

[ fairness ] [ social justice ]  
[ refugee applications ] [ mental health advocacy ]  
[ fight for fair wages ] [ community activism ]  
[ workers' rights ] [ landlord and tenant ]  
[ immigration ] [ social assistance, violence and health ]

# 2011-2012 annual report

*A Community In a Clinic*

**Parkdale**  
Community Legal Services



# PCLS Remembers Dorothy Leatch

Dorothy Leatch, who was the receptionist at PCLS for over thirty years, passed away in December 2011. She is remembered fondly by staff, students and clients alike. She will be missed. We are pleased to — with the support of our alumni, staff and community — introduce the Dorothy Leatch Community Award in her memory, to honour community members whose commitment to the community exemplifies the spirit of Dorothy.

“Dorothy you will be missed at Parkdale.  
Thanks for all your service.”

**Nadia and Diane**

“Many of us passed through PCLS.  
Dorothy was its steady, caring and  
respectful face. A comfort for clients  
and a model for staff and students.  
Her contribution was enormous.”

**David Draper**

Former PCLS law student

“Dorothy Leatch was the most iconic  
figure in the clinic system. Far more  
than any lawyer or community legal  
worker, she embodied the essence of  
the grassroots activist movement that  
first created clinics: caring, feeling,  
compassionate, unmotivated by ego or  
ambition. She made a difference in the  
lives of everyone she met.”

**Jacquie Chic**

Former PCLS CLW, law student and staff lawyer

“I remember Dorothy fondly as the  
‘face’ of...PCLS...she leaves an  
indelible mark on hundreds of students  
and clients over her more than three  
decades of service.”

**Graeme G. Mitchell, Q.C.**

Former PCLS law student

“She was a wonderful person who was  
decent and kind to all persons who  
came through the doors at Parkdale,  
be they clients, student or lawyers...”

**Marcus Pratt**

Former PCLS law student

“I...will keep my ears open for any...  
events that may be organized to  
commemorate Dorothy’s life and  
amazing contributions to community  
service.”

**Pat Case**

Former PCLS articling student and staff lawyer



# Message from the Co-Chairs

May Haslam and Andrea Margles

This year (2011), Parkdale Community Legal Services (PCLS) celebrated 40 years of service delivery in the poverty law clinic system of Ontario. Together with Osgoode Hall Law School, one of our major partners and funders, PCLS participated in a one day conference in September celebrating clinical legal education. As well, the subject of ethical lawyering practices within the poverty law clinic system and how clinics provide access to justice for low income individuals was discussed.

Also in 2011 PCLS received the Newcomer Champion Award from the Ontario Ministry of Citizenship and Immigration.

“In appreciation of your excellence in promoting cross-cultural understanding and implementing programs to help settle and connect newcomers in your community”

The clinic gratefully acknowledges the Parkdale Intercultural Association for the nomination.

Board members, staff, students and community members enjoyed a successful street party with free Barbecue and entertainment to celebrate the 40-year anniversary. As well, the Board of Directors initiated a series of outreach events

involving a community meal and the sharing of personal stories about living in Parkdale. These extremely successful efforts have increased community members' knowledge about the work of the clinic in the community, and have offered opportunities for members to see how they might contribute to community work in Parkdale.

PCLS has been engaged in strategic planning for our long term goals around service delivery in Parkdale. Over the last two years, Board and staff have met together and separately to develop a proactive plan addressing the changing multiple needs within our community. Examples of these changes include the increase in seniors living in poverty, changes to the Employment Insurance policies, restrictions to Refugee claims under the Immigration Act, (including measures under the new Backlog Clearance Amendment of June 2011).

# Annual Highlights

## Landlord & Tenant Division

***The Landlord & Tenant Division always sees an extraordinarily high caseload, and the 2011-2012 year was no different.*** With over 800 new intakes, 142 new open case files, and 150-plus Landlord and Tenant Board appearances over the past year, the L&T division helped a multitude of clients handle complex housing issues. We represented tenants at the LTB to argue for dismissal of eviction applications, for rent abatement and repairs; We negotiated settlements to get repairs done, arrears waived, payment plans for arrears, return of deposits, reinstatement of subsidies, and collaborated with other service agencies in the community to address tenants' needs to avoid evictions on behavioural grounds.

The community work side was also exceptionally busy, as the clinic welcomed a new community legal worker, Cole Webber, to the division. Since January 2012, Cole has been assisting Toronto Community Housing tenants in Swansea as they organize to improve their housing conditions. The tenants are now getting out and talking to their neighbours, conducting a survey of maintenance and disrepair in their homes. A summer barbecue for the community is also in the works!

We continued our work with the Parkdale Tenants' Association (PTA) in fighting some of Parkdale's worst landlords..... and we had considerable success in improving the disrepair/maintenance situation in several bad buildings and forcing the bad landlord to do its job and become a "good" landlord (at least for the time being).

Also with the PTA, we continued the political campaign to bring back real Rent Control by eliminating "vacancy decontrol" (when a unit becomes vacant the landlord can raise the rent by as much as it can get).

**142 new open case files**  
**New Swansea Outreach to TCHC Tenants**

**800+ L&T intakes**  
**150+ appearances before the Landlord and Tenant Board**

Many tenants are now signing the petition to get rid of Vacancy Decontrol and we will also do a mass tenant rally in the near future. We are experiencing a lot of enthusiasm and support by the Parkdale tenants. The issue of rising rents and lowering wages is a burning issue with most tenants and the PTA is getting a lot of good support on this campaign.

Success at last with the "Rent for Repairs" campaign in a Toronto Community Housing Building (TCHC) in Parkdale. The persistent and terrible leaking has been stopped and all the repairs in this building have now been completed. The long meetings and confrontations with TCHC staff finally began to pay off. The tenants should be admired for their persistence and militancy.

Both staff and students worked hard on a presentation to the Standing Committee on Justice Policy of the Ontario Legislature concerning Bill 19 (the Residential Tenancies Amendment Act) which will cap the maximum amount most landlords can increase a sitting tenant's rent during the year at 2.5%.

We were able (together with other progressive groups and ACTO) to convince the Committee (on the unanimous agreement of all members) to remove the 1% "floor" from the Bill.

On the issue of discrimination in rooming house zoning, we continued lobbying City Council with the Rupert Coalition to establish "as of right" zoning for rooming houses in all neighbourhoods in Toronto. Should we fail to convince the City to eliminate exclusionary "people" zoning for rooming house tenants, we are preparing for a human rights complaint to the Ontario Human Rights Tribunal.

***If you would like get involved in an L&T campaign, email the L&T division at [LT@parkdalelegal.org](mailto:LT@parkdalelegal.org).***

# Annual Highlights

## Social Assistance, Violence & Health

The SAVAH division provides legal services in the areas of social assistance, disability benefits, violence against women and mental health. 2011 was a successful year for our group. We helped 31 clients win their appeals to become eligible for Ontario Disability Support Program (ODSP) benefits, which means a significant increase in income as well as access to other disability supports. We also have helped many clients informally resolve their issues with social assistance authorities, ensuring that they do not lose their income benefits and also get access to additional support such as the Community Start Up Benefit.

The SAVAH division also helped a number of women survivors of domestic violence make successful applications to the Criminal Injuries Compensation Board. We helped them win awards totalling \$111,755 in 2011. We also helped a man who was originally denied compensation to appeal this decision to Divisional Court and ultimately win a large pain and suffering award of \$15,000. This case dealt with issues of racial profiling and stereotyping, and represented a significant challenge and victory for the division.

PCLS has been actively involved in the Ontario government appointed Social Assistance Review, both within the Parkdale community and through our membership in the ODSP Action Coalition, an advocacy group with a provincial mandate. In Parkdale we met with 65 people who have lived experience of the social assistance system in Ontario, and they had a lot to say about needed changes. Overwhelmingly, people expressed despair and outrage over the still grossly inadequate rates of income provided to recipients of Ontario Works and Ontario Disability Support Program. They had many ideas for improvements to employment supports and the need to shift the system away from one that is based on the assumption that recipients need to be scrutinized and punished for even minor administrative errors that are often a function of the system itself. The Commission's work is scheduled to be complete at the end of June 2012, after which the hard work begins of encouraging government to take up the positive

**31 wins for clients for disability (ODSP) appeals**

**"PCLS has been actively involved in the Social Assistance Review..."**

recommendations or challenging the direction proposed by the Commission. The real test is whether changes will reduce poverty in Ontario. Our submissions can be found on the Commission's website: [www.socialassistancereview.ca](http://www.socialassistancereview.ca).

Community Legal Work in the SAVAH division has been busy this past year. We have delivered numerous workshops on Social Assistance, Violence against Women, as well as providing general PCLS information sessions. We have been developing accessible Plain English materials and participating in coalitions and networks that work towards systemic change. One of the highlights of our work is our partnership with community organizations such as PCHC to work with the seniors of our community. In the past year students

and the CLW have facilitated numerous Public Legal Education Information sessions addressing ODSP and OAS (Old Age Security). Through this work we have been able to connect seniors with each other and encourage their participation in a senior's advocacy peer network as well as increase their access to the legal services PCLS provides. Over the past year we have had the opportunity to work with CAMH staff in the addictions program to facilitate monthly information sessions and participate in their Legal Information Drop-In Breakfast Club.

We are looking forward to strengthening this partnership as the program moves back to the main CAMH building officially re-opening in June. Through our community work in SAVAH we continue to raise the visibility of the clinic's services in Parkdale as well as connect agencies and individuals.

***If you would like get involved in a SAVAH campaign, email the SAVAH division at [SA@parkdalelegal.org](mailto:SA@parkdalelegal.org).***

# Annual Highlights

## Immigration Division

**The Immigration group has had an extremely busy year since our last AGM**, especially with our increasing involvement with the Roma refugee community in Parkdale. We continue to be very much involved in work with the Tibetan refugee community, mostly in the area of family reunification of accepted refugees with their close family members from abroad. A number of cases that have been going on for many years were resolved successfully this year and we are very proud of these successes.

The immigration group has an on-going caseload of from 150 to 200 open case files and “brief service” files. The establishment this past year of the commissioning clinic – with students from Osgoode doing their OPIR (Osgoode Public Interest Requirement) hours, preparing affidavits and statutory declarations for walk-in clients at PCLS on Mondays and Fridays, has resulted in less of this kind of short term work for our group. This has made it possible for members of the immigration group to be able to focus on the more complicated work of refugee hearings, appeals at the Immigration and Refugee Board and Federal Court judicial review applications. In the past year, almost all the students have had the opportunity to handle their own refugee hearing and to work on aspects of judicial review factums. The two articling students have played a major role in this work.

With regards to Federal Court work—done by the staff lawyer with assistance of the students-- we successfully argued two applications for stays of removal from Canada. We were granted leave for judicial review on at least ten cases this past year. After leave was granted, five of these cases were settled with the Department of Justice lawyer consenting to the application. Two of the cases were fully argued and we won these cases at the Federal Court, with very strong written reasons for the decision. Another of these cases was refused after full argument but a question of general importance was certified for the Federal Court of Appeal, so we will be arguing that matter in the fall of 2012. The decisions on two of the cases that we argued are still pending.

Several of these Federal Court matters are cases of long-standing with PCLS. For example, in one of these cases an application for immigrant visas for the two non-biological dependent children of one of our Tibetan clients, was finally approved on humanitarian and compassionate ground after eight years of legal work, including three applications to the Federal Court. In another case, our client who was deported to Grenada with her Canadian son in 2007, has been approved for permanent

residence on humanitarian and compassionate grounds (after our success in Federal Court) and will soon be returning to Canada with her son who suffers from serious asthma. The case we lost that is going on to the Federal Court of Appeal, involves a man from St. Vincent who suffered from a brain tumour in Canada resulting in an operation that left him dependent on a particular medication that he will not be able to access in St. Vincent. The issue of removal from Canada of a person with a life-threatening medical condition for which there is inadequate medical treatment in the person’s home country, has been recognized by the Federal Court as a serious Charter of Rights issue, and we will be proceeding with our argument on this point in the FCA fall of 2012.

The PCLS immigration group has always prioritized issues affecting women and children facing domestic violence or other forms of serious harm. In the past year PCLS was successful in the refugee claims of two children, who will now be able to remain in Canada. We also represent the parent/s of these two children in humanitarian applications to be able to remain in Canada with their children. PCLS has also prioritized work with survivors of torture and people who have mental health challenges.

Unfortunately, the Refugee Board has continued to refuse even very strong Roma refugee claims and several of our clients are now seeking judicial review in the Federal Court of these refusals. Our attempt in February of this year, to get a stay of removal concerning a Roma family, while we were seeking judicial review of their failed humanitarian application, was not successful, although we were able to arrange for their removal to Poland rather than to Hungary. Although we would like to assist many of our Roma clients to file applications for permanent residence based on humanitarian and compassionate grounds, the immigration processing fee of \$550 per adult and \$150 per child, makes it almost impossible for these clients to attempt such applications.

Finally, this past year has been noteworthy for the immigration group in obtaining successful ‘landings’ of several clients who had been previously approved on humanitarian and compassionate grounds, but were delayed for years in being landed. We are on a bit of a roll with landings and we hope this will continue!

# Annual Highlights

## Workers' Rights Division

**The Workers Rights Group has recovered \$280,232 in unpaid wages, damages and entitlements for workers 57 cases from April 28, 2011 to April 27, 2012!** In part these victories stem from more use of common law strategies.

PCLS worked with two live-in caregivers and Carranza law firm to take forward their cases for unpaid wage at Superior Court. Lillian worked as a live-in caregiver for two small children, only to make \$100 a month working 7 days a week. She is seeking \$162,000 for breach of contract and unpaid wages, statutory holiday pay and vacation pay. Vivian cared for an elderly woman and her two adult children with developmental disabilities working 132 hours a week; she only had Sunday off. She was owed \$55,000 in unpaid overtime plus wrongful dismissal. One case settled for \$62,000 while the other is still before the court.

Vivian and Lillian helped launch our **Stop Wage Theft** Campaign in May 2011, speaking at a press conference. The campaign launch included a report, Unpaid Wages, Unprotected Workers written by PCLS and produced by the Workers' Action Centre that reported the results of a survey of 520 workers:

- 22% earned less than minimum wage
- 39% of people working overtime did so with overtime pay
- 33% of workers reported unpaid wages. Of these, only 4% made claims at the Ministry of Labour. That means roughly 20,000 claims filed every year for unpaid work is likely just the tip of the iceberg.

PCLS clients and members of the Workers Action Centre spoke out during the provincial Stop Wage Theft Campaign leading up to

the provincial election; visited MPPs and employers who did not pay workers their wages (visit [workersactioncentre.org](http://workersactioncentre.org) for more information). Building alliances across the province, we were successful in pressing the government to reverse its planned \$6 million cut to employment standards enforcement.

We work with the Caregivers' Action Centre and Migrant Workers' Alliance for Change to improve wages, working conditions and immigration practices affecting migrant workers. We sit on the Advisory Committee of the Law Commission of Ontario's (LCO) Precarious Work and Vulnerable Workers project and co-authored a LCO commissioned research report on labour law enforcement. We are working with other union and community organizations to address recent changes to Employment Insurance.

Workers Rights works in alliance with other clinics by providing representation on wrongful dismissal matters at small claims for South Etobicoke CLC in exchange for that clinic representing PCLS clients in housing matters where we are in a position of conflict. We also host the inter-clinic Employment Standards Work Group.

**\$280,232 in unpaid wages recovered for clients**

**New Wage Theft campaign launched**

# Treasurer's Report

Des Levin



The report from our auditors, Segal LLP, reflects another good year for Parkdale Community Legal Services. The report is unqualified except for the standard qualification made for all Canadian charities. We have been able to closely balance expenditures to income and have been able to fund several additional projects through the use of our surplus of funds from the 2010 2011 fiscal year.

Legal Aid Ontario again provided increased funding for personnel in the 2011 2012 year from additional funds provided by the Ministry of the Attorney General. There are still negotiations ongoing at PCLS regarding the implementation of these funds.

The Board thanks the financial and administrative staff at PCLS for its efforts in managing the financial health of the organization, and the auditors at Segal LLP for their assistance.

**Des Levin**

Treasurer



# Financials

May 2011 to April 2012

	2011	2012
<b>Revenues</b>		
Legal Aid Ontario		
-Direct receipts	\$ 2,263,628	\$ 2,362,448
-Indirect receipts	18,226	61,515
LAO interpretation project	-	10,588
Osgoode Hall Law School - annual	100,000	100,000
-special	-	17,702
Law Foundation of Ontario grant	4,079	15,000
Donations	3,263	10,207
Other income	7,630	11,165
	<b>\$2,396,826</b>	<b>\$2,588,625</b>
<b>Expenditures</b>		
Salaries	\$ 1,446,295	\$ 1,662,547
Benefits	241,385	280,916
Professional dues	9,470	9,344
Board expenses	4,089	29,822
Communications	19,949	19,088
Occupancy	208,029	314,374
Equipment rental and maintenance	39,085	27,623
Supplies and services	51,845	53,084
Client Services	22,304	45,379
Professional services	91,139	75,685
Staff development	8,244	14,851
Indirect payments	9,587	56,084
Legal disbursements	20,021	31,355
Project expenses	-	6,500
Amortization	37,253	10,757
	<b>\$2,209,211</b>	
Excess of revenues over expenses (expenses over revenues)	187,615	(48,770)
Funds balance (deficit), start of year	10,518	198,133
Funds balance (deficit), end of year	\$198,133	\$149,363

*Immigration  
Workers' Rights  
Landlord & Tenant  
Social Assistance, Violence & Health*

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A project of Legal Aid Ontario and Osgoode Hall Law School of York University.  
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