

45
YEARS parkdale
community legal services

ANNUAL REPORT

2015-2016

A MESSAGE FROM THE THE CO-CHAIRS

The Board of Directors of PCLS is very happy to be celebrating Parkdale Community Legal Clinic's 45th anniversary this year. The clinic was established in the neighbourhood by students and faculty of Osgoode Hall Law School in 1971, with the belief that knowledge about rights and the support to enforce rights could transform the lives of people of low income.

Parkdale has seen much change since then. For years we have been decrying the neighbourhood's increasing gentrification and the consequent problems: dispossession of affordable rental units for people of low income, reduced availability of affordable goods and services, including food, and decreases in income assistance that affect people's ability to access basic needs with dignity.

We all know that change happens, but Parkdale Community Legal Services knows that we can have an impact on how change happens. The Board of Directors is proud to be part of an organization that is achieving change for individuals and the community through a number of community initiatives. For decades now, we have worked to build community movements among those most affected by change. We have pursued rights to income security, decent work, secure and healthy affordable housing, and rights for newcomers.

We, as the Co-Chairs, appreciate our fellow Directors, participants on Board committees, members of the community who have shared their experience and knowledge in consultations and who support our work, and the students from the Osgoode Public In-

terest Requirement program – all volunteers contributing to PCLS's success and increasing our capacity to make change.

We also thank the staff, summer employees, and the students of the Poverty Law Intensive Program at Osgoode Hall Law School. They are a powerful combination of energy and commitment that helps make positive change possible.

Regards,

Desiree Warner and Richard Haigh

**ANNUAL
REPORT**

2015-2016



Sean Rehaag

Associate Professor, Osgoode Hall Law School

A MESSAGE FROM THE ACADEMIC DIRECTOR

Phew, what a year!

While I had previously served on the Board of Directors at PCLS for several years, 2015-16 was my first year as Academic Director. I've long been proud of what PCLS accomplishes in its case work, in its community work, and in the educational experiences that it provides to students. Getting to see this all play out up close has been an amazing experience.

There are many highlights of the year for me.

I was impressed by the dedication displayed by summer caseworkers, who took some of the organizing principles that we strive to teach at the clinic and applied them to clinic workplace practices, first by certifying as a bargaining unit and then by successfully negotiating a first collective agreement. I expect that this achievement will inspire similar initiatives in other social justice organizations.

Learning with students in the academic seminar about the theory and practice of poverty law was also a highlight. I especially enjoyed engaging with student research through the papers that students write as part of the seminar. All of the papers were interesting. Several represented some of the most cutting edge research on poverty law and legal clinics currently available. I hope that some of this research will be published, and I am excited about the upcoming Association for Canadian Clinical Legal Education Conference where several PCLS students will present their papers.

But perhaps the thing that stands out most to me is seeing how seriously everyone at PCLS takes the student learning experience at the clinic. And it shows. The teaching and learning opportunities that we have created at PCLS are, in my view, unparalleled. Our

students seem to agree. Here are some student comments drawn from our 2015-16 Program Evaluations:

- It is difficult to capture in words the impact that Parkdale has had on my life. I feel that the clients, other students and supervising lawyer have significantly contributed to my personal and professional growth and made me far more prepared for my post-law school career than any class ever could have. I am so grateful for the opportunity to be at Parkdale and to serve the clients and would do it again in a heartbeat!

- Parkdale provides students with an incredible learning experience.
- This has been my favourite part of law school.
- Parkdale has been my best experience in law school thus far.
- The program is great overall. Very rewarding work and hands-on experience.
- I really enjoyed my experience at PCLS and I am glad that I had the opportunity to participate in the program.
- The experiential aspect that comes with the substantial responsibilities entrusted to students [was great]. But this isn't just the opportunity to engage with the law, with clients, with competing obligations, etc. I think the most valuable aspect was the self-reflective opportunities that were bolstered by the classroom learning and the discussions with my colleagues.

All in all, it has been a busy, productive and successful year in the Intensive Program in Poverty Law at PCLS. I look forward to 2016-17!

ANNUAL REPORT

2015-2016

WORKERS' RIGHTS DIVISION

Changing Workplaces Review

We provided tools to support community groups and unions to participate in the twelve days of public hearings held by the Advisors of the Changing Workplaces Review. We ensured that workers' voice was central in the public consultations. The Advisors reported to us that the PCLS/WAC report, *Still Working on the Edge: Building decent jobs from the ground up*, with close to 100 recommendations, and participation in the consultations helped set the framework for the Advisors' review of the Employment Standards Act and Labour Relations Act. We received a great response from meetings with 30 Ontario MPPs on our two-day Queen's Park lobby.

yond. This province-wide campaign brings together health providers, anti-poverty groups, unions, community organizations, legal clinics and students. Over the past year health care providers have gathered almost 1,000 signatures in a call for paid sick days and protection against precarious work. We've had a retail workers Christmas carol at the Eaton Centre and a provincial day of action that saw 20 actions across the province.

Caregivers' Action Centre

We work in alliance with the Caregivers' Action Centre (CAC); an organization of current and former Live-in Caregivers. PCLS assists the CAC in providing information about workers' rights to caregivers at monthly meetings and policy support with government meetings. We are currently working with migrant workers across the country to push for improvements through the federal government's review of the Temporary Foreign Worker Program.



\$15 and Fairness Campaign

The \$15 and Fairness campaign is mobilizing workers, community groups and unions to support our key demands to improve wages and working conditions through the Changing Workplaces Review and be-



**ANNUAL
REPORT**

2015-2016

SUCCESS FOR OUR CLIENTS

\$725,956

In unpaid wages recovered

Closing the Employment Standards Enforcement Gap

PCLS and partners have completed the third of our five-year SSHRC Partnership Grant, Closing the Employment Standards Enforcement Gap. This research program brings together community and academic researchers to conduct research aimed at improving enforcement of employment standards (ES) among workers in precarious work. PCLS is the co-lead of the project along with York University and a team of university, legal clinic, union and community organizations.

We had a very successful year, collecting an amazing \$725,956 in unpaid wages, wrongful dismissal damages, and other employment entitlements for the workers in our community. In fact, 2015-2016 was our record year in terms of amount recovered, beating the previous year's total by a whopping \$264,409.

The amount we recovered is important in two fronts: (1) it shows the employers that workers can fight back and win, and (2) it puts the money back into the pockets of workers, who are more likely to spend it in their local communities.

Some of our legal victories cannot be shown by the numbers alone however. We worked on many important cases that, both in small and big ways, advanced workers' rights. Some of our reported decisions last year include:

Gilmour (c.o.b. Gilmour Services), [2016] O.E.S.A.D. No. 177

We represented 14 cleaners who were left with no pay when a subcontractor who hired them disappeared without paying the workers. We argued at the Ontario Labour Relations Board that the company

who hired the subcontractor should be liable for the unpaid wages. The company argued otherwise, stating that they were not the cleaners' employers. The Board agreed with us, finding that a company cannot escape liability merely because they controlled the employees' work through a subcontractor.

P&S Van Berlo Ltd. (c.o.b. Berlo's Best Sweet Potatoes), 2016 CanLII 12223

We represented a farm worker, who was fired after filing an Employment Standards Act (ESA) claim. The pain and suffering award matched the largest award the Board has ever given to a worker for an ESA violation.

Sense Appeal Brands Inc. (c.o.b. Sense Appeal Coffee Roasters), 2015 CanLII 49516

This was another reprisal application, involving a worker who was fired after filing an ESA claim. The positive Board decision provides an incredibly in-depth and helpful analysis of the ESA anti-reprisal section, including a discussion on the tainting doctrine.



They mean business.

ANNUAL REPORT

2015-2016

IMMIGRATION DIVISION

We had a busy year in Immigration with casework, community work and a landmark Supreme Court of Canada decision. We look forward to continuing our work to make our immigration laws fairer and more compassionate while making improvements to client services here in Parkdale.

Landmark Intervention

In November 2015 the division went to Ottawa to participate in *Kanthisamy v Canada* before the Supreme Court of Canada. This case focused on how the immigration officers should exercise humanitarian discretion.

PCLS participated as an intervener based on our over 40 years of experience representing clients on humanitarian and compassionate (H&C) applications. It was the first time that PCLS has sought intervener status at the Supreme Court in its own name. We were joined by five other intervening organizations: the Canadian Council for Refugees, the Barbara Schlifer Commemorative Clinic, the Canadian Centre for Victims of Torture, the Canadian Association of Refugee Lawyers, and Justice for Children and Youth.

The positive decision from the Supreme Court of Canada will make a lasting impact on the way that humanitarian and compassionate applications are processed and consequently on the lives of so many struggling through the immigration system. The Court found that the current guidelines used by officers were unacceptably narrow and instead adopted a broad and inclusive definition of what constitutes humanitar-



Success! Tsering Dolma re-united with children, Tsering, Sherab and Sangyal after seven years

ian and compassionate grounds, focussing on the equitable nature of the provision.

Family Re-unification

We continued our work to reunify families. We are pleased to report that there were a number of successful cases this year, including a family with four children who were reunited in Canada after a separation of six years. We also saw a single mother finally reunited with her son after a separation of over three years. Just last month, with the diligent work by a number of students, a client was reunited with her three children after seven years.

Refugee Rights Day

On April 4, we partnered with Parkdale Intercultural Association and hosted a panel discussion to mark Refugee Rights Day. In our presentation we noted that while the new federal government has made

ANNUAL REPORT

2015-2016



The Immigration Division, Winter 2016

some important commitments to welcome refugees and reversed some of the harmful changes introduced by the previous government, many changes are still needed to ensure refugees and newcomers are protected and fully welcomed.

Immigration division students also launched a petition calling on the federal government to prioritize family reunification for refugees. Many children and spouses wait three years or more before being able to reunite with their family in Canada. Processing of dependents of Convention refugees in Canada is slower

than other types of family reunification. Our petition calls on the government to fix this situation and to expedite processing for dependent children and spouses of Convention Refugees, with a target processing time of 6 months.

Travel Documents for Tibetan Refugees in Nepal

We continue to work on an issue we have been struggling with for a number of years: that of travel documents for the dependents of Tibetan refugees in Nepal. As part of our ongoing efforts to assist members of the Tibetan community whose family are eligible to immigrate to Canada but are unable to obtain Nepali travel documents, we participated in a number of meetings over the last year. The discussions were positive and we continue working closely with our new Member of Parliament to address this issue and to seek solutions on a case by case basis.



The Refugee Rights Day discussion was well attended

ANNUAL REPORT

2015-2016

HOUSING RIGHTS DIVISION

In the past year Parkdale tenants' resistance to displacement from their homes and neighbourhood has become more widespread and visible. Neighbourhood residents' capacity to advance their social and economic rights has increased. The Housing Division at PCLS has contributed to these important developments.

We represented a group of tenants from four different buildings owned by Akelius in a case regarding the removal of live-in superintendents and successfully reached a settlement of \$50,000



for the tenants.

We supported tenants at the West Lodge towers organize against disrepair and lack of heat in units. The tenants were able to pressure the City of Toronto to intervene with buildings inspections resulting in a number of work orders against the landlord.

We continue to advocate on behalf of Roma tenants at 60 and 62 Triller Avenue. We worked with the tenants in the Triller buildings to get the City



of Toronto to inspect the two buildings and issue orders requiring the landlord to carry out repairs. We also made deputations at licensing hearings to highlight deplorable conditions in the buildings. Our advocacy and support contributed to positive

ANNUAL REPORT

2015-2016



The Housing Rights Division, Winter 2016

steps being taken to correct some of the problems. We are currently representing a number of the tenants in a group application to the Landlord and Tenant Board (LTB) against the landlord.

In partnership with the Workers' Rights division we supported a group of Roma tenants in a successful human rights complaint against their former landlord. We also represented two of the tenants in the group at the LTB to successfully

challenge allegations of damage and get rent abatement.

In partnership with the Immigration division we helped build community support for a successful strike at the Ontario Food Terminal led by mainly Tibetan workers living in Parkdale.

We represented a group of tenants who were locked out of 1521 Queen Street West (The Queens Hotel) and reached a settlement of \$29,500.

In addition to collective action to advance tenants' rights, PCLS saw hundreds of households access our services to prevent evictions. We advocated for over ninety households to save their housing or delay evictions through representation at hearings before the LTB and, settlement agreements.



ANNUAL REPORT

2015-2016

SAVAH

DIVISION

SOCIAL ASSISTANCE, VIOLENCE AND HEALTH

The SAVAH division continued to be very busy with Ontario Disability Support Program (ODSP) appeals of decisions to deny income support at the application stage and at the medical review stage. In 2015, our efforts resulted in 66 of these denials being overturned by ODSP or the Social Benefits Tribunal.

We were pleased with the announcement in February, 2016 that the Ministry of Community and Social Services will review the medical review process and we hope that changes will be made to improve that process.

We continue to engage routinely in direct advocacy with both Ontario Works and the Ontario Disability Support Program on many issues, including decisions regarding initial and ongoing



Great attendance at our Seniors Rights Forum

ing eligibility, the assessment and calculation of overpayments, and entitlement to the full range of mandatory and discretionary benefits.

We also continue to represent survivors of violence, particularly women and children victims of domestic violence, in applications to the Criminal Injuries Compensation Board. Last year, our clients who had made applications to CICB were awarded a total of \$41,500.00.

Community development highlights

The Seniors Rights Forum in March was a great success with 77 people in attendance. Lots of great information provided topped off with laughter yoga. The project was funded by Horizons for Seniors.



International Women's Day, March

ANNUAL REPORT

2015-2016

Buttons helped us express our gratitude to Cynthia for her years of incredible work!



We continue to do workshops in the community and at PCLS for community members and organizations.

We launched the PDAC report to address violence against persons with a psychiatric disability, funded by City of Toronto Access and Equity Grant.

We worked with the Women's Justice Telling Group to co-ordinate two VAW events in the community, namely the International Women's Day event held March 3rd and a remembrance event on Dec 3rd. We continue our PAVE partnership and collaborate on events like these.

Some plans for the upcoming year are to continue working on developing Mental Health tools to support work and creating additional resources in the area of Violence Against Women.

Farewell, Cynthia Pay

In March we said a very hard goodbye to Cynthia Pay, staff lawyer of 19 years. But not just a staff lawyer, she was an amazing co-worker, friend and advocate for everything SAVAH. It was sad to see her go and close this chapter, well book, of her life but she had a nice send off with a little

reunion and it was great to see so many alumni. We thank Cynthia, again, for her years of dedication to both clinic and our community, and wish her success and happiness along her new journey.

Welcome back, beth long!

We would like to take this opportunity to welcome back beth long who articulated with us many moons ago and is now the new staff lawyer in the SAVAH division. She most recently worked at the Human Rights Legal Support Centre as their research lawyer, and served on the Board of PCLS.

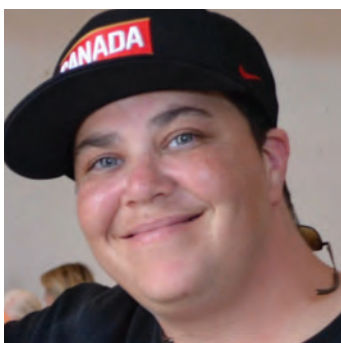
We are very lucky to have her.

**ANNUAL
REPORT**

2015-2016

AWARDS

2015-2016



Junior Wall

The Dorothy Leatch Community Award

Junior is awarded the Dorothy Leatch Community Award due to her ongoing commitment to help at various community events in Parkdale, particularly to events organized with women or people with a psychiatric disability. For over a decade, Junior has consistently participated in delivering community events, organizing initiatives and in raising awareness to support the rights of economically and socially marginalized people in Parkdale.

Junior embodies a sense of solidarity with others and a commitment rooted in the Parkdale community that this award recognizes, and that Dorothy Leatch herself would admire.



Parkdale Organize

The Community Partner Award

Parkdale Organize is a group of neighbourhood residents who live and organize in the apartment buildings on Jameson, Tyndall, and West Lodge. In the past three years their accomplishments include winning major fights against landlords like Akelius and the Wynns, improving conditions and resisting displacement of working class residents from their buildings. Most recently, Parkdale Organize helped build community support for a successful strike by workers at the Ontario Food Terminal, all of whom live in Parkdale.

Parkdale Organize produces the newsletter This Is Parkdale to spread word of the organizing happening in the neighbourhood.



Parmbir Gill

The Fred Zemans Prize in Poverty Law (Parkdale)

Parmbir approached his cases in a holistic manner, always with an eye to the systemic issues. He quickly established a rapport with his clients, respectfully engaged them in a dialogue about the “big picture” issues, identified their stated and underlying needs and wants, and then put forth his best efforts to obtain positive results. He was very well-liked by his clients, and he has a special knack for working with workers who are especially traumatized or marginalized.

With his colleagues at PCLS, he rallied them to take a more active interest and role in social justice projects. Not surprisingly, he was an active participant in various Workers' Rights campaigns, including working with the Workers' Action Centre and the 15 and Fairness campaigns.

ANNUAL REPORT

2015-2016

THANK YOU!

BOARD, STAFF AND STUDENTS

Board

Noah Aiken-Klar
Amar Bhatia
David Gellman
Julian Gomez Biagi
Richard Haigh
Ashleigh Ingle
Gita Madan
Andrea Margles
Joanna Mullen
Mercedes Perez
Diane Rajaram
Sean Rehaag
Desiree Warner
Victoria Watkins
Tammy Zhuang

Management

Nancy Henderson, Clinic Director
Sean Rehaag, Academic Director

Lawyers

Phyllis Abrahams (Housing Rights)
John No (Workers' Rights)
Cynthia Pay (SAVAH)
beth long (SAVAH)
Toni Schweitzer (Immigration)

Articling Students

Jennifer Chun
Allison Darling
Piera Savage

Community Legal Workers

Peggy-Gail DeHal-Gunraj (SAVAH)
Mary Gellatly (Workers' Rights)
Amarna Moscote (Cross-divisional)
Jamyang Nyima (Immigration)
Bart Poesiat (Housing Rights)
Tenzin Tekan (Immigration)
Cole Webber (Housing Rights)

Administration

Raúl Cano-Arana
Lydia Dobson
Deborah Hanna
Rose Nabwire
Linda Newton
Marvalyn Rowe
Robert Routh
Besrat Solomon

Student Caseworkers

Eleanor Andrew
Krista Antonio
Maxym Artemenko
Ella Bedard
Amy Brubacher
Lillianne Cadieux-Shaw
Charlotte Calon
Chelsea Caldwell
Sally Chang
Sophie Chiasson
Jacky Chiu
Dara Church
Jennifer Danch
Jason Edwards
Julia Flood
Tyler Fram
Parmbir Gill
Julian Gomez Biagi
Joseph Granton
Jessica Gryns

Lindsay Holder
Zosia Hortsing
Leah Horzempa
Jason Huang
Alex Hunsberger
Mary Hurley
Patricia Joseph
Alisha Kassam
Kyle Kidd
Margaret Kitching
Ryan Krahn
Kevin Laforest
Gall Levit
Laura Maclean
Broghan Masters
Jenna Meguid
Esther Mendelsohn
Elise Mercier
Malik Musleh
Osnat Nemetz
Nandhini Padmanathan
Yuliya Platonov
Jonathan Robinson
Natalie Schwarz
Skye Sepp
Matthew Smith
Esther Song
David Stein
Mary Thibodeau
Ajith Thiyagalingam
Amy Tieu
Justin Toh
Maxwell Trower
Andrea Vitopoulos
Maria Vitti
Camille Walker
Jinyan Wang
Olivia Wang
Louise Waterfall
Darcy Whittaker
Zara Wong

ANNUAL REPORT

2015-2016



45 parkdale
YEARS community legal services

ANNUAL REPORT

2015-2016

Parkdale Community Legal Services

1266 Queen Street West
Toronto, Ontario
M6K 1L3

T 416-531-2411
F 416-531-0885
parkdalelegal.org
[@parkdalelegal](https://twitter.com/parkdalelegal)

A project of Legal Aid Ontario and Osgoode Hall Law School of York University
Charitable registration #10781 4972 RR0001