



Scarborough
Community
Legal Services

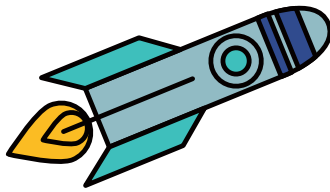
2022

ANNUAL REPORT

Celebrating 40 years
in the community

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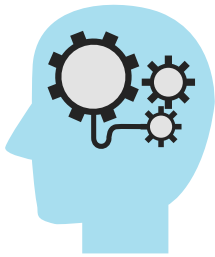
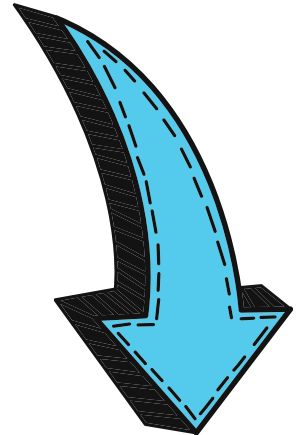
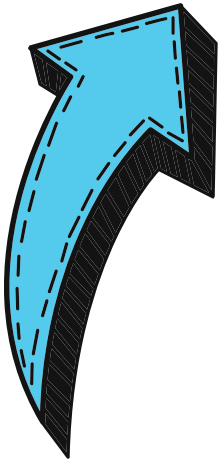
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MISSION

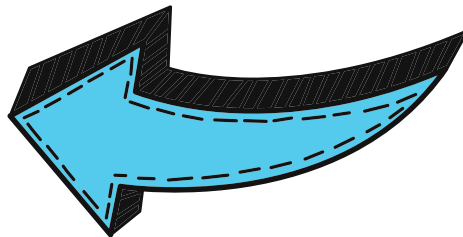
Scarborough Community Legal Services assists low-income individuals and groups access justice and protect their legal rights by providing free legal services and working to change systems to benefit people living in poverty. We work with community members, organizations, and social justice groups to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

Anjala Kulasegaram & Renee Griffin



Dear Friends,

As we celebrate Scarborough Community Legal Services' 40th anniversary, we want to thank our members and the community of East Scarborough for your support of the clinic over the last four decades. Together, we have worked to challenge laws and policies that oppress the most vulnerable members of our community, and to advocate for access to justice for our low-income residents. We are excited to continue this work in the decades to come. We invite you to visit our website at www.scarboroughcommunitylegal.ca in the New Year to read our 40th Anniversary celebration book and to learn more about the exciting work we have undertaken with our community since 1982. If you would like to receive a free print copy of our Anniversary book, please contact us and we will send you a copy.

Our Annual General Meeting also provides us with an opportunity to reflect on the year gone by and on our many important accomplishments and successes. We hope you will review this Annual Report which highlights of our work and progress over the last twelve months.

The last year has continued to be a challenging one for our community, as they continued to deal with racist systems of oppression and the effects of the COVID-19 pandemic. Inspired by the resilience of our community, our staff worked tirelessly to support our community members. As the province moved out of pandemic restrictions, we adjusted our operations to once again offer walk-in services for new clients and reintroduced affidavit commissioning services. Our staff are working in person at the office more frequently as we continue our commitment to providing high-quality legal services that meet the needs of our clients. 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 also want to thank our volunteer board members who support and assist all the clinic's efforts to remain responsive to our community. We thank the board, staff, and students for your tireless efforts and the invaluable part you play in the success of our clinic.

Our community is strong and resilient. Despite the fact that our low-income and racialized communities face the greatest burden of inequitable and oppressive policies, we have seen these groups come together to collectively and effectively fight against unfair and unjust systems over the last year. As we enter our next decade of service, we will continue to adapt and accomplish great things in collaboration with our community. While we know that we will face challenges, we are ready to meet them head-on and ensure that we continue to provide meaningful and accessible services to our community.

Warm regards,

A handwritten signature in black ink, appearing to read 'Anjala'.

Anjala Kulasegaram
Chair of the Board

A handwritten signature in black ink, appearing to read 'Renee Griffin'.

Renee Griffin
Executive Director

THANK YOU

Anjala Kulasegaram has served on our Board of Directors for 10 years and has been the Chair of the Board since 2019. With her long service to the Clinic at an end, she will be stepping away from our Board. In both her professional and personal life, Anjala is a tireless advocate for our community. Her unwavering commitment and dedication to our clinic will be sorely missed. On behalf of the clinic and our community, we sincerely thank you for the time and effort you have given to SCLS and wish you continued success as you bring your wisdom and skills to new endeavours.

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 a continually updated 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 have continued 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 implemented our anti-racism policy development lens which was developed by our Policy and Anti-Racism/Anti-Discrimination Committees. This has created a multi-stage review process that is ongoing for all organizational policies. This lens is also being applied to our review of the Ontario Non-Profit Corporations Act's changes to our Bylaws and Letters Patent.
- We have held training sessions and workshops with the Canadian Centre for Diversity & Inclusion and Bear Standing Tall & Associates, addressing unconscious bias and anti-Indigenous racism respectively.
- We have recruited a community member outside of the clinic's staff and board to join us on our Anti-Racism/Anti-Discrimination Committee - a process that is ongoing and still open to members.
- We celebrated Black History Month with three learning events: a wonderfully engaging African Storytelling Workshop led by Adwoa Badoe, a Film Screening and Discussion of *Mr. Jane and Finch*, and a Panel Discussion with Nana Yanful, Dana Riley, and Gordon Cudjoe on "*R. v. Le: Recognizing the effect of Anti-Black Racism in our Justice System.*" Folks from across the province joined us for this event and many thanked us for the opportunity to learn more about this landmark decision.

- We held an internal learning event for National Indigenous Peoples' Day including a film and discussion about the impacts of Residential Schools on survivors and their families.
- We have committed to developing more learning events for the clinic, the clinic system, and the community.
- We have continued our outreach efforts to connect with organizations that serve the Black and Indigenous communities in Scarborough and will work with these organizations to develop more public legal education activities specifically designed for members of these communities.
- 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 review recent data from Statistics Canada and other relevant sources to help ensure that we have a full understanding of the cultural, social, and linguistic needs of our communities.
- 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 create attend and organize learning events and training sessions.
- We will continue to review our current areas of practice to determine if we are meeting the needs of Black and Indigenous community members in Scarborough through a Community Needs Assessment.
- 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.

BY THE NUMBERS

2021
2022

Over the last 12 months we opened

2202
new cases

1685

referrals
were made to other
community resources

We opened

89

community
support
files



124

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

1122 housing cases



647 income maintenance
cases

34% of these cases were
ODSP ELIGIBILITY APPEALS



239 immigration cases

151 employment cases



We closed **2047** cases



41 admin and
other cases

EMPLOYMENT

TEAM REPORT

Over the last year, the employment team has been navigating the challenges brought on by the changing landscape of work as we enter a post-pandemic world. The widespread effect of the pandemic on the economy has continued to have amplified effects on some of the most vulnerable workers. Workers who identify as women, visible minorities, and persons with disabilities are just some of the groups who have faced increased employment challenges. We have assisted workers with a wide range of issues, ranging from navigating vaccine mandates, lay-offs, COVID emergency benefits and EI issues, human rights matters and other issues affecting workers' rights. Our employment law team has been dealing with these cases by using a mix of dispute resolution techniques, ranging from negotiation to mediation, and litigation.

As we address workplace challenges with our clients, our partnerships with inter-clinic and intra-clinic groups continue to be a source of support for us. Similarly, our collaboration with SCLS' other legal teams—particularly the community support, immigration, and social assistance teams—has helped us address the intersecting issues faced by our clients. In 2022, the employment team was also fortunate to have the support of a placement student, David Gelles, from Ryerson's LPP program for four months. This additional support helped us provide an increased level of service to our clients. After being called to the Ontario bar, David joined our team as a staff lawyer.

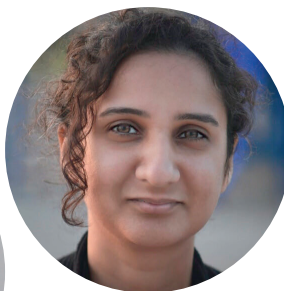
Our Employment Team



Tisha Alam
Staff Lawyer



David Gelles
Staff Lawyer



Anum Malik
Staff Lawyer



Petrea McConvey
CLW

Some of the notable results achieved by the employment team this past year include:

- Collaborating with the Income Security Advocacy Centre on a complex wrongful dismissal action involving a senior, resulting in our client receiving approximately \$70,000 in damages;
- Negotiating a settlement of approximately \$65,000 on behalf of a client on a Superior Court matter;
- Negotiating multiple other settlements for clients that were laid off or constructively dismissed due to the pandemic;
- Successfully winning a Superior Court motion on behalf of a client;
- Using professional mediation services to successfully settle contentious cases, even before starting litigation;
- Successfully negotiating settlements in two difficult delivery driver cases, where both workers had particularly strained relationships with their employers;
- Providing clients advice on new employment contracts and termination packages;
- Guiding clients through complaints to the Ministry of Labour for COVID-19-related Occupational Health and Safety Concerns, as well as advising on reprisal complaints to the Ontario Labour Relations Board for enforcing their right to workplaces with appropriate COVID-19 precautions; and
- Guiding clients successfully through Human Rights Code-based accommodation requests, such as drafting communications to their employer.

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

We have also been very active in our Public Legal Education (PLE) initiatives over the last year. In 2021, our employment team was approached by Birchmount Bluffs Neighbourhood Centre to become the center's main worker's rights facilitator. We also presented PLE workshops to Agincourt Community Services, including a special joint PLE session with our immigration team aimed at migrant workers. Our presentations have covered a wide range of topics from Worker's Rights under the *Employment Services Act* to Human Rights in the Workplace.

These PLE sessions have largely been well attended, with groups averaging 20 to 25 people per session. Our PLEs have continued to strengthen our relationship with community partners and help educate the most vulnerable members of our community about their workplace rights.

In addition to our PLE work, we continue advocating for systemic change relating to various issues involving workers' rights. For example, at the onset of the pandemic, the federal government announced a series of temporary changes to the Employment Insurance system to make EI benefits more easily accessible. As part of our collaborative efforts with the Worker's Rights Action Group (WRAG) and inter-provincial EI working group, we advocated making the temporary changes permanent.

In the past year, there have been many changes and trends in the landscape of employment law, workers' rights and the labour market, including:

- Effective July 30, 2022, the end of the provincial ESA Infectious Disease Emergency Leave (IDEL) regulation, which "deemed" workers to be on leave if their employment stopped or was reduced for reasons due to COVID. This means employers no longer have the ability to place employees on longer than normal temporary lay-offs for reasons related to COVID, which is a significant improvement for our clients;
- Continuation of three paid days of sick leave under the ESA as part of the IDEL measures, until July 31, 2023;
- Continued uncertainty about whether workers have a right to claim common law constructive dismissal if they were put on IDEL. In 2022, the Ontario Court of Appeal

quashed the previous Superior Court decision in *Taylor v Hanley Hospitality Inc.* In Taylor, the Superior Court had found that the IDEL regulations displaced a Tim Hortons worker's rights to a common law claim for constructive dismissal. The Court of Appeal found this decision was not correct, although they made no ruling on whether the provincial IDEL provisions are in conflict with common law constructive dismissal rights. Our employment law team will continue to watch this area of law as it will have a significant impact on the common law rights of more vulnerable workers;

- Rollback of temporary changes to EI, and postponement of the improvements as introduced in the 2021 Federal Budget. Significantly, the federal government promised in their budget that EI sickness benefits would be increased from 15 to 22 weeks starting mid-2022. This would be a major improvement for our clients, particularly those that face challenges to working because of disabilities. The Employment Minister has now stated that the earliest these changes may be implemented would be the end of 2022. Similarly, other proposed changes in the budget may not see implementation until the end of this year. The employment team continues to monitor these changes; and
- In the June 2022 Labour Force Survey released by the federal government, it was noted that employment among persons aged 55 and older fell significantly, with the biggest drops in employment happening for persons identifying as First Nations and Southeast Asian. Older adults and seniors, especially those from marginalized groups, make up a significant portion of our clinic's clientele. Given this, this labour market trend is also an area that the employment team will closely watch.

As we enter another year, particularly one where the economy is entering a downturn, we recognize the disproportionate effect that such an economic contraction may have on vulnerable workers. We remain firmly committed to being a strong voice for workers in Scarborough, both on an individual and systemic basis. We look forward to continuing to provide high-quality legal services and addressing any challenges that the upcoming year has to bring for us.

INCOME MAINTENANCE

TEAM REPORT

In January, we said congratulations and goodbye to Virginia Loescher, who officially retired after 20 years of dedicated service and advocacy for our clients. Her expertise, wisdom, and dedication are greatly missed. On behalf of the clinic and our community, we thank Virginia for her contributions and wish her happiness in this new and exciting chapter of her life.

This year, our team has continued to work hard to not only provide legal assistance to residents of our community but to also engage in broader community engagement activities, including our advocacy and public legal education efforts.

After lengthy delays at the Social Benefits Tribunal due to COVID-19, the backlog of appeals has been greatly reduced and hearings are now taking place sooner after filing. Hearings continue to be mainly conducted via telephone or videoconference.

There remains a significant demand for help in appealing the denial of disability status under the Ontario Disability Support Program (ODSP). While we continue to represent clients with complex disability appeals, including medical reviews, the majority of these appeals are handled through our ODSP Guided Appeal Preparation Program. Most of these appellants, with our support, are able to successfully represent themselves at their hearing.

For disability appeal matters, we often had great success in resolving denials without a need for a hearing. In other cases, we saw positive results at the Tribunal in matters where medical documents were limited but clients were well prepared by the clinic to address gaps in evidence and speak to their experiences. We have also been considering ways that we can better serve marginalized communities in their disability appeals and have made appropriate changes to our processes to meet the community's needs. Similar to the ODSP disability denial process, our team also provides legal assistance to CPP-Disability appeals.

The income maintenance team also continues to assist clients with a range of matters to secure positive outcomes. We have seen an uptake in matters that directly impact Ontario Works or ODSP benefits of recipients, such as overpayments, issues with income and assets, suspensions/cancellations etc. Over the last year, such decisions have often been related to income assets, spousal status, dependent adults, inheritance, settlements, and medical benefits. Some of our significant successes this past year have included complex appeals relating to substantial overpayments, inadequate disposition of assets, and failure to provide information.

Particularly since last year, a systemic issue that we have been addressing has been recipients' benefits being reduced or stopped abruptly, with no decision letters or adequate reasons. We have assisted many clients in these circumstances, including with appeals to the Social Benefits Tribunal, with good success. We have also been advocating for better service for our clients with our local social assistance offices.

Our Income Maintenance Team



Anum Malik
Staff Lawyer



Randy McLin
CLW



Kinzi Ahmed
CLW

Not pictured:

Former staff: **Virginia Loescher**, Staff Lawyer; **Andrea Ajurias**, Staff Lawyer, **Neroobha Sivaraman**, CLW

Over the last year, we are pleased to have been able to commit more time to community outreach and public legal education initiatives.

We have continued to create and maintain connections with agencies that serve our clients. Our efforts have included attending an open house for Ontario Works' new Bridlewood location and participating in Agency Night at a local school. We also worked to build stronger connections with Scarborough Centre for Healthy Communities and continue to provide public legal education in partnership with local agencies.

This year, for the first time, we participated in Heritage Skills Development Centre's (HSDC) Afro Carib Fest on August 20th and 21st. At our booth, we offered free legal information and had the opportunity to speak to many community members about the legal issues they are facing. We will continue to participate in more community events throughout Scarborough so that we may meet more members of the Scarborough community and provide them with much-needed legal information.

Over the last year, we have also engaged in community advocacy. Recently, our clinic assisted a family who was denied funeral funding for their family member. The family's religion necessitated that a funeral takes place as soon as possible. As the death occurred on a weekend, there was no time to get Ontario Work's approval for funding before the burial. Ontario Works initially refused to reimburse this family for their funeral costs. We advocated on behalf of the family, arguing that this was a violation of Ontario's *Human Rights Code*. We were successful and the decision was reversed. We are now engaging with our allies in the clinic system to ensure that these policies do not discriminate against people on the basis of their faith or cultural traditions, as well as engaging cultural and faith communities in education around their rights.

Advocacy with Clinic Groups

In addition to direct work within Scarborough, our community legal workers participated in a working group to make policy changes to better serve transgender and non-binary clients not only at Tribunal hearings but also at the level of local Ontario Works and ODSP offices.

We also are participating in a working group pertaining to income support for people suffering from Long Covid and other related health conditions post-COVID infection. We are working with other community legal clinics, the Income Security Action Centre, and medical professionals from Providence Health Care and St. Michael's Hospital on this initiative. We also met with the Knowledge Translation team at the College of Family Physicians as we hope to consult on and create materials for family physicians regarding best practices when filling out ODSP applications. Finally, we have been working on a public legal education series on the issue of Long Covid and income support which we hope to present to the community soon.

Members of our team also regularly attend meetings with other clinics groups such as Social Assistance Action Committee (SAAC) and the Ontario Project for Inter-clinic Community Organizing (OPICCO). Through such groups, we strategize around legal issues and coordinate responses to policy changes affecting our client communities. Over the next year, we will continue our efforts to work with other clinics, such as in supporting initiatives to bring together candidates at election time.

On a local level, we will also continue to follow City Council and Scarborough Council meetings to keep up to date on council proposals/updates/bylaws that will affect our low-income residents.

HOUSING

TEAM REPORT

In early 2022, the province and its residents saw a return to social interactions reminiscent of pre-pandemic times. This enabled us to be in the office more regularly, to see our clients and co-workers, and to re-engage on a personal level with the community we serve.

Though changes to how we deliver our services had to be made throughout the past year, new intakes continued to come in and we received many opportunities to continue to advocate and litigate on behalf of low-income residents of our community, to preserve affordable housing, and protect our clients' homes. It is our great hope that we will continue to build on this return and do so with our community's safety at the front of our minds.

In this report, we will share a few highlights from this past year, and some emerging issues we expect to encounter in the year to come.

N12s and T5s

While affordable housing has been a buzzword for many politicians and talking heads throughout the year, too often they are referring to aspiring homeowners as opposed to renters. For renters, changes brought in by the provincial government's Bill 184 are now in full effect and so too are the resulting challenges to how the Landlord and Tenant Board (LTB) conducts its hearings.

When renters make the news, often you will see references to landlord's own use applications – applications landlords often use to evict tenants irrespective of the landlord's actual intent. While we continue to assist tenants in fighting these applications at the LTB and encourage tenants to organize with their neighbours against displacement efforts, there continues to be a steady stream of tenants losing their homes each year to these sorts of applications.

In response, over the last year, we have assisted tenants in filing and arguing T5 applications at the LTB – applications seeking damages against landlords who evict tenants by falsely claiming they need the unit for their own use or to do significant renovations, when in fact their true intention is to rent it out to a new tenant. Some of our successes involve our most vulnerable community members:

We assisted a single mother of three who was evicted after her landlord convinced her to sign an agreement to move, claiming that the landlord and his family needed the unit. When the landlord never moved in and her old unit was re-rented, the client sought our help to take her landlord to the LTB. Despite a long 18-month wait, the tenant was successful at her hearing and her former landlord was ordered to pay more than \$10,000 in damages.

We also assisted two seniors who lived together in a basement apartment. When their landlord served them an N12 Notice for the landlord's own use, they believed the landlord and moved out without disputing the Notice. When one of the tenants returned to collect leftover mail a few months later, he found new tenants living in his old unit and contacted SCLS. We assisted the tenants to file an application at the LTB and successfully argued the case. The tenants received damages in excess of \$10,000.

Our Housing Team



Janet Brakohiapa
Staff Lawyer



Kevin Laforest
Staff Lawyer



Linda Mitchell
CLW



Petrea McConvey
CLW



Christopher Lin
CLW

Not pictured:

Former staff: **Aradhna Mahajan**, LPP Student

Lastly, we assisted a man who rented a unit in a home that was purchased. He received a Notice telling him the new landlord intended to move in with his family. The tenant moved out and did not dispute the Notice. When the tenant found his old unit listed for rent online at a much higher rent, he contacted SCLS. We assisted the tenant to file and argue an application at the LTB alleging bad faith. Almost two years after filing, the tenant finally received the validation he sought; the LTB agreed that his landlord evicted him in bad faith and the tenant awarded damages in excess of \$2,000.00.

While no amount of money can return our clients to their homes or reinstate what was previously rent-controlled and affordable housing, the courage and determination of these tenants serve as a reminder of the strength of working-class people and their resolve under the toughest of circumstances.

Above Guideline Increases

In addition to inflationary (guideline) rent increases, the law in Ontario also allows landlords to apply for Above Guideline Rent Increases or AGIs. AGIs allow landlords to raise the rent by as much as 9% for many reasons, including capital expenditures and increased property taxes. The maximum allowed increase in a single year is 3% in addition to the guideline increase. If a landlord is granted a 9% above-guideline increase, tenants will face an additional 3% increase for three consecutive years. A 3% increase combined with the maximum inflationary guideline increase could result in tenants receiving a 16.5% increase over three years.

These AGI increases are contributing to the ever-increasing rental costs that tenants are facing. Tenants can choose to fight an AGI application through the Landlord and Tenant Board but recent changes to the Board's processes are making what was already difficult for tenants almost impossible. Landlords almost always have legal representation throughout the AGI process, something that is not available to most tenants. Tenants are now expected to make written submissions based on the landlord's application and evidence. Tenants are not provided with an in-person opportunity to present their arguments.

Legal clinics are generally unable to provide representation on AGI applications due to limited resources. We are, however, receiving a significant increase in calls from tenants seeking advice regarding AGI applications. According to the Board's annual reports, as recently reported by the Canadian Broadcasting Corporation, in the 2011-2012 fiscal year only 252 applications for AGIs were filed in Ontario, but by 2019-2020 this number had ballooned to 758 applications.

Through the use of AGIs, corporate landlords can effectively maximize profits by pricing out long-term tenants who are otherwise protected by rent control, often rendering these controls meaningless. For community members who have lived in their units for more than five years, the effect of drastic rent increases can serve as a means of financial eviction. We will continue to provide legal advice to clients in these situations and encourage them to seek out creative avenues for defending against these sorts of financial evictions.

Changes at the LTB

In last year's report, we shared that the LTB had shifted to online hearings. These hearings take place over Zoom and require internet or phone and a reliable device. This format continues to represent a barrier to access to justice for many Ontarians, particularly low-income Ontarians. Adding to these barriers has been the LTB's introduction of the Tribunals Ontario Portal – a one size fits all online Portal where applications are filed, evidence is served, and important documents like Notices of Hearing are delivered.

When the LTB introduced the Tribunals Ontario Portal in December 2021, they described it as a new case management system that would transform how users engage with tribunals. Since December, we have seen many community members experience challenges with the portal. More frequently, our clients are unaware of hearing dates, are unable to access key documents, and struggle to understand how to participate in proceedings where they may lose their homes.

Like the shift to online and phone hearings, this move to the portal has failed to adequately consider disability-related concerns, language barriers, and how low-income Ontarians will access the portal. This has resulted in a system where our clients can be shut out from any reasonable access to

justice. We hope that the LTB and Tribunals Ontario realize the grave impact these 'modernization' efforts have had on our community and institute reforms which put the most vulnerable members of our society first.

SUBSIDIZED HOUSING – TORONTO COMMUNITY HOUSING, NON-PROFITS, & CO-OP HOUSING

Eviction prevention for tenants living in subsidized housing continues to be a priority for our team. Some of the most vulnerable tenants in the city live in subsidized housing and the housing crisis deepens and rents in the private market spiral out of control, losing a subsidized unit is a catastrophic life event.

Cases we most often deal with involve applications filed at the LTB to evict tenants who have fallen behind with their rent payments, cancellation of subsidies, and errors in the calculation of the subsidized rent. We also see a significant number of eviction applications where the landlord alleges substantial interference or an illegal act. These cases generally involve vulnerable tenants with mental health disabilities who do not have access to support to help them resolve the issues the landlord is complaining about so they can stay housed. Having the assistance of our community support team on these cases has been invaluable.

Last year, significant changes to the rules for subsidized housing came into effect. This has caused a lot of confusion for both tenants and housing providers. We are seeing many rent calculation cases where housing providers are either not applying the new rules or they are applying the new rules incorrectly. Under the new rules, rent is now based on the household's income as reported on their Notice of Assessment from the Canada Revenue Agency. However, when there is a reduction in the household's income of twenty percent or more than the amount in the Notice of Assessment, the rent is to be based on the reduced income. We are seeing a lot of cases where the rent is not based on the reduced income and tenants contact us because they are unable to pay the higher rent. We are generally able to resolve the issue for those tenants without litigation.

However, we worry that many tenants who are overcharged may not be aware their rent is incorrect or how to resolve the issue. This can lead to serious problems for tenants who fall behind on rent. If the landlord files an eviction application, the tenant will not be able to raise issues about the incorrect calculation of their rent at their hearing because the LTB does not have jurisdiction to deal with matters relating to the calculation of subsidized rent or the cancellation of subsidies. The LTB can only determine if the tenant paid the amount the landlord says is the rent. In turn, tenants will have to either pay rent they may not owe or be evicted.

Last year we reported that we filed an appeal to the Divisional Court for judicial review of a decision made by Toronto Community Housing (TCH). TCH had increased our client's rent retroactively and claimed the difference between the rent our client paid and the higher amount charged as arrears, which put our client's tenancy at risk. Our client was a disabled single mother and we believed TCH's decision was wrong. TCH's RGI Review Body refused to extend the time to review this decision and we filed for a judicial review of the RGI Review Body's decision. We are happy to report that there was a good outcome for our client. TCH settled the judicial review by agreeing to have the Review Body conduct a review. The Review Body agreed that TCH made an error and the decision to increase our client's rent retroactively was revoked. As a result, a credit of \$7700 was applied to our client's account.

Most of the cases we deal with are from Toronto Community Housing since they are the largest subsidized housing provider in Toronto. However, TCH's portfolio is shrinking! A few years ago, a task force headed by Senator Art Eggleton concluded that TCH was at the center of a crisis that was 30 years in the making and unsustainable as an organization. In response, the City launched its Tenants First initiative to address the issues raised by the task force. A new Seniors Housing Corporation was created which has now taken ownership of the 83 seniors' buildings that were owned by TCH. In addition, the ownership of 623 scattered units was transferred to two non-profit housing providers. Time will tell if this is a good thing or not.

IMMIGRATION TEAM REPORT

There are signs that immigration authorities are attempting to return to normal after the COVID-19 pandemic, but delays and unpredictability continue to be commonplace in the immigration system. We have nevertheless had a number of positive results in our casework. Some of these success stories involve the families we have been working with the longest:

We first met a family from Haiti in 2016. The mother and one sibling were already in Canada, but two minor brothers remained behind and needed to be sponsored for permanent residence. While one brother's application was processed, the second brother's application languished for years and required extensive submissions. Our office successfully responded to a wide range of requests and concerns this year, and after years of not seeing each other, the family was finally all able to be together in Canada this year.

We met an Afghan father in 2018 who was attempting to bring a close relative to Canada who was not his biological child. This boy's father was killed by the Taliban and he had been abandoned by his mother. The boy was taken in by our client and raised from a very young age as if he were our client's own son. When the father was forced to flee Afghanistan, authorities refused to allow this non-biological child to travel with him. He had no choice but to leave the boy behind in the care of other relatives. After arriving in Canada, the father worked tirelessly to reunite with the boy. After much struggle and many tears, his de facto child was finally approved to come to Canada this year, and he has now been issued a PR Visa to reunite with his family. A ticket has been booked and the family is eagerly awaiting his arrival to Canada.

We met an Afghan woman in early 2020 whose application to sponsor her husband was refused. We successfully appealed that decision at the Immigration Appeal Division

but then, because of long delays in reopening their case at the visa office, the sponsored spouse was trapped in Afghanistan when the Taliban took over in the summer of 2021. We assisted this couple during this last long and difficult year, and we are now very pleased to report that our client's spouse is now finally on his way to Canada.

Over the last year, we also continued to reach out to community partners. For example, we have recently made excellent connections with the Canadian Centre for Victims of Torture (CCVT), where we have provided a number of public legal information sessions to their clients. CCVT has in turn enriched our work at the clinic by exposing us to a remarkable group of mental health service providers who have expertise with those suffering from past traumas.

We continue to make friends in the Afghan community while the crisis in Afghanistan continues. In particular this year, we have connected with local groups serving Scarborough's Hazara community. These groups continue to fight for recognition in the international community of the harms suffered by this religious and ethnic minority population, especially Hazara women and girls.

We have made significant new connections this year and received new referrals from Scarborough's deaf community as organizations serving those communities have acknowledged our dedication to providing high-quality services that meet a variety of accommodation needs.

As we end this year, we are hopeful that Immigration Refugees and Citizenship Canada (IRCC) will do more to recognize the difficult circumstances of newcomers in Scarborough. We are pleased by the Immigration Minister's recent announcement of an immigration regularization program, the details of which will likely be announced

within the next few months. We are much less encouraged by IRCC's recent move toward mandatory online applications for permanent residence through bafflingly complex application "portals." We expect our work next year will include developing ways to assist our community members as they navigate these additional new challenges.

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

Our Immigration Team



Matthew Smith
Staff Lawyer



Kevin Laforest
Staff Lawyer



Janet Brakohiapa
Staff Lawyer

COMMUNITY SUPPORT

TEAM REPORT

While 2022 has proven to be a challenging year for many members of the Scarborough community and their service providers, our community support team has continued to provide front-line services to our clients and community members. Over the last year, we have continued our support of social work education by providing placement opportunities for two Bachelor of Social Work students during the 2021/2022 Fall and Winter semesters as well as one Canada Summer Jobs Program employee. This fall we have welcomed another student who is completing their 4th-year placement. While these placement opportunities have allowed social work students to grow their understanding and skills in the social work field, they have also allowed us to continue providing front-line services to the Scarborough community throughout this past year.

Our housing services continue to be one of our team's most utilized programs and we have assisted ten families and individuals to find new housing over the last year. In addition to this, our weekly housing list has been distributed to many partner agencies in Scarborough and throughout the rest of Toronto, benefitting many other communities adjacent to our own. This has helped to further build and strengthen our community connections. While we continue to support our community members in locating new, affordable units, we have also continued to support individuals and families to remain in their rental units, whenever possible, by providing support in accessing services and support, including financial support for rent arrears, community case management, and cleaning services when necessary.

Our Community Support Team



Adam Laforest, RSW
Community Support Worker



Imbisat Chaudhry
2022-23 BSW Student

Additionally, we have continued to support our community by providing warm referrals to services, including mental health & addiction support, food and clothing security, income support, and shelter among others. We have worked in partnership with our community members to assist them in developing goals and articulating a realistic path to those goals that considers and respects their right to self-determination.

Recently, our team has begun working with the Canadian Centre for Housing Rights (formerly CERA) to provide expert evidence in support of a challenge to section 21(1) of Ontario's *Human Rights Code*. This case will argue that these sections of the Code discriminate against those who rent rooms and share a kitchen or bathroom with the owner of the property. This work will provide insight into the growing unaffordability of housing in Toronto, as well as the many challenges low-income residents face in finding affordable accommodations. It is hoped that the insight provided by our community support team will play a role in allowing for greater protection for some of our community's most vulnerable members.

Our team has also been able to continue to grow our practice by expanding our connections to various other support agencies including one that allows our community members to access low-cost laptops and desktop computers. These partnerships have proven invaluable to our ability to provide services to our community members who are not directly available to our office and have also ensured that the Scarborough community has continued access to needed support in an already underserved area of Toronto.

Over the next year, we hope to continue to grow our ability to serve the Scarborough community and to help build on the resiliency and strength of those community members. We have been privileged to work alongside many capable and extraordinary individuals and families and hope to continue to provide holistic and client-centred services that meet the needs of our community.

Not pictured:

Former team members, **Kristen Nolan**, Canada Summer Jobs Program; **Hyunjin Cho & Jayda Goldhar**, 2021-22 BSW Students

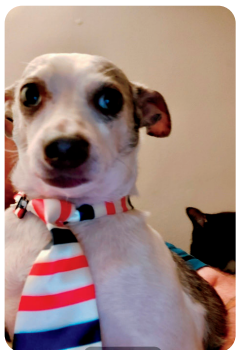
ADMINISTRATION

TEAM REPORT

It has been a busy year of change and transition for our Administration team. We've said goodbye to amazing team members Barbara Millar and Flor de Maria Marroquin and hello to Adebisi Taiwo and Brad Evoy.

Our team has been hard at work supporting our caseworkers and office—managing everything from client appointments and office supplies to affidavits and appeals. Our team has also grown in capacity this year as Maggie Abebe, one of the clinic's longest-serving staff members became a Commissioner of Oaths, further strengthening the team's ability to serve our community. We have also worked to support the clinic during the ongoing COVID-19 pandemic, including a return to walk-in hours for new clients and affidavit services.

Our team has embraced many changes in technology to improve service, has worked together to upgrade our physical offices with new equipment, and continues to improve processes to assist our caseworkers in their work. Our team members are some of the first folks you'll meet within the Clinic and are here to support you. We are excited to see you all once again in person and look forward to finding new ways to serve you better in the year ahead!



Our office pups, Syd and Andre, are twinning in matching workwear!

Our Administration Team



Brad Evoy
Administration Manager

Lana K.
Office Administrator

Maggie A.
Admin Assistant

Valerie J.
Admin Assistant

Not pictured: **Adebisi Taiwo**, Admin Support Worker; Former team members, **Barb Millar**, Administration Manager; **Flor de Maria Marroquin**, Admin Support Worker

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 2021-22 were: Anjala Kulasegaram (Chair), Susan Fletcher (Vice Chair), Canice Mok (Treasurer), Daniel Greanya (Secretary), Anna Aidoo, Sasha Cragg Gore, Kimberley Covey, Norma Hopwood, Neville Jacobs, Anees Munshi, Yusra Murad, Sal Santos, and Nadia Umadat.

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

FINANCES

For the fiscal year ending March 31, 2022

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

Statement of Operations and Funds Balance

Year ended March 31, 2022

	General Fund \$	Legal Disbursements Fund \$	Capital Fund \$	Non-LAO Fund \$	Total \$
Revenues					
Legal Aid Ontario					
-direct receipts	1,811,711	11,900	-	-	1,823,611
-indirect receipts (note 4)	103,178	-	-	-	103,178
Other	-	-	-	34	34
Ministry of Employment and Social Development	-	-	-	7,661	7,661
City of Toronto	-	-	-	20,212	20,212
	<u>1,914,889</u>	<u>11,900</u>	<u>-</u>	<u>27,907</u>	<u>1,954,696</u>
Expenses					
Salaries	1,335,391	-	-	25,993	1,361,384
Benefits	231,682	-	-	1,889	233,571
Professional dues	19,510	-	-	-	19,510
Professional fees	2,565	-	-	-	2,565
Travel	2,699	-	-	-	2,699
Communications	14,761	-	-	-	14,761
Accommodations	120,876	-	-	-	120,876
Equipment	6,588	-	-	-	6,588
Library	1,108	-	-	-	1,108
Supplies and services	41,355	-	-	-	41,355
Audit fees	5,062	-	-	-	5,062
Indirect payments (note 4)	103,178	-	-	-	103,178
Legal disbursements	-	12,504	-	-	12,504
Amortization	-	-	8,843	-	8,843
	<u>1,884,775</u>	<u>12,504</u>	<u>8,843</u>	<u>27,882</u>	<u>1,934,004</u>
Excess of revenues over expenses (expenses over revenues) for the year	30,114	(604)	(8,843)	25	20,692
Return of funding to Legal Aid Ontario	(16,814)	-	-	-	(16,814)
Funds balance (deficit), beginning of year	(93,157)	13,832	23,814	106	(55,405)
Funds balance (deficit), end of year	<u>(79,857)</u>	<u>13,228</u>	<u>14,971</u>	<u>131</u>	<u>(51,527)</u>

REVENUES

Total: 1,954,696

EXPENSES

Total: 1,934,004

THANK YOU TO OUR FUNDERS

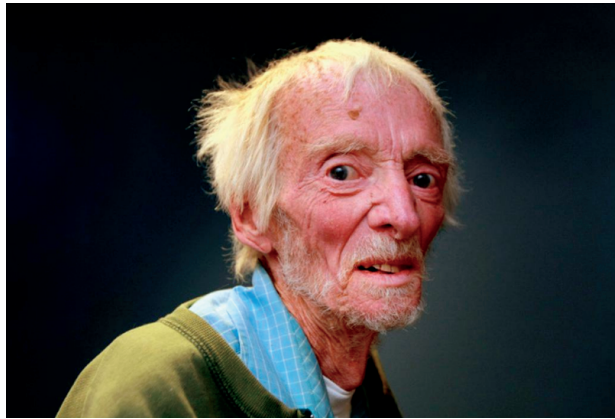
We thank our primary funder, **Legal Aid Ontario**, for their continued support of our work. We also thank the **Government of Canada - Employment and Social Development Canada** and the **City of Toronto** for their project funding over the last year.



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

695 Markham Rd, Suite 9
Toronto, Ontario M1H 2A5
Phone: 416-438-7182
Fax: 416-438-9869