

ANNUAL REPORT

2013
2014



Parkdale
Community Legal Services

Message from the Co-Chairs



Andrea Margles

*Desiree Warner
not pictured*

It is not until we start to reflect on a year past, that we remember all that has been accomplished. The Board hears about the activities described in this Annual Report in our month to month meetings, but they are even more impressive when summarized over the last year. Our thanks to the students of the Poverty Law Intensive Program at Parkdale whose energy and commitment to the work help us accomplish great things. Our thanks also to the staff at PCLS who work to inspire and support the work of the students and ensure that we are working to meet community needs.

It is also impressive to remember that the special events described in this report happen in addition to the daily services the Parkdale Community Legal Services clinic provides to clients and the community. The ordinary and everyday can fade beside the reports of significant accomplishments, but the ordinary at PCLS also involves some extraordinary work.

The Board of Directors is proud to be part of such an active organization. We, as the Co-Chairs, are grateful to the other volunteers who work in the organization: our fellow Directors, participants on Board committees, members of the community who come out to support our work, and the students from the Osgoode Public Interest Requirement program. Our organization is stronger because we are able to work among so many individuals, networks and collaborations with other committed organizations, all working for positive social change.

Best regards,

Andrea Margles and Desiree Warner

Message from the Academic Director

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Shelley Gavigan

Parkdale Community Legal Services and Osgoode Hall Law School of York University have enjoyed a long relationship in pursuit of a shared mission: that of serving the Parkdale community and educating law students. Every year since 1971, Osgoode students have come to the Parkdale Community to spend a full academic term working in the Clinic, serving the clients, working in the community, and undertaking academic research designed to support the Clinic's ongoing social justice and law reform activity.

In July 2013, I returned to PCLS for a two year term as Academic Director 2013. I have been a member of the faculty of Osgoode Hall Law School since 1986, and during that I have served as Academic Director in each of the three decades. This is my fourth (and final!) term in this position. It is, and has been, a great privilege and pleasure to participate in the preparation, coordination and oversight of each new group of students as they are introduced to the work of PCLS and the issues of the clients and the community we serve.

The law students work in groups of five in each of the four Divisions of the Clinic, and they are carefully and supportively taught and supervised by the dedicated staff lawyers, community legal workers, and group administrators of the Clinic (not to forget Marvalyn Rowe, our welcoming, indefatigable receptionist).

In the 2013-2014 academic year, dedicated Parkdale students worked long hours, giving generously of their hearts and minds to support the Parkdale community. In so doing, they were taught important, transformative, and often inspirational, lessons about law, life, and social justice by their clients as well as the Clinic staff.

The Parkdale Program remains one of the Programs most in demand by students at the Law School, and every year we receive many more applications that we can possibly accommodate.

On behalf of everyone at Osgoode Hall Law School, I thank the Parkdale community and Parkdale Community Legal Services for its support of our law students, and for helping to launch them into the world and work of social justice.

Best wishes,

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

Shelley

The Workers' Rights division reached an important milestone this year. In less than three years, we recovered more than \$1 million dollars in unpaid wages, wrongful dismissal damages, and other entitlements! For the third year in a row, we also increased the amount we recovered for our clients. We also, again for the third year in a row, increased the number of cases we completed, while the number of new files opened remained consistent, as summarized in the table below.

Setting records for wage recovery

Year	Files opened	Files completed	Amount recovered
2011-2012	93	64	\$280,233.53
2012-2013	100	78	\$436,523.00
2013-2014	93	91	\$448,576.79
Total	286	233	\$1,165,333.32

PCLS and partners have completed the first 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. The research partnership will improve our understanding of precarious work and labour market regulation in Ontario by mapping violations of ES, employer practices and workers' experiences of violations and policy practices. It will identify best practices for ES enforcement. PCLS is the co-lead of the project along with York University and a team of university, legal clinic, union and community organizations.

PCLS clients and members of the Workers Action Centre spoke out over the past year in our provincial

Stop Wage Theft Campaign and visited MPPs and employers who did not pay workers their wages (see www.workersactioncentre.org). Building alliances across the province, we were successful in pressing the government to commit \$2.5 million to improve employment standards enforcement in 2014/15. We were also successful in getting legislative amendments to the Employment Standards Act that would improve conditions for temp agency workers and improve enforcement of basic rights. These Bills died on when the house rose for election; however we are now working to bring back much improved legislation.

PCLS and other community and union organizations ran a successful Campaign to Raise the Minimum Wage this past year. We were able to change the conversation on decent wages by building participation in the campaign across the province. After a four-year minimum wage freeze, the government was forced to increase the minimum wage. While the new \$11 minimum wage will help, it is still not enough. We continue to press for a minimum wage that brings workers 10% above the low income measure and index annually by the cost of living.



Marching for a real increase in the minimum wage!

We work in alliance with the Caregivers' Action Centre; 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.

Migrant Workers' Alliance for Change launched a campaign this year to improve protection for migrant workers from recruiter fees and employer violations. We succeeded in getting some bills tabled in the last legislative session that addressed these issues and will continue to work to legislative protections for migrant workers. In partnership with the Wellesley Institute, we are conducting an action research project to map conditions of work for workers under the Temporary Foreign Work Program and prioritizing issues for change for future campaigns

PCLS participates in consultations with the Employment Practices Branch concerning employment standards and precarious work and with the Prevention Council on developing a

health and safety strategy for precarious workers.

We are working with other union and community organizations in the Good Jobs for All Coalition to address recent changes to Employment Insurance and win improved access to effective employment insurance.

Workers Rights works in alliance with other clinics by hosting the inter-clinic Employment Standards Work Group and administering the Employment Standards wiki, part of the Knowledge Now networking project.

Raúl Cano Arana, Mary Gellatly and John No of the Workers' Rights division celebrate the milestone of over \$1 million in lost wages recovered.



Housing Rights

Like in previous years, the need for housing services continued to be very high over the past year. In total, close to 1100 community members visited the clinic and received assistance with various housing issues – many of whom were struggling to remain housed in poorly maintained units. PCLS achieved notable outcomes through a holistic approach to problem solving.

Reflecting our model of connecting casework with community work in our interviewing for change model of community lawyer, we advocated for tenants in negotiations and representations at hearings. The clinic defended against frivolous evictions, and helped tenants organize.

We worked with tenants in two small buildings on Spencer Avenue who formed a committee and went on rent strike in response to sub-standard conditions in the buildings. With the support of PCLS these tenants were able to win \$50,000 in compensation from their landlord.

Overall, PCLS was successful in more than 75% of cases we represented on and obtained over \$99,000 in monetary awards for tenants through settlements and representation at the Landlord and Tenant Board (LTB).

We continued to work with the Parkdale Tenants Association (PTA) on their rent campaign ("Bring Back Rent Control and Freeze the Rent"), gathering signatures for the petition as well as attending information meetings in apartment buildings, schools and drop-ins. We also are working with the PTA on the organizing of a music event at City Hall – possibly on International Tenants Day – to focus attention on the affordability crisis in rental accommodation and to promote the campaign to freeze the rent.

Along with the PTA, we are monitoring the strong possibility that a rent freeze will be enacted in New York City. We are making contact with the various players there to see how their strategies could be useful in the Toronto and Ontario context.

Tenants of Akelius Real Estate demand repairs, fair rental rates, and better management of their buildings.



Housing Rights



Housing Rights students at the Right To Housing Conference in October 2013.

We are also assisting the PTA in devising a strategy to deal with the “off shore” big corporate trust funds which now dominate the gentrifying rental housing scene in Parkdale and in other neighbourhoods in Toronto. We stand with the PTA and our neighbours in opposition to the harassment techniques used by these companies.

In winter 2014 we began working with tenants in four Parkdale buildings recently bought by Akelius Real Estate. Tenants are in the process of forming committees in their buildings and have brought delegations to the landlord’s rental office on two occasions to demand repairs, the withdrawal of an above-guideline rent increase, the hiring of superintendents, and the provision of rent receipts on request.

We continue to work with a group of Hungarian Roma tenants who are in the process of filing a human rights complaint against their landlord. In this project we have partnered with the Center for Equality Rights in Accommodation (CERA).

In cooperation with the SAVAH division, we have continued to raise the profile of the City of Toronto’s Housing Stabilization Fund, and assisted hundreds in applying for the fund. We have also lobbied the City for increased access to emergency housing benefits.



Congratulations to Sara Hanson of the Housing Rights division, who was awarded the Zemans prize for her dedication the clinic, clients and the community of Parkdale.

Picture (Top L to R) Cole Webber, Community Legal Worker; Sara Hanson; Nancy Henderson, Clinic Director; Phyllis Abrahams, Staff Lawyer; (bottom) Bart Poesiat, Community Legal Worker

Social Assistance, Violence and Health

Our division continues to have a high success rate in helping clients to obtain Ontario Disability Support Program (ODSP) benefits by appealing their cases to the Social Benefits Tribunal (SBT). In 2013 we won or settled 44 of 51 ODSP appeals (a success rate of 86%). So far in 2014 we have won a further 25 ODSP appeals.

We have assisted a number of clients who were victims of domestic violence and other crimes of violence to successfully apply for compensation to the Criminal Injuries Compensation Board. In 2013, we were able to win a number of awards totalling over \$77,000.

We represented two equality rights organizations, ARCH Disability Law Centre (ARCH) and the Metropolitan Action Committee on Violence Against Women and Children (METRAC) as intervenors in the Surdivall case at the Ontario Court of Appeal. This case involved whether the Social Benefits Tribunal (SBT) had the power to waive or reduce collection of unfair social assistance overpayments, such as overpayments caused by administrative error or disability. The Court of Appeal found that the SBT does indeed have the power to waive or reduce collection of such overpayments, which will make a big difference in the lives of many people struggling



Each year, we are proud to help organize Parkdale Anti-Violence Education (PAVE) group's International Women's Day event.

to support themselves on Ontario Works or Ontario Disability Support Program benefits.

With the Housing Rights division, we helped spread awareness of the Housing Stabilization Fund that began at the start of 2013. We have also worked to push the city to expand the eligibility requirements for the fund, and have helped many people apply and appeal denials with both advocacy and direct action.

Through our ongoing work with the ODSP Action Coalition we engaged in a well-received workshop called "Advocate With Confidence" and are participating in taking it on the road to other Ontario communities. The focus of this work is in building the skills and support for people on ODSP to engage actively in fighting for needed changes to social assistance.

With the Alliance for a Poverty-free Toronto, we



**The SAVAH division
Winter 2014**

contributed to a set of strategies and to help lobby municipal politicians to work toward meaningful poverty reduction action in the City of Toronto. This work influenced the recent adoption by City Council of resolutions committing to the development of a poverty reduction strategy for the city.

This past year we continued to outreach to seniors through education workshops and in developing partnerships. We delivered sessions on Old Age and Income Security Programs to seniors, including one with Chinese and another with Tibetan translation. We had two successful meetings in the community on Seniors, Income and Housing. Community members are looking forward to organizing around housing with PCLS in the coming year. To better serve the growing population of seniors we were able to participate in the development of the Parkdale Seniors Service Providers Network (PSSPN) which supported partnerships with other agencies to expand their services to seniors in Parkdale.

We continue to take an active interest in increasing access to services for people who are in distress or who have experienced a mental health disability.

Our partnership with CAMH continues to grow as we offer information and educational sessions

to the Drug and Alcohol Treatment Program and The Consumer Survivor Information Centre. We partnered with The Empowerment Council and PARC to deliver Rights Information sessions. We continue to take leadership in developing the Psychiatric Anti-Violence Coalition which works with community members to address systemic barriers facing persons with a psychiatric disability. This year Legal Aid will be implementing a Mental Health Strategy Plan which we hope to utilize to continue providing accessible services to persons with a mental health disability or who is in distress.



**SAVAH staff lawyer
Cynthia Pay (right) with Jackie
Esmonde and Cindy Wilkie from
the Income Security Advocacy
Centre (ISAC).**

In 2013-2014, much of our case work has focussed on issues related to family reunification in the Tibetan community, while we have achieved notable successes in collaboration with our partners.

We continue to see significant demand for our services from members of the Tibetan community in Parkdale who are experiencing problems successfully reunifying with family. We assisted with a number of applications for concurrent processing of family members as well as overseas sponsorships. A number of Federal Court Judicial Review applications for Tibetan clients were successful.

One of our major victories this year involved a case of a young Tibetan woman in Nepal who was seeking to join her mother who had won her refugee claim in Canada. Her case had been closed because of difficulties in obtaining a travel document. We filed in Court to challenge this decision and the Department of Justice consented to the matter. This young woman is now in Canada, happily reunited with her family.

Another major victory involved an issue that we have seen a number of times in our Tibetan files. Informal adoption of children is not uncommon in Tibetan culture but does not fit neatly into the categories for family reunification set out in the Immigration and Refugee Protection Act. We have now seen a number of cases in which families have been refused on the basis that non biological children have been improperly included based pursuant to a particular section of IRPA, which, we have argued, should not properly be used in this fashion. This year we had another successful case on this point as another of our Federal Court applications was consented to by the Department of Justice. This allows us to go back to the visa post in New Delhi and provide further evidence to establish that this child should be permitted to reunite with her family in Canada.

Another significant victory this year was the

successful claim to refugee protection by a Hungarian Roma woman who has mental health challenges. Despite the low acceptance rate of



Hungarian Roma we were able to succeed before the Refugee Protection Division and this has had a significant and positive effect on our client's health.

We have also begun a project to obtain more and better evidence to support our Tibetan family reunification files. To this end we invited Carole McGranahan, a noted American anthropologist, to speak to us here at PCLS on the issue of Tibetan family culture and kinship norms. We hope that this will lead to the development of a body of evidence that can be used in multiple files to bolster our arguments in support of family reunification for Tibetans.

In addition, our division has undertaken a popular education strategy to support Tibetan refugees and their families in Parkdale to further understand and organize around family reunification issues. We have worked with partner agencies, our in-house Tibetan interpreter and other members of the

Tibetan community to identify priorities for change and create an organizing strategy. As a part of this work, we have begun discussions with community groups and our local MP's office to strategize around the issue of the enormous difficulty that Tibetans in Nepal experience trying to obtain travel documents. This problem poses a serious obstacle to family reunification. As stateless persons, Tibetans are at the mercy of the Nepali authorities to obtain the necessary document to travel to Canada to be reunited with family members, something which the Nepali authorities have become increasingly reluctant to do. We are exploring options including requesting that the Canadian government issue one way Canadian travel documents for this purpose, or obtaining travel documents from the International Committee of the Red Cross. Our project has included liaising with the Somali community in Toronto who has also faced this challenge with respect to family reunification.

A historical success for the Immigration division and migrants everywhere was the passing of the implementation plan for the Sanctuary City policy at City Hall in May of this year as well as supporting

and seeing Hamilton pass the second ever Sanctuary City policy in Canada. Since the passing of the initial Sanctuary City motion, PCLS' immigration division has continued to work with Toronto City staff and City councillors to develop an implementation strategy that is comprehensive and prompt, as we continue to see undocumented people in our community have difficulty accessing services. Part of that work was our important contribution to the development and release of a report titled "Towards a Sanctuary City" in late 2013, which showed inequality in access to services for people of precarious immigration status and was instrumental in obtaining the implementation strategy that was voted on in May.

PCLS' Immigration Division continues to do ground-breaking work on issues regarding the Temporary Foreign Worker Program in Canada. This year we supported Fay Faraday in launching her important report "Profiting from the Precarious: How Recruitment Practices Exploit Migrant Workers".



**The Immigration
division,
Spring 2014**

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