

SUPPORTING INDIVIDUALS  
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SERVICES.

SEP 22 2014

# Northwest Community Legal Clinic

SEPTEMBER 2014

## VOTE!

Fay Clark, CLW, Kenora

The *Ontario Municipal Elections Act, 2006* states that municipal elections must be held every four years. On October 27<sup>th</sup>, 2014, eligible voters will be asked to cast their ballot for Mayor, Council and School Board, in the district in which they reside and/or own property in.

Most people 18 years or older are eligible to vote. People who are homeless are eligible to vote in the district they most often returned to sleep in 5 weeks before they requested to be added to the voter's list. Students who leave their home community to attend an educational institute are eligible to vote in both municipalities they reside in through-out the

year.

This year, some municipalities are changing the way they collect votes. For example,

Kenora will be sending out ballots to be filed electronically or through an automated telephone service.

To find out if you are on the voter's list either contact your municipality or you can check online at [www.voterlookup.ca](http://www.voterlookup.ca). If you can not find your name, contact the Deputy Returning Officer who is in charge of your local election to ask direction on how to be added to the list.

It is important to cast your vote on Election Day. It is your opportunity to choose the leaders who will be making decisions about your community for the next four years. On October 27<sup>th</sup>, 2014, VOTE!



[www.voterlookup.ca](http://www.voterlookup.ca)  
or call your municipality to  
make sure you're on the

## AGM NOTICE

The Annual General Meeting (AGM) of the Northwest Community Legal Clinic will take place on **Friday, October 24th at 7pm at the Clinic's office in Kenora at Suite 6 - 308 Second Street South.**

All Association Members and members of the public and welcome to attend.

The Northwest Community Legal Clinic was founded in 2009 by the amalgamation of the Kenora Community Legal Clinic and the Rainy River District Community Legal Clinic. All three office locations continue to operate and provide services across our districts. Our staff also host sub-offices in Red Lake and Ear Falls. Not only do our staff provide legal services to our clients, we also offer Public Legal Education sessions across the districts on a

variety of topics. Legal clinic services are free and confidential. Our clinic is governed by a Board of Directors with representation from across the districts. If you are interested in learning more about the Clinic or in becoming an Association Member or even a Board Member, we encourage you to contact your local office for more information and/or to attend our AGM.

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## A "Substantially Gainful" Occupation

Sallie Hunt, Staff Lawyer, Kenora

In order to qualify for disability benefits under the *Canada Pension Plan (CPP)*, one of the stated rules is that a person must have a disability that prevents that person from being able to regularly pursue a "substantially gainful" occupation.

Even with a disability, if that person can still be "substantially gainful" occupied, s/he will not

qualify for CPP Disability benefits.

In June 2014, the CPP Regulations amended the meaning of "substantially gainful." This was changed from the maximum amount someone could receive for a monthly CPP retirement benefit to the maximum amount someone could receive for monthly CPP Disability benefits.

In 2014, the monthly amount increased to \$1,236.35, or by

more than \$2,300/year to \$14,836.20 for 2014. Since this amount is indexed, it should increase every year.

If someone has a disability but is able to work minimally and earns less than the maximum amount for a monthly CPP Disability benefit, that person can argue that s/he not cannot regularly pursue a "substantially gainful" occupation.



### Our Pamphlet Stands

All three offices of the Northwest Community Legal Clinic carry a large supply of pamphlets relating to areas of law within the Clinic Mandate. We invite you to call or stop into your local office to view the selection. CLEO has produced a new line of Consumer pamphlets, available in our offices.

## Minimum Wage Increases

Increases to Ontario's minimum wage took effect on June 1, 2014. Minimum wages apply to most employees.

- General minimum wage is now \$11.00 per hour (was \$10.25).

- Student minimum wage is \$10.30 per hour (was \$9.60).
- Liquor Servers minimum wage is \$9.55 per hour (was \$8.90).
- Homeworkers minimum wage is \$12.10

per hour (was \$11.28). You can find more information on the Ontario government website: <http://www.labour.gov.on.ca/english/es/pubs/guide/minwage.php>

## Earning Exemption for Ontario Works

Thanks to Andrea Luey, Staff Lawyer at Justice for Children & Youth for the following....

In the last year or two, after some brief litigation and advocacy by JFCY, the Ontario Works Act (O.Reg 134/98) was amended to allow for earnings/assets exemptions for the employment income of any adult members of a benefit unit who are attending high school full-time. They can

keep all of their employment earnings without reduction of benefits and not have these earnings counted towards the benefit unit's asset limit. This exemption was previously only for people under age 18.

We are not yet confident that Ontario Works (OW) offices across the province are aware of this change and/or alerting recipients.

JFCY has seen how this exemption can lead to positive results for young sole recipients, allowing them to finish high school, apply for OSAP, get off OW and go on to post-secondary education. We can imagine that it may also have positive results for members of OW benefit units as well...perhaps a small step towards breaking the cycle of poverty.



# Employment Standards Act

Carol Grosset, OM, Kenora

The Ontario Ministry of Labour has released Version 5.0 of their poster: "What You Should Know About the Ontario Employment Standards Act". This poster must be printed and displayed in the workplace where all employees will see it. The poster describes important rights and responsibilities

under the *Employment Standards Act, 2000*. A pdf version of the poster can be printed from the Ministry's web site at [http://www.labour.gov.on.ca/english/es/pubs/poster.php#get\\_poster](http://www.labour.gov.on.ca/english/es/pubs/poster.php#get_poster)

A new version of the Employment Standards Workbook is also now available on the Ontario Ministry

of Labour's web site. This 58 page workbook assists both employers and employees in understanding some of their obligations and rights under the *Employment Standards Act, 2000*. The pdf version can be found on the Ministry's web site at <http://www.labour.gov.on.ca/english/es/tools/esworkbook/index.php>

## Legal Aid Ontario introduces pilot projects

Sallie Hunt, Staff Lawyer, Kenora

Legal Aid Ontario recently introduced two new pilot projects – *Separation Agreement Certificates* and *Independent Legal Advice Services for Mediation*.

A *Separation Agreement Certificate* will allow a person to take this Certificate to a family law lawyer in private practice. This lawyer can provide up to 10 hours of service to help negotiate and prepare a Separation Agreement, which, once signed by both parties, is a legally binding document that can be filed with the Court, if necessary.

People using mediation as a means to resolve outstanding family law matters will be able to get a Legal Aid Certificate for up to six hours of *Independent Legal Advice* from a family lawyer in private practice. So, before a mediated agreement is signed, each person will be able to access a family lawyer to discuss that agreement and discuss what legal obligations are contained within that agreement.

In July 2014, when Andreas Asmus, director general for the Northwest District of Legal Aid Ontario, spoke to CBC Thunder Bay about these new services, he explained that the *Separation Agreement Certificate* pilot

program is likely to be used more in Northern Ontario. Many separating couples represent themselves in Court because they cannot afford a lawyer. Mr. Andreas explained that the statistic for Northern Ontario is that about half of the people before the Court for family law matters are self-represented. It is hoped that this new pilot project will reduce the number of unrepresented people in Court and provide them with another means to help them resolve some, if not all, of their outstanding issues, such as custody and access (visitation), and child support. It is also hoped that by being able to solve their issues through a Separation Agreement, which involves negotiation rather than going to Court where a Judge orders a solution, that this will help to reduce the conflict that often arises when couples separate and do battle in Court.

What is new with this pilot project is that while one person of the separating couple must financially qualify for Legal Aid Services (i.e. about \$18,000/year for a single person), the other person can earn up to \$50,000.00. Mr. Asmus indicated that prior to this pilot project, financial eligibility qualifications had

not been increased since the mid-1990s. With this pilot project, since only one spouse has to qualify financially for Legal Aid services, these services should be available to many more people to use. And any service that helps people resolve family matters with less conflict is a good thing.

For more information, you can call Legal Aid Ontario's toll free line 1-800-738-2052, or go to their website: <http://www.legalaid.on.ca/en/about/default.asp>

Financial Eligibility:  
<http://www.legalaid.on.ca/en/getting/eligibility.asp>

Separation Agreement Certificates:  
[http://www.legalaid.on.ca/en/about/fact\\_separationagreementcertificates.asp](http://www.legalaid.on.ca/en/about/fact_separationagreementcertificates.asp)

Independent Legal Advice Services for Mediation:  
[http://www.legalaid.on.ca/en/about/fact\\_familymediationandILA.asp](http://www.legalaid.on.ca/en/about/fact_familymediationandILA.asp)

<http://www.legalaid.on.ca/en/about/downloads/factsheets/Family%20Mediation.pdf>



*Does your group require accessible meeting space in Fort Frances or Kenora during regular office hours? Please contact our office to discuss.*



Supporting individuals and our community  
by providing quality legal services.

#### Fort Frances

206 Scott Street

Fort Frances, ON

P9A 1G7

(807) 274-5327 Phone

1-800-799-2485 Toll Free

(807) 274-3141 Fax

#### Kenora

Ste. 6 - 308 Second St. S

Kenora, ON

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(807) 468-8888 Phone

1-800-403-4757 Toll Free

(807) 468-4928 Fax

#### Atikokan

305 Main St. W

PO BOX 1676

Atikokan, ON

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[www.northwestcommunitylegalclinic.ca](http://www.northwestcommunitylegalclinic.ca)

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## Office Closures

October 13th - Thanksgiving

October 24th - Staff Meeting

November 11th - Remembrance Day

December 24th at noon to January 2nd

## Sub-Offices

**Red Lake** - October 8, October 29,  
December 2

**Ear Falls** - October 9, October 30,  
December 2

## Tenancy Tidbits

### ANNUAL RENT INCREASE

This year, the Ministry of Municipal Affairs and Housing is capping the annual rent increase guideline at 1.6%. This guideline applies to MOST tenancies in Ontario and is the most your landlord can raise your rent between January 1st and December 31st, 2015 without approval of the *Landlord and Tenant Board*.

The guideline is calculated under the *Residential Tenancies Act, 2006* which caps the guideline at a maximum 2.5%.

For more information, visit <http://news.ontario.ca/mah/en/2014/06/2015-rent-increase-guideline.html>

### EVICCTIONS

Despite what some people think, landlords CAN evict you in the winter, as long as they have a valid reason and they follow the proper procedure.

If you have questions about your tenancy or have been served any documents by your landlord, call or stop in to your local legal clinic right away to review your documents and situation. There are deadlines that must be met and our staff can assist with reviewing and responding to the Notices.

Have a question? Legal staff are able to review your rights and responsibilities and answer your questions.

### INSURANCE

Every tenant should consider purchasing Tenant's Insurance. Your landlord's insurance only covers the building - not your personal belongings - in the event of a fire, flood, water damage or theft.

The purpose of tenant's insurance is to help you replace your belongings (clothing, furniture, appliances etc) and pay for other extra costs relating to the loss or damage. It can also cover you if someone gets hurt or damages someone else's property because of your negligence.

Most insurance companies offer Tenant's Insurance. Shop around to get the best policy for you.

**DISCLAIMER:** These articles provide information only and are not to be considered as legal advice. Content reflects the laws that were current at the time of publication and the law may have since changed. Consult your community legal clinic or legal representative for legal advice on your specific situation.



Consider the environment...

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