

PARKDALE COMMUNITY LEGAL SERVICES

2023-2024

Annual Report



Top: First PCLS location from 1971 to approximately 1981

Bottom: Fourth PCLS Location (extreme right of image) from approximately 2000 to 2019



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Message from the Board Co-Chairs **DANIELLE BISNAR & SARAH ROBICHEAU**



As we mark another year of PCLS' vital work, we are very proud of the legal victories, organizing, and community building achieved by all of PCLS' staff and students. Their dedication continues to make a real difference in the lives of individual clients and the communities we serve, building capacity and making small and big changes to improve access to housing, decent work, adequate social benefits, and permanency of status.

Director since 2022, embarked on a new opportunity in BC. We appreciate her commitment to facilitating the Clinic's work and wish her all the best in her next chapter!

John No, our Director of Legal Services, has again stepped into the role of Interim Clinic Director. We are deeply appreciative of his expertise, commitment to the Clinic's work and values, and leadership.

We are grateful to our funders, including Legal Aid Ontario, Osgoode Hall Law School, and individual donors. We are also grateful to all those who serve on the PCLS Board of Directors. Their time and commitment to the Parkdale community and the work of the Clinic is immeasurable.

Danielle and Sarah are both Osgoode alumnae whose lives were deeply impacted by our time as students at PCLS. We are honoured and excited to serve as Board Co-Chairs for the coming year. We look forward to working with the Board and staff to ensure that Clinic has good long-term

leadership in place to continue its critical work and to develop a Strategic Plan to guide our priorities for the future to help the Clinic continue to advance justice on behalf of Parkdale communities.



PARKDALE COMMUNITY LEGAL SERVICES

Message from the Interim Clinic Director JOHN NO

In the past year, Canada has seen a rise in hateful scapegoating of new immigrants, migrant workers, and international students for various societal issues such as lack of affordable housing, poor employment conditions, and rise in the cost of living. These issues, however, have been in the making for decades due to laws, policy decisions, and economic models that favour accumulation of wealth by the few and excessive profits for large corporations at the expense of the public good. It is more important than ever that we fight for systemic changes that will address the real causes of poverty and inequities, rather than blaming fellow members of our community.



Our Annual Report highlights some of the ways that Parkdale Community Legal Services fought against injustices in the past year. Some of our fights are in the form of more traditional legal work, *e.g.*, legal representation and test cases. Some of our fights are in the form of campaigns and movement building. Some of our fights merge both strategies. I am excited for you to read about each PCLS team's amazing accomplishments in this report.

I am also excited that we are honouring four amazing interpreters who have worked with us for decades. These four individuals have contributed so much of their skills and time to our clinic because they genuinely love the Parkdale community.

Finally, our past Clinic Director Kara Gillies and I wish to express a great big thank you to our amazing staff, law students, Academic Director Professor Fay Faraday, and directors for their dedication to the Parkdale community and to, of course, fighting the good fight.

Year in Review

HOUSING RIGHTS

Tenants at two west-end apartment buildings owned by the same corporate landlord formed committees to fight above-guideline rent increases. PCLS supported the tenants at each building to organize and collaborate with each other in their campaign. At both buildings, tenant organizers reached out to neighbours door-to-door to inform them that they are not obligated to pay the above-guideline increases until the Landlord and Tenant Board approves the increases. The tenants received media coverage for holding joint public actions calling on their landlord to withdraw the above-guideline rent increase applications. The tenants' campaign to oppose the rent increases is ongoing.

Soon after their landlord put the house up for sale, five Parkdale tenants renting there received eviction notices for landlord's own use. PCLS met with the tenants and supported them to form a group to oppose the evictions. Only weeks later, an investor bought the house and issued new eviction notices to tenants, this time for extensive renovations. Again, PCLS brought the tenants together to educate them about renoviction and to share the experiences of tenants who have successfully resisted renoviction. The new landlord has since filed applications against the tenants at the Landlord and Tenant Board. PCLS will represent the tenants at the upcoming eviction hearings. To increase the strength of the tenants' legal defense, PCLS will motion for the landlord's applications to be joined so that tenants can mount their defense collectively at one hearing.

A set of three low-rise apartment buildings was purchased by a corporate landlord. The landlord filed multiple applications to raise rent above the guideline, neglected repairs in longterm tenants' units, and repeatedly issued erroneous eviction notices for non-payment of rent to multiple tenants. PCLS supported tenants to form an organization at the buildings. Tenants documented the disrepair in units and delivered a collective demand letter as a group to the landlord's offices in downtown Toronto. In response, the landlord hired a new property manager, conducted repairs in units, increased the level of maintenance at the buildings, and stopped harassing tenants with bogus eviction notices.

Nine families received eviction notices for extensive renovation after an investment firm bought their mid-rise apartment building. PCLS assisted the tenants in a yearlong campaign to demand the company drop the evictions. When the landlord brought the tenants to eviction hearings at the Landlord and Tenant Board (LTB), PCLS worked with the tenants to prepare their legal defense. The LTB dismissed the evictions and tenants said that being organized was the single most important factor in their successful fight to remain in their homes.



PCLS represented a single disabled working-class woman against a personal-use eviction by her landlord, who sought to evict her so that his son could allegedly move into her rental unit. If evicted she would be homeless, while the son had many available living options. PCLS demonstrated that the landlord had a history of evicting long-standing tenants from their rent-controlled units on the false premise of moving in a child. The LTB found that the landlord was likely acting in good faith, but declined to grant the eviction given the tenant's circumstances. Our client's housing remains stable.

A financialized landlord purchased a low-rise apartment building in Parkdale and sought to evict all the tenants by way of agreement and tenancy buyouts. The landlord obtained such agreements by misrepresenting the tenants' legal rights, and suggested that the building was going to be condemned and evictions were inevitable. A tenant who signed an agreement and was facing eviction on that basis came to PCLS for support. The legal clinic moved to set the eviction order aside based on the misrepresentations made and pressure applied by the landlord. The LTB found in the landlord's favour and affirmed the eviction. PCLS appealed to Divisional Court on the basis that the LTB did not consider the serious misrepresentations made by the landlord. The Divisional Court agreed and overturned the eviction, and neutralized the improperly obtained agreement to terminate our client's tenancy.

PCLS traveled to Ottawa to meet with tenants facing demoviction at a downtown apartment building. A developer bought the building to demolish it and redevelop the land. However, the building is home to long-term, low-income tenants paying affordable rents. The landlord had sent agents door-to-door and to pressure tenants into signing documents ending their tenancies. PCLS trained the tenants on landlord-tenant law, tenant organizing, and media strategy.

We had a number of speaking engagements where we shared our expertise on fighting renovictions. We spoke at an undergraduate pre-law class at the University of Toronto as part of the course section on housing rights. We also presented at the annual GTA clinic training conference on how tenants can defend against renovictions by organizing at their buildings and preparing legal defenses at the Landlord and Tenant Board. These presentations have increased our collaboration with clinic colleagues across the GTA.

PCLS supported the formation of a neighbourhood-based group in North Toronto where a major planned development project has increased land values and precipitated the sale of numerous apartment buildings. The group is composed of tenants from different apartment buildings who have recently faced displacement pressure from their landlords and who have successfully organized with their neighbours to stop evictions. The group reaches



out to tenants in buildings in the area offering to lend their support where tenants face displacement pressure.

This year, our Housing Division has conducted intakes and provided brief services to several hundred tenants in Parkdale seeking assistance with housing. We tailor our brief-service supports according to the needs of our clients. For tenants facing evictions for arrears, we connect tenants with income supports to pay down the arrears, negotiate payment plans with landlords to prevent tenants from having to appear at a Landlord and Tenant Board eviction hearing, and ensure that all issues are resolved and applications withdrawn. We also provide ample support with maintenance and disrepair issues by writing demand letters to landlords who are neglecting their units, involving City services, and helping tenants to prepare tenant applications to the Landlord and Tenant Board. This prevents tenants from having to leave their homes due to unlivable conditions. We write demand letters to stop harassment by landlords, outlining the consequences for mistreatment of tenants, which allows tenants to feel safer in their homes. We have also successfully helped many tenants to fight illegal rent increases and illegal evictions, which has maintained affordable housing in the community. Through letters, phone calls, and behind-the-scenes coaching, we have successfully stopped every illegal lockout that tenants have brought to us. We continue to be extremely busy in our work and look forward to working with our community in the coming year.



MIGRANT RIGHTS

Migrant care workers have long fought for the right to come to Canada with permanent residency and their families to do important care work. Standing on the shoulders of caregiver leaders in the 1970's and 80's, care workers finally won permanent resident (PR) status on arrival on June 3, 2024 when Immigration Minister Miller announced the new caregiver program. We will continue to push for a regularization program for those migrant care workers already in Canada who are in limbo due to previous restrictive caregiver pilot programs.



There are an estimated 300,000 to 500,000 undocumented residents in Canada who face exploitation at work. Successful organizing pushed the Prime Minister to commit to a regularization program in 2021 and to a broad and comprehensive regularization proposal going to the federal cabinet in 2024. But the federal Liberal government has begun backtracking. They are falling prey to rising anti-immigrant xenophobia and racism. To deflect attention from the pandemic profiteering of companies that have driven up the price of housing, food and essentials, conservative and political elites blame immigrants for so-called scarcity. We continue to call on the government for a regularization program and to stop ceding ground to divisive anti-immigrant narratives.

We've been equally busy on the casework front. Our clients in the Migrant Rights division were very patient during a period of staff transition in early 2024. We have fully re-opened for intakes and continue to assist new and longstanding clients as they navigate Canada's unjust and discriminatory immigration system.



During the past year, we have successfully reunited families in Canada after long periods of separation; obtained open work permits for clients on closed work permits tied to abusive employers; secured waivers from the language and knowledge requirements of citizenship for clients with medical issues; assisted clients with protected-person status in Canada to acquire permanent residency; helped several clients without identity or status documents to acquire PR cards, citizenship certificates, travel

documents, OHIP cards, and other photo identification; and continued pushing forward many of our longstanding and complex immigration files.

We continue to assist clients with Humanitarian and Compassionate Applications and Pre-Removal Risk Assessments, and to work with caregiver clients as they navigate the complicated requirements for obtaining permanent status in Canada.

A snapshot of our casework successes:

- We were successful in reuniting a longstanding PCLS client with her husband and son after a nearly decade-long separation. In 2018, PCLS began assisting this client with a humanitarian and compassionate grounds application (“H&C”). After she successfully became a permanent resident in 2021, PCLS assisted the client with an application to sponsor her husband and son. In November 2023, her family members were finally able to join her in Canada.
- We were able to secure an “Open Work Permit for Vulnerable Workers” (“OWP-VW”) for a client who came to Canada on an employer-specific work permit, but was forced to quit their job due to abusive and unsafe working conditions. The client’s OWP-VW application was initially refused, but PCLS was able to have the application re-opened and a new decision rendered.
- We succeeded in having a client returned to Canada, where they were landed as a permanent resident and reunited with family members after a decade-long separation. After filing a mandamus application in Federal Court, we were able to compel IRCC to render a positive decision on the client’s H&C application, following which we assisted the client with a successful “Authorization to Return to Canada” application.
- We assisted with a successful spousal sponsorship application. Following an initial refusal and appeal at the Immigration Appeal Division, our client and his wife were reunited in Canada in September 2023, three years after filing their original sponsorship application.
- We were successful in obtaining a new Permanent Resident card for a client with no primary identity documents. Their application for a new PR card had been refused by IRCC on four previous occasions.



WORKERS' RIGHTS

PCLS partners with the Workers Action Centre and campaigns to increase the minimum wage. Over the past ten years, workers have been successful in organizing to increase Ontario's minimum wage by almost 62 percent – from \$10.25 in 2013 to \$16.55 in 2023.

We have long called for better regulation and licensing for temporary agencies and recruiters. The new ESA licensing regime for agencies and recruiters came into effect over the past year. To operate in Ontario, temp agencies and recruiters are required to obtain a licence and provide the Ministry of Labour with a \$25,000 security so workers can recover illegal fees and unpaid wages. We will see how we can use this new licensing requirement to improve conditions for temp-agency workers and migrant workers.

PCLS works with long-haul truck drivers who are organizing through Justice for Truck Drivers to stop being denied their employment rights by companies that misclassify them as independent contractors. We have been successful in pushing the federal government to improve the Labour Code protections against misclassification and to dedicate enforcement funding to stop misclassification.



In the casework side of our work, we obtained a remarkable \$612,682.85 in unpaid wages, wrongful dismissal damages, human rights damages, and other entitlements on behalf of our clients. The amount is slightly more than what we obtained in the previous fiscal year. Some of our more noteworthy successes include:

- In 2019, a caregiver filed an ESA complaint against her employers, but the Ministry of Labour determined that the employers did not owe any wages to the worker. We filed an application for review to the OLRB, which found that the employer owed the worker \$27,896.89. The employers refused to pay despite the OLRB decision. With the Ministry of Labour appearing to do little to enforce the OLRB decision, we registered

the decision with the Small Claims Court and began a multi-year process to collect the money owing. In the summer of 2023, we finally collected the entire amount owing.

- A worker came to see us because her employer fired her and threatened that she could “go to jail” for what was clearly not criminal conduct. During our assessment of her situation, we determined that she had not been paid minimum wage for years. Ultimately, we were able to secure the worker compensation for wrongful dismissal, employer’s bad faith behaviour in the manner of dismissal, and employment-standards violations.
- A worker resigned from her employment when the employer failed to address her safety concerns after the employer’s client threatened to physically harm the worker. We were able to secure a \$70,000 compensation for the worker.
- A worker who does not have regularized immigration status in Canada worked as a cleaner for a janitorial services company who had a contract with a property management company. A superintendent employed by the property management company sexually harassed the worker. The worker reported the harassment to her employer, the janitorial services company, but it took no steps to address the complaint. After negotiations with both companies, the matter resolved to the satisfaction of the worker.
- We previously obtained a Small Claims Court judgment against a corporation for wrongful dismissal damages, but we were unsuccessful in collecting the money owing because the corporation ceased to operate since the judgment. We then commenced a new civil action against the director of this corporation, arguing that the Court should hold the director personally liable for the corporation’s debt pursuant to the *Business Corporations Act*’s oppression-remedy provision. The court agreed, and the director paid the full amount owing.



SOCIAL ASSISTANCE, ANTI-VIOLENCE, AND HEALTH (SAVAH)

The Social Assistance, Anti-Violence, and Health team (SAVAH) continues to advocate for our first Human Rights Tribunal of Ontario application client as we progress towards a hearing on this matter. We have also worked on assisting other clients more informally in human rights matters relating to service delivery issues that have been brought forward to us. We look forward to further engaging the Parkdale and Swansea communities to assess what additional needs are arising in the community in relation to human rights violations. This engagement will include the launch of an ongoing popular education, social justice documentary series – Docs and Talks, and includes community residents, artists, high school students and SAVAH caseworkers.

SAVAH continues to advocate both formally and informally on many disputes regarding our clients' eligibility and access to Ontario Works (OW) and Ontario Disability Support Program (ODSP) benefits. We have continued to collaborate with the Migrant Rights team to engage in advocacy for clients who have had their benefit applications terminated prematurely or denied after completion due to perceived eligibility issues stemming from their immigration status. This ongoing issue remains on our radar as clients continue to seek our advocacy in this area. In addition to this, over the last year, SAVAH was able to settle 10 social assistance-related cases in the pre-hearing stage, and went on to represent clients in 34 hearings before the Social Benefits Tribunal (SBT). Among these cases were a number of successful hearings in which the clients were granted ODSP income-support benefits; and social assistance overpayment hearings where we were able to successfully argue for reduction in the amount owing, rate of recovery, or a postponement of recovery based on the individual situation of each client. Some other SAVAH highlights from the past year include: advocating and settling a matter for a client whose eligibility status for ODSP was being reviewed monthly; an SBT appeal was granted for an ODSP application denial for a client with very clear health problems who had applied and been denied multiple times; successfully making a jurisdictional argument before the SBT regarding a new collection attempt on an old Ontario Works overpayment; and having a request for reconsideration granted with a new hearing scheduled by the SBT for a client with a significant ODSP overpayment.

The SAVAH team has also spent a great deal of time offering legal information, advice and informal advocacy to folks on issues relating to OW and ODSP, as well as other social benefit programs, like Canada Pension Plan disability benefits, Old Age Security and the Guaranteed Income Supplement, Ontario Student Assistance Program, Canada Child Benefits, as well as issues related to Canada Emergency Response Benefits overpayments. In addition to this, SAVAH has continued to support and amplify the voices of clients who have faced discrimination and abusive treatment in the healthcare system. These efforts are also in collaboration with other teams at PCLS. This type of collaboration recently assisted a client in engaging in the complaints process through the College of Physicians and Surgeons.

The SAVAH team has had another groundbreaking year, continuing to strengthen both new and existing relationships with our community residents, and partners, additionally now building stronger relationships with community-based organizations and resident groups. We have provided holistic support in social services to PCLS clients across all four PCLS teams, providing comprehensive referrals and resources to the folks we are working with. We are creating spaces for case conferences with both PCLS teams and external providers to ensure client-centered care by connecting them to external movements, agencies, and collaborators invested in supporting people and their families with systems navigation, often in relation to the social determinants of health. Rebuilding the SAVAH team post-pandemic continues to have its' challenges, but PCLS' excellent reputation in the community has facilitated collaboration, networking, and building/maintaining trust.

The SAVAH team collaborated with our local high school, Parkdale Collegiate Institute, to host the first high-school coop placement student, who is now attending York University in Human Rights and Equity. We are in the development phase of creating a PLE for healthcare providers to support these practitioners with filling out ODSP application forms with better outcomes for the folks we're working with. We're working with TTC Riders to support the development of Know Your Rights materials for riders of TTC when engaging with police, TTC constables, and/or TTC fare inspectors.



DOROTHY LEATCH AWARD

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 individuals who embody Dorothy's own approach to community.

This year, we are extremely excited to honour four individuals. Kha-Tieu Chau, Orsolya Kiss, Jamyang Nyima, and Kasia (Kate) Szczuka have worked with our Parkdale community for decades as cultural interpreters. In fact, these four dedicated interpreters have cumulatively worked with Parkdale Community Legal Services for more than 70 years!

It is not just that these four individuals are incredibly skilled in their interpretation skills, but also that they have been a source of comfort, wisdom, and sense of stability for hundreds of Parkdale Community Legal Services' clients and student caseworkers.

The recognition of Kha-Tieu, Orsolya, Jamyang, and Kasia is long overdue, and we sincerely thank them for their years of contribution.

KHA-TIEU CHAU



Kha-Tieu began working with PCLS as a Vietnamese interpreter in the early 2000s. As a former refugee, Kha-Tieu strongly believes in advocating for and helping those in need.

Indeed, despite her many professional and personal responsibilities, Kha-Tieu has continued to make sure that she sets aside time to work with PCLS and the broader Parkdale community. She has an unyielding commitment to our community and an incredible sense of public service. Her warm smiles and kind personality have also eased the anxiety of many law students over the years, some of whom were interviewing clients for the first time in their lives.

Kha-Tieu has also worked as an interpreter for various organizations such as Barbara Schlifer Commemorative Clinic, The University Health Network, and the Toronto Board of Education. When she has time to relax, she loves to listen to jazz, blues, and Vietnamese music.

Although we are celebrating her, Kha-Tieu wishes to convey that she is grateful for the opportunity to have served the Parkdale community all these years.

ORSOLYA KISS



Orsolya began working with PCLS as a Hungarian interpreter in 2012. She was born in Hungary, and came to Canada in 1999.

Orsolya cares deeply about PCLS clients, and her ability to provide skilled language and cultural interpretation is invaluable. Her work was especially important during the difficult time when the Canadian government was (even more so) targeting Roma community members for deportation. Over the years, Orsolya has also contributed greatly to law students' learning because she does not believe that her responsibilities stop at the end of the client interview. Her insight and knowledge truly exemplify what it means to be a cultural interpreter, and many of our past students are now better lawyers from working with her.

Orsolya enjoys being involved in challenging legal cases and appreciates that she can work on a team at PCLS.

Outside of work, Orsolya enjoys hiking, gardening, puzzles, and reading.

JAMYANG NYIMA



If there were ever to be a show called King of Parkdale, it would be about Jamyang. Greatly respected and well known in the Tibetan community in Toronto, Jamyang has done more than anyone at PCLS to ensure that the Tibetan community can access legal services. It is not an exaggeration to state that his direct efforts have reunited many Tibetan families.

Jamyang was born in Tibet, and he came to Canada in 1999. Prior to coming to Canada, he attended St. Steven's College at Delhi University. Jamyang has been interpreting for over 25 years, and he started working with PCLS as a Tibetan interpreter in or around 2010.

It is difficult to describe how important Jamyang is to PCLS and to the Parkdale community. With his warm heart and ability to connect with people, he motivates others to fight for the greater good. This writer has personally witnessed Jamyang's charisma when they were both at a street corner, trying to get people to sign a petition. No matter how much this writer tried, one individual could not be convinced to sign the petition. However, when Jamyang asked this person to do so, he did so without a single moment of hesitation.

Jamyang likes to listen to music from various countries, especially songs by Tibetan singers in Tibet. He is also one of the founders of the Tibetan Parents Association of Ontario.

KASIA (KATE) SZCZUKA



Kasia began working with PCLS as a Polish interpreter in 2001. Kasia has a Master's Degree in Biochemistry from Warsaw University, and she also speaks Russian.

er for Kasia, but she ensures that she always has time to work community. During her 23 years of working with PCLS, she has thrown ng a legal clinic for the community. In addition to interpreting for with PCLS on many different community initiatives such as the roup, Public Legal Education workshops, and tenant campaigns. ole, presenting at the Copernicus Lodge, which is a care home for rd of for clients to stop her on Roncesvalles Avenue to update her

Over the years, Kasia has spent numerous hours and days working with our lawyers, and her efforts have greatly contributed to precedent-setting cases, especially in immigration law.

Kasia is an adventure seeker, who has hiked to the Mount Everest and Annapurna base camps. Her next adventures are to Madagascar and to Socotra, an island in Yemen.

FREDERICK H. ZEMANS PRIZE IN POVERTY LAW

The Zemans Prize was created to honour the contributions of Professor Fred Zemans, founding Clinic Director of Parkdale Community Legal Services. The prize is awarded to a law student who has performed at a high level of excellence in all aspects of the Program – legal work, community work, and academic work.

BEATRICE HENSHAW



The 2023–2024 recipient of the Frederick H. Zemans Prize in Poverty Law is Beatrice Henshaw. Bea worked as a caseworker in the Workers’ Rights division. Bea avoided the spotlight or any attention to herself, but it was clear to everyone who worked with her that she was an incredibly talented individual with a strong sense of responsibility to our community and to the clinic. The workers (clients) whom she represented were always her priority, and the people that she worked with saw her as a skilled and dependable ally. Perhaps the best description of her work comes from a client directly. They wrote about Bea:

“[I] thank [Bea] for not only giving me case and support, but also for giving me encouragement and helping me through this difficult period. When I was in the most difficult and helpless time, Bea accepted my entrustment, carefully understood and analyzed the case, provided pertinent professional advice, patiently guided me to collect favourable evidence, and strengthened my perseverance in fighting courage and confidence. Over the past six months, Bea worked hard to safeguard my legitimate rights and interests, and let me get the financial compensation I deserve.”

In short, Bea embodied the spirit of community that PCLS represents.

Board, Staff, and Students

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LEGAL AID ONTARIO
AIDE JURIDIQUE ONTARIO



Parkdale Community Legal Services
1229 Queen Street West, Lower Level
Toronto ON, M6K 1L2

Tel. (416) 531-2411
Fax. (416) 531-0885

intake@pcls.clcj.ca
www.parkdalelegal.org

Facebook: fb.com/ParkdaleLegal
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