop and deliver new public legal education and outreach materials to meet the needs of our Black and Indigenous communities.
- We will continue to review our hiring and retention practices to ensure the diversity of our staff reflects the community we serve.

We will continue to take concrete steps toward holding ourselves accountable and engaging meaningfully in the fight against racism. Our clinic will provide bi-annual updates of our progress at Annual General Meetings and in our Community Newsletter. We know that the task ahead is a daunting one, but we are committed to creating a diverse and inclusive workplace that meets the needs of our community. We welcome feedback from our community.

LEARNING TOGETHER!

LEARNING EVENTS AT SCLS IN 2022-2023

A Celebration of Black History Through Artistic Expression
with Ontario's First Poet Laureate



Randall Adjei, Ontario's first Poet Laureate, joins us to reflect on wider Black history in Ontario and his own experiences growing up in Scarborough through poetry that highlights injustice, brings together community, and inspires joyful transformation.

Date: 10 February
Time: 3:30 PM to 4:30 PM
Register Here:
https://aclco.org.zoom.us/joining/register/tZ0uc-yuqzgiH9ARX4paW_ijqR3gtSvBJPvU



Scarborough Community Legal Services

Scarborough Agencies with Programs for Black Communities Virtual Fair
with guests from agencies including...



Date: 17 February
Time: 3:30 PM to 4:30 PM
Register Here to Join on Zoom:
https://us06web.zoom.us/joining/register/tZUlcOmorjooGdVxHiLIJ_2Vet5PGpjiurIox



Scarborough Community Legal Services

Black History Month Panel
De-Villainization of the Black Aura
A Discussion of Now in Government, Law and Society
"Whither We Go From Here"



Channon A. Oyemiran: Historian, Author, and Speaker
Gordon Cudjoe: Adjunct Professor, York University, Osgoode Hall Law School
Brennan Bempang: Community Organizer and Former Candidate for Metro Council Ward 10
Danardo Jones: Assistant Professor, University of Windsor, Faculty of Law

In recent years, the increased acknowledgement of Anti-Black Racism by the Justice system—the Courts, government officials and the police—has raised hope that rapid change was on its way. But were these words followed by action? Our panel tackles the response of these systems to Black communities' calls to action and accountability while asking the difficult questions about how to move forward. Panelists will assess these systemic failures and discuss how we break the cycle of modern day bondage created by Anti-Black systems.

Date: 10 March
Time: 3:00 PM to 5:00 PM
Register Here:
<https://bit.ly/SCLSMarch10>

LSO Accreditation for CPE/EBI hours are being sought for this event. Further information on Accreditation will be made available as soon as possible.



Scarborough Community Legal Services

Access to Justice By/For 2SLGBTQ Communities

For Pride Month, join Scarborough Community Legal Services in a panel discussion with Ontario-based service providers and legal workers in discussing the access to justice needs of 2SLGBTQ (Two Spirited, Lesbian, Gay, Bisexual, Transgender, Queer) people. Together, panelists will discuss how 2SLGBTQ communities are responding to these needs, with a special focus on the history of grassroots organizing and mutual aid.

Panelists include...

2 Spirited People of the 1st Nations
Tasha Madassa, Indigi Queer, Manager of the TCCS Crisis Response Pilot

519
Sebastian Comstock, Manager of Legal Initiatives

NS
Heath Soave, Paralegal

Challenges Along the Path
Indigenous Legal Education in Alberta and Ontario



Jennifer David
Senior Consultant
Lead, Truth and Reconciliation Service Basket

Join SCLS in conversation with Jennifer David—member of Chapeau Cree First Nation and NVision Insight Group's lead on Indigenous cultural awareness and cultural competency learning opportunities—as they discuss the challenges to mandatory Indigenous education in Alberta, the response from within the settler legal community, and the importance of supporting First Nations, Inuit, and Métis knowledges, histories, and experiences when dealing with Canada's legal system.

Lunch and Learn Film Screenings:



Journey to Justice

Our staff have held several events and social media information campaigns this year, particularly during Black History Month, International Women's Day, Indigenous Peoples' Month, and Pride. We have also had wonderful opportunities to join community partners to share our work and information about our services, including at the Afro-Carib Fest, the South East Scarborough Pow Wow, Newcomer Night with East Scarborough Storefront, and PSAC's Learn Your Rights! For Black Workers Community Services Fair. These events, along with our many Public Legal Education sessions and other community outreach work, deepened ties with our community and allowed us to continue to build a better Clinic for our members and clients.

2022
2023

Over the last 12 months we opened

2240
new cases

1901

referrals
were made to other
community resources

We opened

89

community
support
files



103

initiatives
related to public legal
education, community
organizing, law reform, training,
& other non-casework related
activities were undertaken

1165 housing cases



700 income maintenance
cases

58% of these cases were
ODSP ELIGIBILITY APPEALS



195 immigration cases

134 employment cases



We closed 1616 cases



46 admin and
other cases

Community Champion Award 2023

PROUDLY PRESENTED TO



**Toronto
Community
Crisis Service**

TAIBU and TCSS are champions for the community of Scarborough who best exemplify the spirit of coming together and supporting collective efforts to achieve equality and improve access to justice.

EMPLOYMENT

TEAM REPORT

Over the last year, as the landscape around COVID-19 has shifted, the employment team has been handling fewer COVID-related matters. However, our usual work around wrongful terminations and workplace issues—particularly for vulnerable workers, workers who identify as women, visible minorities, and persons with disabilities—continued without interruption.

Our partnerships with inter-clinic and intra-clinic groups continued to be a great resource and source of support for the team. We have been an active participant in the Workers' Rights Action Group, an inter-clinic group that meets regularly to discuss current issues that vulnerable workers face and review recent changes in employment law. Likewise, our employment team continues to work closely with the TEEILS program, consulting closely with Richa Sandill of Don Valley Community Legal Services on many employment law files. These partnerships have allowed us to provide an increased level of service to our clients. Those same partnerships have also allowed the team to seamlessly transition while staff lawyer, Tisha Alam, completed her parental leave, and David Gelles filled the role.

Our Employment Team



Tisha Alam
Staff Lawyer



David Gelles
Staff Lawyer



Petrea McConvey
CLW



Anum Malik
Staff Lawyer

Here are some of the highlights of our casework over the last year:

- Our team assisted a racialized client who was a long-term employee at a luxury car dealership. Throughout their long tenure, the client endured years of harassment and abuse ultimately resulting in the client receiving WSIB benefits for the mental distress this treatment caused. Our work had us on the cutting edge of the law, building on a recent appellate decision that held that WSIB recipients could still sue their employers for wrongful dismissal damages. As such, we assisted in preparing a case for our client and the value of their claim was over \$100,000.
- We negotiated a \$20,000 settlement for a worker who had been laid off during the pandemic and subsequently terminated.
- We successfully overturned an EI overpayment of approximately \$20,000 for a vulnerable worker after submitting new evidence to Employment and Social Development Canada.
- We successfully reached a settlement in mediation for a worker at the Human Rights Tribunal for approximately \$2000.
- We filed several human rights applications in the Human Rights Tribunal on behalf of clients who experienced workplace discrimination.
- We advised clients on employment contracts, termination agreements, and severance packages.
- We continued assisting clients with wrongful dismissals, workplace disputes, and human rights issues, including cases where the clients would not have received any termination pay or payment for damages without access to our services.

We also received support from **Richa Sandill**, Staff Lawyer from the Toronto East Employment & Immigration Law Services program (TEEILS) and former, TEEILS Staff Lawyer, **Andrew Langille**.

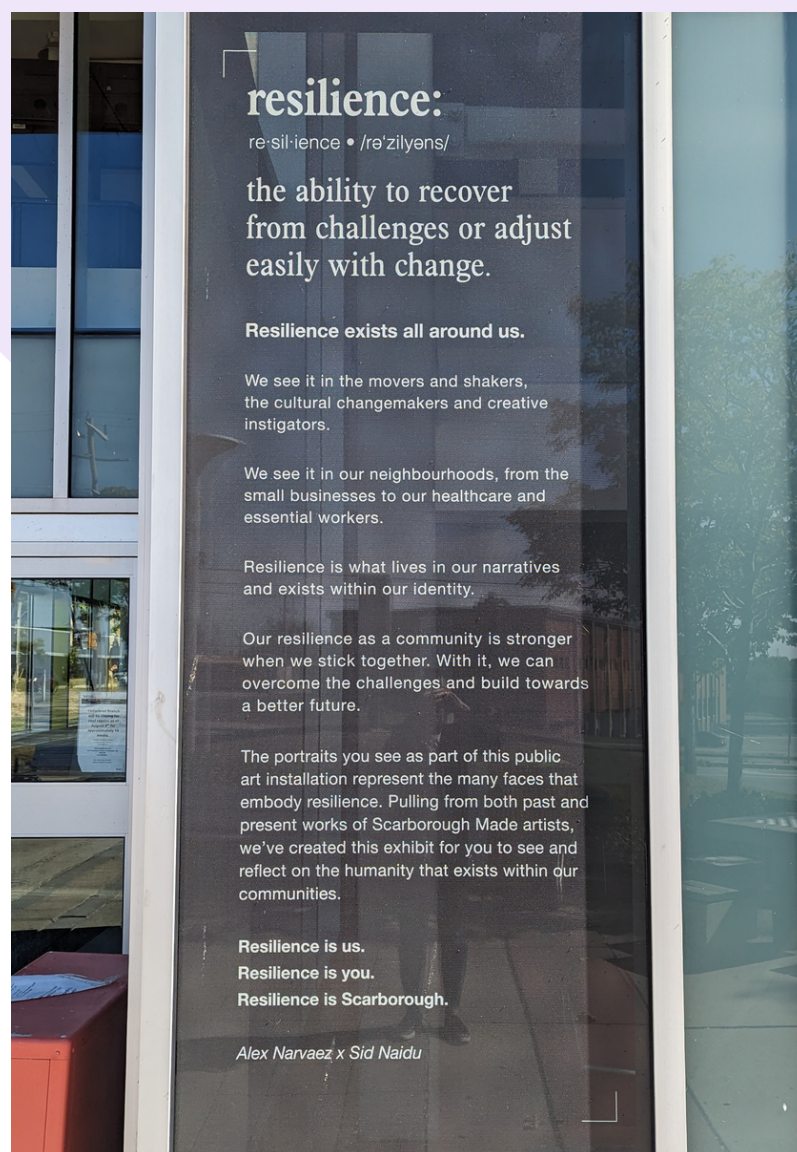
The team also continued its involvement in Public Legal Education (PLE), offering legal education to our community members and agencies. For example, we presented information about the principles employment law and its application to employees at an organization called Project Work. We also attended Centennial College on multiple occasions to provide new graduates with information about their rights as employees. Our PLE events have continued to strengthen our relationships with community partners and help educate vulnerable community members about their rights as employees.

Over the last year, there have been some important changes and trends in employment law, including:

- Infectious Disease Emergency Leave (IDEL) regulations deeming employees to be on leave when hours of work were temporarily reduced or eliminated for reasons relating to COVID expired on July 30, 2022. This is commonly referred to as “deemed IDEL.” As a result of the expiry of “deemed IDEL,” employees are no longer deemed to be on leave and their termination and severance rights under the Employment Standards Act (“ESA”) with regard to layoffs will again apply. Further, regular rules under the ESA about constructive dismissal have resumed. Thus, certain actions of employers in relation to COVID are no longer be deemed not to be a constructive dismissal. This is a positive development for workers.
- Paid IDEL leave was extended until March 31, 2023. While it has now expired, the extension entitled workers to three paid days of IDEL leave if the worker was unable to work for reasons related to COVID.
- Unpaid IDEL remains in place. Employees who are unable to work due to reasons related to COVID will still be able to access the right to be on leave, under the ESA. This will be available for so long as COVID is considered an infectious disease under the ESA's regulations.
- While the “deemed IDEL” rules have expired, there has still not been clarity from courts regarding employees placed on IDEL and whether they were constructively dismissed. Employees placed on “deemed IDEL” prior to its expiry, who want to sue for constructive dismissal, will still face uncertainty regarding whether their employer's actions would be seen as a constructive dismissal.

- Labour Force Survey, 2023 noted that unemployment has remained steady in Ontario, with the rate hovering at 5.6%. This reflects a national trend of a steady unemployment rate that is holding at 5.5%.
- The economic downturn that was expected by many has not materialized—we are not dealing with a recession at this time. Nonetheless, this year inflation has continued to pose challenges, particularly for workers earning minimum wage, or close to minimum wage. Rising costs of living are putting vulnerable workers in increasingly precarious situations, giving them less leverage in leaving bad employment situations, and placing workers who lose their employment in tough financial positions. The team continues to help vulnerable workers access benefits and receive their termination entitlements, helping them obtain more financial stability in these situations.

Our team will continue to assist and support workers with their employment law matters. As the year progresses, the team is looking for opportunities to promote the employment law services we offer.



SOCIAL ASSISTANCE

TEAM REPORT

This past year, the Social Assistance team has continued in its dedication to providing legal advice and assistance to residents of our catchment. We have also undertaken greater efforts with respect to community engagement, with advocacy and public legal education efforts, as well as organizing training for legal clinic caseworkers across Ontario.

In September 2022, benefit rates for the Ontario Disability Support Program ("ODSP") increased by 5%, and future rate increases were to be tied to inflation. This means that every year, it will be assessed if there has been any change to the inflation rates. If the inflation rates have increased, then ODSP rates will also increase. If inflation rates go down or if there is no change at all, then the ODSP rates will stay the same.

This July was the first year where we saw this in practice and the benefit rates for ODSP increased by 6.5%. While any increase in rate is a welcome change, the benefit amounts are still far below what is needed for recipients to be able to afford essentials such as housing, food and other day-to-day needs.

What also remains a concern is that for five years in a row, the benefit rates for Ontario Works have gone unchanged and there is no indication that any increases will be forthcoming in the near future.

With the cost of living continuously increasing, it is deeply concerning that the benefits rates for Ontario Works are the same as they were in 2018.

Despite strong advocacy to increase income support rates, they are still well below the poverty line, and as a result, the increases we have seen in ODSP are not meaningful enough to address the rise in inflation, or soaring food and housing costs. Given this, legal clinics, along with other organizations across the province, continue to advocate regarding the adequacy of social assistance rates.

ODSP Earnings Exemption

As of February 1, 2023, a person with a disability can earn up to \$1,000 a month without it affecting their ODSP income support, benefits or eligibility. This exemption does not apply to a non-disabled member of the benefit unit and there are no changes to earnings exemption rules for Ontario Works.

Canada Disability Benefit

The Canada Disability Benefit remains to be a work in progress. The enabling legislation was passed recently in June 2023 but much work remains in establishing the regulations which will provide the framework for the benefit amount, eligibility requirements, the application and appeals process etc. Given this, there is no timeline provided for when this benefit will become available.

We will continue to monitor the progress regarding this benefit and for any opportunities there might be to provide input regarding the framework of the program.

Our Social Assistance Team



Anum Malik
Staff Lawyer



Randy McLin
CLW



Kinzi Ahmed
CLW



Em Pedota
Articling Student

Josh Carson
Staff Lawyer

Former team member:
Vanessa Kiriakou, Summer Student

Trends in Social Assistance

Based upon 2022/2023 statistics available to us, we have noticed patterns that are applicable to individuals in our catchment area and across the province in general.

Firstly, the Social Benefits Tribunal (“SBT”) has continued to hold almost all of its’ hearings by way of electronic hearing format (telephone or videoconference). A person can ask for an in-person hearing, if their circumstances necessitate this, such as an accommodation request. While our clinic has occasionally had to assist with such accommodation requests, the majority of the clients have proceeded with hearings via telephone or videoconference.

The overall time frame or lifespan of an appeal appears to have decreased, as 70% of all appeals are being dealt with by the SBT within 300 calendar days. While the decrease is welcome, it still remains to be a lengthy process for those appealing decisions relating to much-needed benefits. This is particularly so as in comparison to last year, we have seen increases in appeals across the board in Ontario, as relating to both OW and ODSP matters.

Lastly, the overall grant/denial rates, specifically for ODSP disability appeals, remain similar to the numbers from last year as they continue to hover just below 70% (67.0% Grant & 33.0% Denial).

ODSP Denials and Medical Reviews

A large component of the work of the social assistance team relates to ODSP disability denials. Over the last year, some of the concerns with such files has been the impact of factors such as the discontinuation of covered psychoeducational assessments and increased fees by medical practitioners for medical documentation.

Furthering these concerns are the ongoing challenges residents of Scarborough face with accessing medical care, particularly for primary care and mental health services.

As a legal clinic, we seek to not only provide legal advice and assistance but aim to address underlying concerns. As such, we have also completed outreach to medical practitioners with respect to the completion of ODSP applications as well as fees for additional information.

Additionally, when an individual is approved for ODSP, they may be assigned a medical review date. On review, they can be deemed to continue to medically qualify or can be

denied. With respect to medical review denial appeals, a common issue we have seen is where the medical review is denied due to confusion from medical practitioners on unclear forms issued by ODSP.

We have further been frustrated where medical reviews are denied despite no change of health conditions being indicated by clients’ medical professionals.

Legal clinics have raised these concerns with Ministry representatives and continue to advocate with our allies in the clinic system on behalf our clients, particularly given that the Ministry has indicated that it is currently working through a backlog of medical reviews.

Non-Disability Cases

We continue to assist residents of our catchment with non-disability related decisions of ODSP, as well as Ontario Works and Canada Pension Plan decisions. These issues range from decisions relating to eligibility and entitlement to information requests and immigration status and more.

We have seen an increase in intakes for requests for information/verification, which can be further complicated when the information requested is challenging to obtain. An example of this is when a request relates to marital status (such as separation or divorce) but the clients encounter difficulties in finding family law resources to help them provide this information.

We have also seen an increase in intakes relating to social assistance overpayments and federal COVID benefits, including instances where both OW/ODSP and the federal government have created overpayments and we have to address this so that the clients are not facing overlapping overpayments.

Over the last year, we have also addressed complicated cases relating to lack of proper decisions from social assistance, eligibility of ODSP dependent adults, large and complicated overpayments and more.

We welcome you to visit the clinic’s website for further details, including information relating to social assistance rates, any updates to OW/ODSP and the Canada Disability Benefit etc.

Community Development and Outreach

Members of our social assistance team led many of the clinic's outreach and community development activities this year.

In 2023, we once again participated in Heritage Skills Development Centre's ("HSDC") 12th Annual Afro Carib Fest. We set up a booth, offered free legal information and had an opportunity to speak to many Scarborough community members about the legal issues they are facing. We also participated in East Scarborough Storefront's Newcomer Day where we provided legal information and resources to our newest community members. In addition, we continued to build stronger relationships with the Toronto Public Library and local schools.

In celebration of Black History Month, the clinic hosted a virtual black agencies fair to showcase services offered by Tropicana, Malvern Family Resources and TAIBU. This was a great opportunity to learn how we can better support our black and racialized clients.

Likewise, for Pride Month, we hosted a panel for caseworkers across the clinic system on the topic of Access to Justice By/For 2SLBTQ2S communities - bringing together service providers and legal workers to discuss the access to justice needs of 2SLGBTQ (Two Spirited, Lesbian, Gay, Bisexual, Transgender, Queer) people.

We continued to participate in the Social Assistance Advocacy Committee - a committee of social assistance caseworkers across Toronto to advocate for our clients and increase our knowledge of this legal area. We have taken on a major role in the committee, coordinating training for caseworkers on social assistance matters. Most recently, we hosted a workshop for caseworkers on the topic of estates, trusts and assets for ODSP clients.

As always, we continue to provide public legal education sessions to the broader community as well as to community agencies.

Did you know?

In late 2018, in partnership with West Scarborough Community Legal Services and numerous community activists, we initiated the formation of a new subgroup of the ODSP Action Coalition, eventually called the Social Assistance Coalition of Scarborough?



HOUSING

TEAM REPORT

This past year has seen housing affordability become a mainstay across media. At all levels of government - federal, provincial and municipal - politicians are grappling with questions about the cost of living crisis. While much of the conversation has focused on building affordable homes for purchase (like with the recent Greenbelt Scandal), the 'tenant class' has been largely forgotten. In Toronto, average rents have hit a new watermark of \$2,898 per month—an increase of 8.7% from last year.[1] In East Scarborough, we continue to see working-class people facing displacement from their homes for no reason other than affordability.

With respect to the current state of landlord-tenant matters, we continue to encounter a Landlord and Tenant Board (LTB) mired in delay and bureaucratic complexities. This faltering system, however, still places evictions and the collection of rent as the top priority for scheduling. While the shift to online LTB hearings may be helping to alleviate a backlog of cases, it continues to exclude the most vulnerable members of our community to do so—seniors, newcomers, and those without the means or know-how to join online hearings.

As in previous years, we continue to provide services including advice, referrals, brief services, negotiation and representation to tenants in public, private, and non-profit rental housing and eviction matters for members of housing co-operatives.

Our Housing Team



Janet Brakohiapa
Staff Lawyer



Kevin Laforest
Staff Lawyer



Linda Mitchell
CLW



Petrea McConvey
CLW



Em Pedota
Articling Student

There has not been a significant change from previous years in the types of legal issues we have been assisting with. The predominant issues are still landlord eviction applications including applications for rent arrears, landlord's own use, for cause evictions including; substantial interference with the Landlord and other tenants' rights, illegal acts and impairment of safety.

The current economic and housing crisis in Canada and this city in particular, however, has created significant challenges for us in fighting to prevent tenants' evictions. Our advocacy at the LTB for private evictions has, as a necessity, shifted from not only requesting relief from eviction under *Residential Tenancies Act*, but more increasingly, requesting a delay of tenant's evictions. This is because their tenancies are just not sustainable given low incomes versus high rents charged by Landlords. This holds especially true for tenants who lack rent control under existing legislation.

For tenants facing eviction for rent arrears who live in rent geared to income housing, we often have to deal with extra layers of complexity, including cancelled subsidies and miscalculated rent. Because the *Residential Tenancies Act* prohibits the LTB from dealing with these issues in almost most cases, they have to be resolved before the eviction hearing; otherwise, tenants will have to pay arrears they don't actually owe or be evicted. Another level of bureaucracy is added to these cases when they cannot be resolved informally with the Landlord and a request for review under the *Housing Services Act* must be done.

Many tenants do not understand these rules and if the deadline to ask for a review is missed, our team works to try to get an extension of time to file the request. All of this takes time and if this whole additional process is not completed before the eviction hearing, the only option for these tenants is to try to have the eviction hearing adjourned.

Former staff: **Christopher Lin**, Community Legal Worker; **Vanessa Kiriakou**, Summer Student

Source: [1] Kassam, Zakiya. "Average Monthly Rent in Canada Just Hit a New Record-High, Surpassing \$2,100." STOREYS, 12 Sept. 2023, storeys.com/toronto-vancouver-below-average-rent-increases/.

We continue to have a good rate of success resolving subsidy and rent calculation issues as well as working out repayment agreements for tenants. The majority of these cases come from Toronto Community Housing (TCHC). However, we are noticing a worrisome trend in the number of TCHC cases where the amount of arrears claimed is significantly higher than in the past. Due to the COVID Pandemic along with a number of other organizational factors within TCHC over the last few years, overall arrears in TCHC have increased significantly.

When arrears are high, it is more difficult for low-income tenants to pay back the arrears unless repayment agreements for much longer periods are worked out. One of our strategies for dealing with these cases is trying to have them referred to the Office of the Commissioner of Housing Equity (OCHE). OCHE is independent from the management at TCHC and reports directly to its Board of Directors with a mandate to help prevent evictions for TCHC tenants due to arrears. OCHE is often able to work out more affordable payment agreements based on a tenant's individual circumstances.

We continue to comb diligently and thoroughly through tenants' documents to ensure that Landlords are not claiming more than they are entitled to under the law.

Casework Successes

- A client was illegally locked out of his unit and his possessions were mishandled while he was incarcerated. The details of the client's tenancy agreement were unclear and they had no evidence of items that were lost or misplaced. While our client had paid rent, the Landlord alleged that there was no tenancy agreement and that he had benevolently allowed the tenant to stay in the unit while he needed it. With the help of the clinic, the client was able to file a tenant's application at the Landlord Tenant Board and the matter was settled, with the Landlord paying \$4000 to the tenant to resolve all these issues.
- A client reached out for assistance with an arrears application matter. The clinic reached out to the Landlord's legal representative as the notice to terminate the tenancy was defective. The Landlord still proceeded with the application. The clinic was able to negotiate the arrears down from \$13,000 claimed in the ledger to just over \$5000. The clinic obtained assistance

for the client through EPIC to cover \$4,000.00 of the balance and had the landlord agree to a payment plan for the remaining arrears.

- Our team assisted a vulnerable client and senior living in a Toronto Community Housing unit (TCHC) with an arrears matter and prevented his eviction. He previously had a rent arrears matter. His case was referred to the OCHE, but they recommended filing an application to evict the tenant. After many proceedings at the LTB, it became clear that the client was being financially taken advantage of by scammers and family members. Working with a community agency and the Landlord, the Clinic supported the tenant through an assessment by the Public Guardian Trustee (PGT). The client was found not to have capacity to manage their finances.. PGT was able and willing to enter into a repayment agreement to preserve the tenancy and now handles the client's funds so that he is able to avoid falling into rent arrears and prevent potential loss of his subsidy and eviction.

We have also seen success this year in assisting clients to enforce their rights, for example:

- A client who lived in private housing was evicted by the Sheriff despite having paid off all the arrears he owed. We represented this client at the LTB and were successful. In accepting and agreeing with our submissions, the Member ordered the client and his family back into the unit. When it became known that the unit had been re-rented, the LTB took the rare step of ordering the landlord to provide the tenant an alternate comparable unit and to reinstate the tenancy on the same terms as had previously existed. While this matter is now under review, we remain hopeful that the decision will stand.
- A client who had filed with the Human Rights Tribunal in 2021 with respect to his social housing provider's refusal to transfer him to a two bedroom unit that could accommodate him and his caregiver, was finally given his date for mediation. SCLS represented the client at mediation and we were able to secure the client a transfer to a two-bedroom unit closer to his family.

These matters are but a few of the many we see come through the doors at SCLS week over week. We continue to believe we can make a marked impact on our community, case by case, client by client. We look forward to continuing this work into 2024.

\$20,000 in rent arrears reversed to zero

Our client lived in TCHC with her daughter. TCHC filed an application to evict our client who has multiple disabilities, claiming she owed arrears of over \$20,000. TCHC had cancelled her subsidy and increased the rent from \$109 to the market rent of \$1270. Our client continued to pay her regular rent of \$109 and now, TCHC claimed the difference as arrears. TCHC cancelled her subsidy because income verification for her former roommate/co-tenant was not provided with the annual income review. But our client's roommate had moved out of the unit four years earlier, she had reported that her roommate had moved out, and TCHC did not believe the roommate was still living in the unit.

TCHC said that when a co-tenant moves out, they must provide written confirmation they vacated the unit. Without this written confirmation, TCHC claimed it was unable to remove the co-tenant from the household for the purpose of rent calculation.

TCHC filed an eviction application at the LTB, and a date was set for the hearing. First, we had to resolve the loss of subsidy issue because the LTB has no jurisdiction over the cancellation of subsidies and the tenant would have been ordered to pay the arrears and the market rent or be evicted. We filed a request with the City for an extension of time to file a loss of subsidy review. The tenant had not filed a request for review within the required 30 days because she didn't receive the Loss of Subsidy notice. TCHC had sent the notice by regular mail and addressed it only to the former roommate who they knew no longer lived there.

Many co-tenancies do not end amicably. It is often not possible for the remaining tenant to get the co-tenant who left to provide such a letter to TCHC. Many don't have any reasonable or safe means to contact their previous co-tenants. This is especially the case in situations of domestic abuse, for example. Taken to its logical conclusion, TCHC's position meant that any remaining tenant who was not able to provide a letter from the co-tenant who moved out, would lose their subsidy and eventually face eviction unless they paid the market rent. Not only did we think TCHC's position was wrong in law, it also defied common sense especially because in this case, TCHC didn't dispute that the co-tenant was no longer living in the unit.

We argued that the HSA does not prevent the removal of a co-tenant who vacated the unit from the household composition, in order to base the rent on only the remaining tenant's income. This position also does not interfere with that tenant's rights under the RTA or the HSA. Given that the City defines a household as the people who live permanently in a unit, it was clear that our client was not in breach of the HSA.

The City's Review Body agreed and concluded TCHC was wrong to cancel the subsidy. TCHC reinstated our client's subsidy back to the original cancellation date and recalculated her rent retroactively based only on her income. **This recalculation cancelled out the rent arrears of more than \$20,000 and TCHC withdrew the eviction application.**



IMMIGRATION TEAM REPORT

This has been a year of interesting announcements and programs in immigration law. More than once, we have been initially encouraged by talk and news releases from Immigration, Refugees, and Citizenship Canada (IRCC), but all too often there was little concrete assistance for low-income newcomers in Scarborough.

IRCC continues to struggle with backlogs in processing, particularly in applications to bring the family members of protected persons abroad, citizenship, and temporary resident applications. As IRCC makes changes to some of these programs, we have seen some unexpected positive side effects, including for example the elimination of the visa requirements for some key communities living in our catchment area, including St. Vincent and the Philippines.

As always, we regularly reach out and build relationships here in Scarborough. As much as possible, we visit with community groups to provide public legal education sessions. In particular this year, as we look back to reflect on the many damaging effects of COVID-19, we found ourselves giving a number of talks on the consequences of family violence and relationship breakdown in the context of immigration applications. We are pleased to report that, in the last few months, we have at last been able to meet with community groups in person, and we look forward to new opportunities for collaboration in the coming year.

We continued to work with community members from Afghanistan and Syria who still require flexibility and understanding from IRCC to reunite with family members trapped in dangerous situations abroad. We also saw fresh crises emerge in Sudan, Ethiopia, and Eritrea, which caused a rush to find immigration options.

Overall, newcomers in Scarborough this year faced serious difficulties accessing basic housing and government support. We have seen resilience and innovation from

community members forced to pool resources in desperate attempts to make up for these fundamental shortfalls.

Casework

We would like to take this opportunity to highlight some of the successful cases we have worked on over the last year.

We were retained by a man from St. Vincent who was without status and was facing removal from Canada because of criminal charges from years earlier. We learned that our client was urgently needed here in Canada by his two minor children. These children had at last found a stable home with him and his new partner after surviving very difficult circumstances in their past. We helped our client submit an urgent in-Canada sponsorship application with his common-law partner, and we requested records from the Ontario Courts on his previous criminal matters. After reviewing the Court documents, we also helped this client find a senior criminal lawyer who reviewed his case and then launched a criminal appeal of the conviction. We provided expert immigration opinions to the Court that helped our client obtain a contested extension of time to file the criminal appeal. We then also helped the couple find a family lawyer to help them with shared parental rights and arranged an assessment from an expert child psychologist, who was able to explain the urgent needs of our client's minor children.

We were extremely pleased to learn earlier this year that this client was ultimately approved for permanent residence in Canada after receiving an extremely rare exemption from serious criminal inadmissibility to Canada under section 36(1) of the *Immigration and Refugee Protection Act*. We were glad to be able to provide the kind of expert support and evidence that allowed IRCC to make

Our Immigration Team



Matthew Smith
Staff Lawyer



Kevin Laforest
Staff Lawyer



Janet Brakohiapa
Staff Lawyer

We receive support from **Jennifer Wan**, Staff Lawyer, from the Toronto East Employment & Immigration Law Services program (TEEILS).

this very unusual, but also unquestionably correct and well justified, decision to allow this family to stay together here in Canada.

We also saw a case settle in our favour at the Immigration Appeal Division (IAD). Our client learned during the course of his sponsorship application that he had previous immigration debt. IRCC informed him that being in default on this debt disqualified him from sponsoring his family members. Before he even had the opportunity to confirm the details of that debt or provide a response, the visa office refused his whole application.

Our office filed an appeal of that decision and helped the client enter into a repayment plan for his debt. We also collected humanitarian reasons why his application should continue now that he was legally eligible to sponsor. Sadly, we discovered that government offices would not release any information showing that our client had entered into a repayment agreement. We were forced to proceed all the way to the hearing date before representatives for IRCC finally agreed to settle this case. Since no other issues arose in the appeal, we expect that the application will now be approved and, after this extremely stressful episode for the clients, this couple will get the chance to be together here in Canada. This case ultimately resolved favourably, but the lengths that we had to go to obtain a positive result here should remind us how hard it is for those attempting to navigate these issues on their own.

We also assisted a man from Afghanistan who was struggling to find a way to include his partner in his application for permanent residence as a protected person. We prepared submissions explaining that she meets the criteria to be included as a common-law partner under the *Immigration and Refugee Protection Act*, even though the couple had not been able to live together for a full year. These submissions allowed IRCC to proceed with processing the application. During processing, our client traveled to a third country to marry his partner. We updated IRCC that the applicant was now his legal spouse. Not long after, our client's wife was able to travel to Pakistan to complete the remaining immigration requirements and she is now here in Canada with her husband.

We also had positive result this year in a subsequent Temporary Resident Permit for a victim of family violence for a young woman from Uganda, which will allow her to work and explore her immigration options in Canada. This case is a good example of how minor immigration issues

can lead to significant crises for those without stable status in Canada. This applicant narrowly missed one deadline on a work permit application years ago during a particularly stressful time when she was finishing her education. That one mistake meant that, when a family crisis arose, she found herself suddenly in a very precarious situation, unable to rely on many of the common-sense protections and assurances many take for granted. We were able to respond by assembling evidence from many different sources in order to produce a comprehensive picture of our client's situation. We were particularly inspired during this process by the hard work and remarkable strength of this client. We are very pleased to see that she is now back on track in Canada.

We can also now report that one of our oldest immigration cases at the clinic is now finally resolved. We opened this sponsorship case in 2017, and the application has been languishing with IRCC for many years. Confusing requests and apparent misunderstandings during processing held things up. The delay was so long that many of the basic checks and requirements expired and needed to be redone by the family, causing further delay and expense. Just last month, we were very pleased to celebrate the arrival of three children from the Philippines who were separated from their mother for more than ten years. It was a very long and difficult road for this family, but we were very glad to see this case finally end well.

As this year closes, favourable early responses received on ongoing applications, and some surprisingly prompt responses from IRCC on other issues, make us hopeful for more good results for our clients in the coming year.

Did you know?

In 2016, we joined five other East Toronto Community Legal Clinics to form Toronto East Employment & Immigration Law Services (TEEILS) which supports client services at the member clinics throughout East Toronto in the areas of immigration and employment law.

COMMUNITY SUPPORT TEAM REPORT

In the Community Support Team, we are dedicated to ensuring that our community and clients are being served holistically by building partnerships between legal services and social services. For Scarborough and its residents, 2023 has been a difficult year due to rising challenges in the community related to housing, social services, inflation, and more. Despite these challenges, we continue to focus on the present needs of the community and our clients, with the hopes of a better future.

Notably, we're pleased to announce that our community support worker role is now *permanent*. This is a momentous accomplishment for the community support program, especially in the face of retrenchment in the wider social service sector over the last number of years. The community support team continues to expand through providing placement opportunities for Bachelor of Social Work students during the 2022/2023 Fall and Winter semesters as well as employing a summer student, with funding support from Federal government's Canada Summer Jobs Program. This fall, we are pleased to have two Toronto Metropolitan University social work students who will be completing their 4th-year placements with us. These placement opportunities assist social work students in creating a foundational knowledge of the intersections between law and social work along with aiding in the development of their social work skills and identities. This specific placement equips future social workers with the necessary tools to address gaps in services, develop innovative and creative ways to provide services, and learn how to effectively work with vulnerable clients and communities.

The community support team has continued to create and distribute our weekly housing list to clients, various organizations, and agencies within the community. This list provides an amalgamation of relatively low cost rental unit listings in Scarborough. We have continued to work with other community organizations such as Rent Bank, EPIC, VHA, and more, to aid in keeping individuals and families housed in their rental units. We continue to work collaboratively with other teams like the Immigration and Social Assistance teams to provide intensive case management for clients who are at risk of falling through the cracks. This work highlights client advocacy and strengthens their legal cases through providing letters of support, attending client meetings, and collaborating with other organizations to provide long-term support for the client.

Recently, our team has developed a connection with the North Scarborough Cluster to share weekly resources which are available within the community. These resources range from financial services, educational workshops, employment opportunities, community programs, and more. This has been an essential tool for the community support team in recognising the various services available within the community and which clients may need them the most.

Lastly, we continue to work closely with other community agencies to strengthen the relationships which were impacted by COVID. Moving forward, we aim to re-engage these partnerships, further establish our presence in the community, and continue to provide comprehensive services to all of our clients.

Our Community Support Team



Imbisat Chaudhry
Community Support Worker



Julie Karakkattu
2022-23 BSW Student

Shauna DeSouza
2022-23 BSW Student

Former team members:

Adam LaForest, Community Support Worker, **Alicia Lam**, Community Support Worker, **Shameka Spence**, Summer Student

ADMINISTRATION

TEAM REPORT

It has been a busy year of building and change for our Administration team. We've said goodbye to amazing team members, Adebisi Taiwo and Selamawit Mehari, and look forward to saying hello to Beverly Obikoya who is joining us this month.

Our team has been hard at work supporting our caseworkers and office—managing everything from client appointments and office supplies to affidavits and appeals. This year, we returned to full walk-in hours for clients, upgraded our client meeting rooms to support clients through the reality of digital hearings, upgraded many of our office devices, and improved our internal processes regarding office protocols and materials. In the coming year, we're looking ahead to a website refresh and even more work around making our processes better!

Our team has continued to manage our space, keep everyone connected, and carry out a great deal of support work, especially with respect to Social Assistance matters.

Our team members are some of the first folks you'll meet within the Clinic and are here to support you. We are always excited to connect with our amazing clients and look forward to once again finding new ways to serve you better in the year ahead.

THANK YOU TO OUR BOARD OF DIRECTORS

We are governed by an independent Board of Directors. The Board is accountable to the membership of the clinic and the community we serve. The Board is responsible for ensuring the financial health of the organization, developing and ensuring adherence to our bylaws and policies, and providing direction and supervision to the Executive Director.

Our Board members for 2022-23 included: Daniel Greanya (Chair), Canice Mok (Treasurer), Susan Fletcher (Secretary), Anna Aidoo, Andrea Ajurias, Kimberley Covey, Neville Jacobs, Anjala Kulasegaram, Anees Munshi, Yusra Murad, Sal Santos, and Nadia Umadat.

This year we say farewell to our former Chair Anjala Kulasegaram, Secretary Susan Fletcher, long serving Director Yusra Murad, and Director Anna Aidoo. We thank you for the years of service you have given to the clinic and for your commitment to our community. We wish you only the best in your future endeavours. We will certainly miss you at the Board table.

We extend our sincere thanks to all our volunteer Board of Directors whose tireless efforts support the work of the Clinic and enrich the community we serve.

Our Administration Team



Renee Griffin
Executive Director



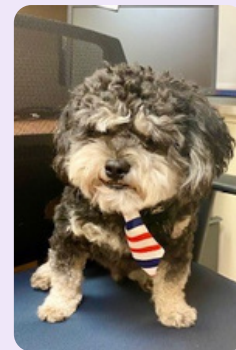
Brad Evoy
Administration Manager

Maggie A.
Admin Assistant

Valerie J.
Admin Assistant

Lana K.
Office Administrator

Former team members: **Adebisi Taiwo** and **Selamawit Mehari**, Admin Support Workers



Our office pups, Syd and Andre, make a ruff day in the office a lot better!

FINANCES

For the fiscal year ending March 31, 2023

Complete audited financial statements are available.
Please contact us to request a copy.

Statement of Financial Position March 31, 2023

	General Fund	Legal Disbursement Fund	Capital Fund	Non-LAO Fund	2023 Total	2022 Total
ASSETS						
CURRENT						
Cash	\$ -	\$ 12,113	\$ -	\$ -	\$ 12,113	\$ 17,284
Accounts receivable	-	-	-	1,676	1,676	1,769
Government remittances	10,365	185	-	-	10,550	10,600
Prepaid expenses	31,520	-	-	-	31,520	33,642
Interfund receivable	1,471	-	-	-	1,471	1,672
	43,356	12,298	-	1,676	57,330	64,967
PROPERTY AND EQUIPMENT (Note 4)	-	-	6,123	-	6,123	14,971
	\$ 43,356	\$ 12,298	\$ 6,123	\$ 1,676	\$ 63,453	\$ 79,938
LIABILITIES						
CURRENT						
Bank indebtedness (Note 5)	\$ 7,515	\$ -	\$ -	\$ -	\$ 7,515	\$ -
Accounts payable and accrued liabilities	130,374	-	-	-	130,374	129,792
Interfund payable	-	-	-	1,471	1,471	1,672
	137,889	-	-	1,471	139,360	131,464
FUND BALANCE (DEFICIT)						
Net assets	(94,533)	12,298	6,123	205	(75,907)	(51,526)
	\$ 43,356	\$ 12,298	\$ 6,123	\$ 1,676	\$ 63,453	\$ 79,938

REVENUES

2021-22 Total: \$ 1,954,696

2022-23 Total: \$ 2,010,810

EXPENSES

2021-22 Total: \$ 1,934,004

2022-23 Total: \$ 2,022,335

LAO CALCULATED SURPLUS

2021-22 Total: \$ 12,878.88

2022-23 Total: \$ 783.71

THANK YOU TO OUR FUNDERS

We thank our primary funder, **Legal Aid Ontario**, for their continued support of our work. We also thank the **Law Foundation of Ontario**, **Government of Canada - Employment and Social Development Canada** and the **City of Toronto** for their project funding over the last year.



Government
of Canada

Gouvernement
du Canada



WE REMEMBER...



Improving conditions and ensuring dignity for those living in poverty is at the heart of all our work. As we continue to work towards these goals, we are inspired by the memory of Al Gosling who died in 2009 at the age of 82 when he became homeless after he was evicted from his subsidized apartment by Toronto Community Housing. As we reflect on the last year, we remember Mr. Gosling and all those who have died as a result of poverty and homelessness.

Scarborough Community Legal Services

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