

ANNUAL REPORT 2022 - 2023



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Message from the Board Co-Chairs

PARMBIR GILL & JANET MOSHER

As many of you will know, on September 1, 2021, Parkdale Community Legal Services marked 50 years since its opening on September 1, 1971. We honoured and celebrated this milestone in various ways. As we noted in our update last year, a community event was held in Sorauren Park on October 17, 2021; three online panels explored [Critical Campaigns and Cases, Community and Movement Lawyering, and Community Clinics and Racial Justice](#); alumni of the Intensive Program in Poverty Law gathered on July 16, 2022; and we produced our [50th anniversary video](#). Our final event, a full-day conference, “Parkdale Community Legal Services at 50: Defining Our Future,” was held on October 22, 2022 in the community. With poet and activist El Jones as our keynote speaker and panels exploring the theme of radically reimagining just communities – and inspired as well by local Parkdale artists – the conference both returned us to PCLS’ radical, disruptive roots and helped to chart pathways for future work. Thanks are owing to all the staff and students who helped to organize the event and participated in the conference. A very special thanks is owed to Butterfly GoPaul and Tenzin Tekan – without their resourcefulness and attention to detail the event would not have been possible!

As mentioned last year, we are very happy that PCLS is now physically located back in the Parkdale community with a storefront location on Queen Street and space on Dufferin. No sooner had most of the renovations been completed when the Dufferin site was flooded (to the best of our knowledge, the third significant flooding of PCLS in its 51-year history!). Again, many thanks are owing to the staff and students who stepped in on short notice and over the weekend to remediate the situation. You are awesome! While we are happily settled and really delighted to hold our first in-person AGM at the new premises, in the longer term our hope is to consolidate the Clinic’s operations into a single space, accessible to community members.

As always, enormous thanks are owed to the staff and students who



day in and out, provide frontline legal services to community members and organize locally, provincially, and nationally to better ensure access to housing, decent work, adequate social benefits, and permanency of status. Once again, we want to express our appreciation to John No, our Director of Legal Services who assumed the role of Interim Clinic Director from February – May of this year.

We are grateful to our funders, including Legal Aid Ontario, Osgoode Hall Law School, and individual donors. We were deeply touched when the family of Paul Stott, an Osgoode graduate who worked at PCLS in its very early years, asked his friends and colleagues to remember him through a donation to the Clinic. Those of us who are

current members of the Board and staff at PCLS did not have the pleasure of knowing Paul but having learned of his willingness to push limits unimpeded by fear, strong sense of fairness and social justice, and concern to treat others with respect and compassion, we could readily see why Paul would have been drawn to work at PCLS.

We are also grateful to all those who serve on the PCLS Board of Directors. Their commitment to the Parkdale community and the work of the Clinic is immeasurable but can be at least in part gauged by the fact that this year, all Class A directors whose two-year terms are up have agreed to continue for another term!

We are excited about the year ahead. The strategic planning process under the leadership of our Clinic Director, Kara Gillies, is just getting underway. The “Defining Our Future” conference last October has given us much to think about, and we look forward in the months ahead to engaging staff, students, and community members in the process of more fully imagining PCLS’ future.

Message from the Clinic Director

KARA GILLIES

2022 - 23 was my first year at PCLS. And what a year it was! It was marvelous to settle back into a storefront setting, where community members and clients can stop by with relative ease. We remain dedicated to providing low-barrier access and a positive space for clients, staff and students. Our updated policy on anti-violence, anti-harassment and anti-discrimination in the workplace supports these goals – a big thank you to the Board, staff and students for your initiative in this arena.

PCLS values decent work and favourable work conditions for our community and also our staff. We were pleased to work with permanent staff to achieve a new collective agreement that will carry us through March 2025.

We are still getting the hang of working across two physical sites; fortunately, the installation of a moveable wall system at the Queen street location has facilitated client and community meetings.

I want to thank staff, students, directors and community members for your warm welcome and ongoing support as I continue to grow into the Clinic Director role. It is a pleasure to work with such a committed, community-focused, and values-driven team!

Message from the Academic Director

FAY FARADAY

After a two-year delay due to the pandemic, we were finally able to publicly celebrate PCLS's 50th anniversary this past fall. As we emerge from the pandemic, government policy-making and actions by landlords, employers

and others with power and privilege, continue to fuel the affordable housing crisis, inflation, austerity, and precarious work, social and immigration status. This was, then, a time to reflect on the importance of collective action and community solidarity. In October, the students helped organize and host the Clinic's 50th anniversary symposium which challenged community members, activists, artists, students, lawyers and other allies to define our collective vision for a just future. When PCLS was established half a century ago, it was a radical intervention in access to justice which became the model for the community legal clinic system. As we look to the next 50 years, we asked 'what is the radical imagination and radical intervention we need now to bring justice to our community.' The commitment to solidarity in community, to fight against systemic injustice, and to use the law to both protect community members and also transform unjust systems continues.

The law students work under the supervision of the Clinic's lawyers to deliver legal services to the Clinic's clients and learn the technical legal skills to be strong advocates for community members. At the same time, the students work with me to engage in rigorous academic study to build a deep and critical understanding of how law operates as a system of power. Understanding law as a system – how it is created, who benefits from it, who is restricted or harmed by it – is a necessary foundation from which to map out strategies for how, working in collaboration with community, we can together change that system so it delivers justice.

Just as they have for the past half-century, many of the lawyers who work in the community legal clinic got their start in the intensive program at PCLS. This year's cohort continued to embrace a commitment to PCLS' vision and quickly grew into passionate advocates for social and economic justice. It was a pleasure collaborating and learning with them.

Awards and Honours

Dorothy Leatch Award TSEWANG NORBU



Dorothy Leatch was a much beloved receptionist at Parkdale Community Legal Services for more than 30 years. She took an active interest in the clients and in the community, as well as being very actively engaged in her own church and family community. Dorothy passed away in 2011, and we felt there was no better tribute than to honour in her memory a community member who embodies Dorothy's own approach to community.

Tsewang is a Parkdale tenant and interpreter who for years has supported struggles against evictions and rent increases in the neighbourhood. Active in the Tibetan seniors' community, Tsewang organized seniors in 2022 to successfully stop the eviction of an important community prayer space in Parkdale.

Frederick H. Zemans Prize in Poverty Law

SINTHURA CHANDRAMOHAN

Sinthura Chandramohan is the 2021-2022 recipient of the Frederick H. Zemans Prize in Poverty Law. Named in honour of PCLS' founding Clinic Director, the Frederick Zemans prize is awarded annually to an outstanding student in the Intensive Program in Poverty Law.



Year in Review

PCLS' work is organized around four areas: Housing Rights, Social Assistance, Violence and Health (SAVAH), Migrant Rights, and Workers' Rights. We share highlights from the past year about each area below.



The Housing Division provided organizational support to tenants of one low-rise building fighting 'renoviction'. When investors bought the building they issued N13 eviction notices to all tenants, claiming they planned to renovate the rental units. Tenants responded by forming a committee and launching a high profile campaign to stop the evictions. In 2022, PCLS represented the tenants at their hearing at the Landlord and Tenant Board and had the evictions dismissed. This was a significant win for the tenants as it avoided what would have been a mass displacement event of long standing community members from their affordable homes.

An infamous landlord issued renoviction notices to all tenants in an approximately 30-unit building in Parkdale. This landlord had recently succeeded in evicting tenants in another area of Toronto based on the same notices and then denied the evicted tenants their right to move back into their units after the renovations were completed (the right of first refusal).

In order to avoid evictions and the similar result of denial of the right of first refusal, Parkdale tenants engaged their tenant committee to push back publicly against the landlord. The landlord countered with separate eviction notices against the tenants for their organizing efforts. PCLS provided ongoing support and advice to the tenants and applied parallel pressure against the landlord to withdraw all the notices. After many months of tenant campaigning, the landlord has withdrawn all eviction notices and has agreed to negotiate renovation plans without any displacement or evictions.

Many tenants in Parkdale fell into arrears during lockdown periods of the COVID-19 pandemic. Some landlords in Parkdale delayed their pursuit of evicting these tenants for non-payment of rent until after the pandemic was central in the public consciousness. In an effort to safeguard their homes many tenants turned to organizing their buildings and communities. Seemingly in response, a large corporate landlord had issued eviction notices for non-payment of rent only against several high-profile tenant organizers in a building. The landlord was unwilling to negotiate a reasonable settlement including rent repayment terms. PCLS was retained by these tenants to represent them at the LTB and after several hearings over many months was successful in obtaining a settlement that included rent forgiveness and reasonable arrears payment schedules resulting in the preservation of tenancies.

There is a growing trend of formal entities acting, illegally, as “tenants” by renting out a large number of units and subletting them out to individuals in order to circumvent important tenant protections in the Residential Tenancies Act (i.e. security of tenure, legal standing at the Landlord and Tenant Board). Such protections are not afforded to subletting individuals. PCLS has assisted tenants to organize against these practices and vigorously defended clients facing eviction under these spurious arrangements. Efforts have recently resulted in generous settlements and the formal recognition of the clients’ tenancies.

The Housing Division represented a long-standing Parkdale tenant facing eviction for reasons related to noise complaints. The tenant is hearing

impaired and suffers from epilepsy and severe pain causing her to cry out. Not only did PCLS successfully argue for relief from eviction, but a decision was issued by the Landlord and Tenant Board ordering the landlord to renovate the unit with soundproofing materials as a form of human rights accommodation.

A corporate landlord sought to evict a number of tenants at one Parkdale low-rise. Many tenants lost jobs and hours during the pandemic and fell behind on their rent payments. In winter 2021, the building's boiler malfunctioned and caught fire due to the landlord's negligence. Despite having endangered tenants' lives, the landlord went ahead with the evictions for rent arrears. Working collaboratively with the tenants, PCLS represented the tenants over a number of years and had the landlord's eviction applications dismissed and secured rent abatements from the Landlord and Tenant Board in the spring of 2023.

A PCLS client had been living in his rental unit his entire life. The home was bought by developers who sought to evict him and convert the complex into a luxury rental building. The developers refused to agree to allow him to move back in at his affordable rent. PCLS represented the tenant at the LTB and succeeded; demonstrating that the landlords were depriving him of his tenancy rights by trying to permanently displace him from his home.

In June 2022, a ceiling collapsed in a unit in the Swansea Mews public housing community, injuring one tenant. The landlord, Toronto Community Housing, and the City of Toronto responded by condemning Swansea Mews. As a result, hundreds of residents were displaced from their homes and community. PCLS provided organizational and legal support to tenants during the initial stages of the displacement process.

During the pandemic lockdowns, a non-profit seniors building in the west-end curtailed regularly scheduled programs and services such as lunches, outings, and on-site hairdressing. When the lockdowns lifted, the programs and services did not resume. PCLS worked with residents to form a tenant organization at the building that has succeeded in pressuring the landlord to restore needed programs and services.

Change in the ownership of one Parkdale high-rise led to worsening building conditions. With the support of PCLS, tenants responded by forming a committee and organizing to demand improvements. The tenant committee worked to collective tenant grievances in the building by circulating a petition and collecting work order from the majority of units. After months of hard work holding meetings and canvassing door to door, the new landlord gave in to tenants' demands and installed new laundry machines, accessible entrance doors, resurfaced the parking lot and conducted building-wide pest control.

In the spring of 2021 a non-profit "social justice oriented" landlord illegally locked out a previously homeless tenant based on regressive and unfounded rumours of drug use. The illegal lockout resulted in the tenant re-entering homeless and without access to any of her belongings. While homeless her mental and physical health deteriorated and she had yet to obtain permanent housing. PCLS represented her in a tenant's rights application against her landlord and won her a large financial award along with very critical commentary against the landlord actions.

A rental building in Parkdale was purchased by a financialized landlord. Shortly after purchasing, the landlord produced a fraudulent lease agreement that claimed a tenant's rent was more than double than what he was paying and it included a fake e-signature of the tenant. The landlord sought to pursue the tenants to evict him for underpaying his rent. The tenant retained PCLS and at the LTB hearing landlord claimed that the lease was needed for its "investors". The LTB found that the lease was not the true lease and dismissed the landlord's application.



The Social Assistance [income security] violence and health team are newly relaunched in May 2022. SAVAH has been busy working on (re)engaging residents and residents groups, grassroots movements and local agencies and organizations to re-establish relationships and connectivity and to convene initiatives tables focusing on specific issues We continue to re-envision community-based campaigns that are by residents and for residents that will be responsive to community needs and addressing systemic and structural barriers for change while providing support to mobilize, organize and fight back against these interconnected forms of oppression that residents/resident groups identify. Moving into the uncertainty of whatever 'post pandemic' will



look like, it's more evidence of the glaring disparities of inequities in the socio-economic marginalization of Black, Indigenous, racialized peoples and the working poor communities in the City of Toronto. SAVAH has a commitment to ensure we are relevant to the community residents of Parkdale, centering the community in the work we do and grounding the work in

community development principles. We currently do this by providing a wide range of services in the form of summary advice, informal advocacy, and representation. In the area of social assistance and system navigation. SAVAH continues to advocate on hundreds of disputes regarding our clients' eligibility and access to Ontario Works (OW) and Ontario Disability Support Program (ODSP) benefits.

The SAVAH team has also spent time offering legal information, advice and advocacy to folks on other social benefit programs like Canada Pension Plan disability benefits, Old Age Security and the Guaranteed Income Supplement. SAVAH is excited to share that we are expanding into the area of Human Rights law by assisting community members with applications and representation at the Human Rights Tribunal of Ontario on issues of discrimination in the area of provincially regulated services. For example, discriminatory incidents relating to retail stores, security guards, municipal/provincial services, schools, and policing. We have started developing outreach materials to share with community residents, resident groups, community based organizations and agencies.



Our family reunification work included successes that continued to push the boundaries of who is a dependent family member under the IRPA. We recognize that legislative change is unlikely on the issue of the definition of a dependent family member and therefore focus on strong individual cases to consistently push policy boundaries. A notable success was the case of 4 nephews and nieces ranging in age from 19-30 who were successfully reunited with their aunt in Canada on DR2 applications with an H&C request, after 7 years of litigation. The family was delighted and relieved to finally be able to reunify after so many years.

We had significant success with this strategy when faced with a permanent obstacle to family reunification for Tibetan refugees with family in Nepal. This was because Nepal refused to issue travel documents to Tibetans residing in Nepal. Our strategy of consistently requesting Single Journey (Canadian) Travel Documents (SJTDs) from the Canadian High Commission in New Delhi, arguing that it is appropriate in these circumstances to provide a one way Canadian document given the evidence that a Nepalese document will be impossible to obtain. This has resulted in a "policy shift" in that office and now such documents are routinely offered to Tibetan family members residing in Nepal. Similarly, the more we argue strongly for an expansion of who can be considered a dependent family member, in the appropriate case and with

an extensive evidentiary record, the more likely it is that immigration officers will become more comfortable with recognizing the compelling factors that militate in favour of an open mind in relation to concepts of family.

We have also sought an order of Mandamus from the Federal Court to compel a decision in a case long stalled within the IRCC bureaucracy. While not strictly a family reunification case (it involved an H&C outstanding for 9 years) our elderly client was largely seeking to be able to return to Canada to be able to reunite with his extended family. This has proved to be an effective strategy (that case resulted in a positive decision on his H&C) and is another useful tool to bring about family reunification in the future in the appropriate case.



We have been campaigning to get the federal government to regularize over 500,000 people who live without status in Canada. We have successfully pushed the federal government to move forward on a regularization program. The Prime Minister's Mandate Letter to the Minister of IRCC proposed a regularization program that is now being developed by IRCC staff. We have to demonstrate that we have the political power to ensure the government brings in a regularization program without caps and exclusions. We organized 4 public demonstrations for a just regularization program and status for all with migrants and their supporters (March, July, September and October, 2022). We have been successful in building public awareness of the exploitative conditions faced by undocumented migrants and built broad support. This is demonstrated by the over 24,000 people that have signed the petition and hundreds of organizations that have endorsed the call for status for all. We have been told that the Cabinet is currently reviewing the proposed regularization program and a decision should be made shortly.



Workers' Rights

We continued to achieve both measurable and immeasurable results for our worker-clients. In the fiscal year of 2022-2023, we recovered \$607,524.01 in unpaid wages, pay in lieu of notice, human rights damages, and other employment entitlements.

We were or are also currently involved in well-publicized three test case litigations.

First, we intervened in *Taylor v. Hanley Hospitality Inc.*, 2022 ONCA 376, which dealt with the interplay between Infectious Disease Emergency Leave temporary layoffs and common law constructive dismissal. The outcome was favourable in that the Ontario Court of Appeal overturned the lower court's decision.

Second, In *Leon v. Dealnet Capital Corporation*, 2021 ONSC 7192, we intervened in the first post *Uber Technologies Inc v Heller* case involving the validity of a private arbitration clause. The appellant/responding party on the motion, Leon, brought an action against his former employer, Dealnet, claiming unpaid wages relating to a transaction-based bonus. In response, Dealnet brought a motion to stay the action on the basis that the dispute was subject

to an arbitration agreement between the parties. Justice Freya Kristjanson found that whether the Arbitration Act excludes the appeal or the provision violates the Employee Standards Act and is unenforceable highlights relevant questions of law. She wrote that she could not conclude that the appeal is devoid of merit, mainly because Parkdale Community Legal Clinic appeared as an intervener, stating “The Parkdale Clinic has intervened in the interests of vulnerable workers, highlighting the importance of the questions of law to be resolved.”

Third, we commenced a constitutional challenge to the damages limits in ss. 53(2)(e) and 53(3) of the Canadian Human Rights Act. This challenge is in the very early stages.

Our other cases may have been less publicized but they were also nevertheless impactful to both our individual clients and to the broader workers’ rights movement. A good example of our commitment to our clients and to the broader worker’s rights is a case that started in 2015 but concluded in 2022. In this case, we took a corporation to trial to recover wrongful dismissal damages. Unfortunately, although the person controlling the corporation had great financial capacity to pay, he did not permit the corporation to pay the judgment owing and eventually drained the corporation of its assets. We then commenced a completely new civil action against the director personally, arguing that the director should be held personally liable for the debts of the corporation, pursuant to a rarely used “oppression” remedy under the Business Corporations Act. While noting that our argument was esoteric, the judge in the new civil action granted us judgment against the director. The director soon paid the money owing and thus ending a 7 year legal process.

We also recovered almost \$36,000 in unpaid wages for a worker who worked for a large grocery store with a history of violating the ESA. We worked closely with the Chinese Canadian National Council on this matter.

One of our ESA claims had a direct positive impact on employees who were not even our clients. We filed an ESA claim for one former employee

who was (a) not paid for training, and (b) threatened with a financial penalty for quitting his employment prior to the end of his employment contract. We emphasized to both the employer and the Ministry of Labour that we were seeking a systemic remedy. Not only did our client personally recover approximately \$39,000 in unpaid wages, the ESA claim also resulted in the employer voluntarily agreeing to pay all its current employees for training and to remove a resignation penalty clause from their employment contracts.

Our final example of a case that had broader implications is the case of *Jian Zheng Yang v 11676121 Canada Inc. o/a Yumi Legend Seafood Cuisine*, 2022 CanLII 100894. Our client was a chef at a restaurant, who received \$1,000 for working 60 hours per week. An issue in dispute was as to how to calculate the worker's hourly wage rate. Specifically, should his hourly wage rate be calculated by dividing the \$1,000 by 60 hours or dividing it by 44 regular (non-overtime) hours? The hourly rate issue was of significance as it greatly affected our client's overtime pay claim. The Employment Standards Officer chose the former method, i.e., \$1,000 / 60 hours. We appealed to the Ontario Labour Relations Board arguing that the proper calculation was \$1,000 / 44 hours. The Ontario Labour Relations Board agreed with our calculation and increased the original Order to Pay from \$3,042.95 to \$26,359.10. A second issue in dispute was whether the Employment Standards Officer was wrong to assume that the claimant worked no overtime hours for the weeks that he no longer possessed records. Citing a previous Parkdale Community Legal Services' case *Marin v. Zeitz*, [2013] OJ No 6457, the Ontario Labour Relations Board noted that the responsibility to keep records rests with the employer and, as such, it was "reasonable and fair" to extrapolate what the employer in fact owes the claimant based on the claimant's viva voce evidence and the available documentary evidence.

As a member of the Justice for Workers Campaign, PCLS has long fought for 10 employer paid sick days under federal and provincial legislation. We were successful in 2022 in pressing the federal government to enact a requirement under the Canada labour Code that employers of federally regulated employees must provide 10 paid sick days.

THANK YOU TO OUR FUNDERS



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