

Together Making the Equal Rights Dream a Reality

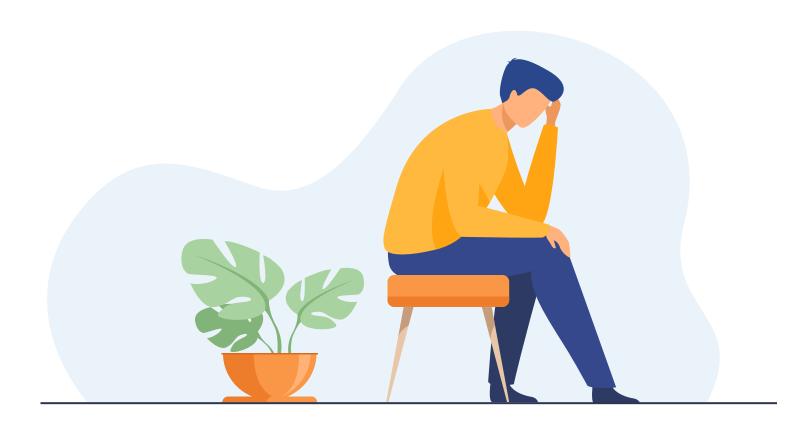
2022 Annual Report



Association of Community Legal Clinics of Ontario www.aclco.org

A Client's Story

Unjustly accused of having a spouse living with them, our client was assessed with a substantial overpayment of over \$100,000 by the Ontario Disability Support Plan. ODSP was the client's sole source of income and they were terrified what would happen if the decision was upheld. The client was losing weight due to the stress of this decision. But the client was having difficulties proving a negative – that they did not live with anyone. The Renfrew County Legal Clinic assisted the client in getting affidavits from community members, bank records and other documents to show the client was solely responsible for the household expenses. In the end, the client was successful and the overpayment was overturned. The client said "My life has been on hold waiting for this decision and now it can get started again." The client was very grateful to the Clinic and feels like a great weight is now off of their shoulders.



Who We Are

Ontario's community legal clinics serve people in communities across the province. Funded primarily by Legal Aid Ontario, clinics offer a broad range of legal services to address the basic legal needs of low-income Ontarians.

There are 71 community legal clinics in Ontario, each governed by their own board of directors chosen by the community. Clinics serve the most vulnerable on issues that are critical to them, including affordable and secure housing, income security, education, health care, human rights, disability programs, workers' rights, victim's assistance, environmental issues and more. The vital work that we do is aimed at

ensuring that people with low incomes are able to meet their most basic needs, giving them the ability to live healthy lives, in dignity, as active members of society. Most local neighbourhood clinics serve geographic communities, while specialty clinics serve specific groups including people with disabilities, injured workers, racialized communities, the elderly, children and youth.

Clinics are rooted in the communities they serve, using limited resources to provide often life-saving services that are most needed by that community, while working closely with other local agencies to ensure that clients are well-served.



Legal Services that ensure equal voices and reduce poverty

Community legal clinics work every day to protect and promote the rights of low-income Ontarians. Whether speaking for a client whose wages have not been paid, or bringing to the Supreme Court of Canada arguments that underscore the impact of the law on disadvantaged communities, community legal clinics fight for justice for people who live with low-incomes. Steadfast advocacy for access to justice and respect for the rights of all, regardless of ability to pay, ensure a just and equitable society for all Ontarians.

Much of the work done by community legal clinics is aimed at ensuring people with low-

incomes have access to basic measures of adequate shelter and income support. These essential supports in turn result in improved health, improved opportunities for children to succeed in school and for adults to participate in the labour market and the economy.

The work that community legal clinics do to help low-income people secure access to our justice system is therefore not only an issue of justice. Clinic services that result in a reduction of poverty have a significant positive impact on the health, vitality and economic return of local communities.

Community Legal Clinic Trailblazers



The ACLCO remembers and honours **Edgar S. Cahn**, who died in early 2022, and who is acknowledged as the father of civil legal aid and community legal services. Edgar Cahn worked for Robert Kennedy and Sergeant Shriver and helped them realize the first community legal clinic program in the United States.

For Dr. Cahn — a humanist and humanitarian — the law was a tool most nobly used on behalf of the poor. Sometimes justice is delivered through sweeping rulings from the highest courts. But it is also achieved, as Dr. Cahn demonstrated throughout his career, "through the unglamorous but important work of taking on clients — regardless of their ability to pay — and guiding them through byzantine processes of the law and bureaucracy to fight such challenges as an eviction notice, the repossession of a car or the denial of government benefits".



"Legal Aid, and, in particular community law, is perhaps the single most important mechanism we have to make the equal rights dream a reality."

Former Ontario Chief Justice Roy McMurtry



What people in the justice system say about community legal clinics:

The Honourable David Lametti, Minister of Justice and Attorney General of Canada:



Kinna-aweya Legal Clinic



The Right Honourable Richard Wagner, P.C., Chief Justice of the Supreme Court of Canada:

"Whenever I think about access to justice, a quote from Honoré de Balzac comes to mind. He said that, 'Laws are spider webs through which the big flies pass and the little ones get caught.' To me, that image perfectly captures not just the inequities in our legal system, but the tangible effects those inequities have on people. While the system is meant to treat everyone equally, some people get stuck, and expend a great deal of time and energy trying to break free. Others breeze through to resolution, and move on with their lives. Giving people access to justice is like giving them the tools to free themselves from the spider's web."

Vice Chair, Landlord and Tenant Board:

"I wish to make a final comment commending Ms Facca on her efforts to assist the Tenant as described in her affidavit. I have always been impressed by the extraordinary efforts taken by community legal workers like Ms Facca to help the most vulnerable members of society. The Kinna-aweya Legal Clinic should be proud."

Message from ACLCO Co-Chairs

2022 has come and gone and has seen the ACLCO and the clinic system as a whole stepping carefully back into a (hopefully) post-pandemic world.

A major highlight of 2022 was the October 29th in-person meeting of ACLCO member clinics, the first since 2019. 120 participants from 68 out of 69 member clinics attended and feedback indicated how important these gatherings are to provide an opportunity for in-depth discussion and to remind hardworking clinic staff and Board members that they are part of a larger, dynamic province-wide system dedicated to access to justice for low-income Ontarians.



ACLCO is continuing to work on many issues integral to the effectiveness of the clinic system as it serves Ontario's communities. These include the Clinic Staff Engagement/ Morale initiative as well as discussions with both clinics and LAO on the Clinic Funding Model.

The Clinic Staff Engagement/Morale report comes out of intensive consultation with clinic staff of all job positions. The 31 recommendations address the role of LAO, the ACLCO as well as clinic Board and staff in improving engagement and morale within the clinic system. The



ACLCO has already started to implement some recommendations pertinent to its specific role and has begun discussions on how to implement others that require more thought and planning to address. Many clinic Board and staff have begun to discuss ways in which they can appropriately address those recommendations in their own clinics. The intent is to share all ideas with the clinic system as a whole.

ACLCO discussions with LAO on the Clinic Funding Model continue, following the input given by clinics during the consultations. The ACLCO sees this as an iterative process, balancing the need for clinics to maintain an appropriate degree of autonomy with LAO's accountability to both the clinics themselves (ie addressing the reality of clinic expenses) and the Ontario government. The ACLCO's primary role is as an advocate for the clinic system. It is also our goal to make it easier for LAO to receive a more streamlined response from the clinic system on these kinds of issues, without ignoring differing perspectives, and thus facilitate communication.

Thank you to all clinic staff and Board members for your hard work and commitment to providing access to justice for low-income Ontarians. The ACLCO is here to help us strengthen our efforts as a system. If you have any questions after reading through this Annual Report, please do not hesitate to ask any of the ACLCO staff or Executive members.

Thank you for your continued support.

The Most Appropriate Response

Community legal clinics are distinct among legal aid services providers as we offer a broad range of legal services to address the needs of our clients and the inequities confronting them. Clinics offer legal representation in courts and tribunals, brief services, legal advice and assistance, public legal education, and referrals to other sources of assistance. Clinics address a variety of client needs by choosing the right tool in our legal toolkit to address the problem most effectively and efficiently.

Punching Above Our Weight

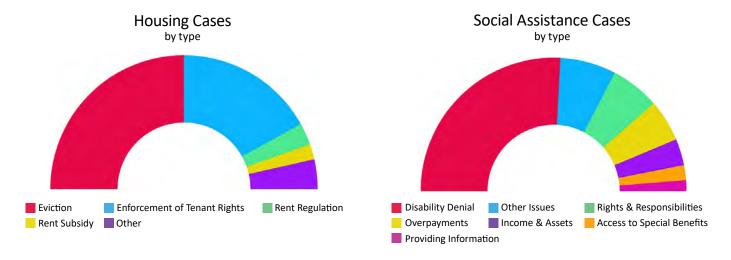
Often the best response to the inequities faced by disadvantaged people is a community response. Community legal clinics serve large numbers by undertaking community organizing, public legal education, policy advocacy, law reform projects and initiatives to address issues systemically. We help build the capacity of people living on low-incomes to be involved in and influence the legal and political processes that affect them. Working with the community to organize and advocate has proven to be effective in changing policies and legislation and addressing systemic issues. In this way, the clinic system contributes to the process of social change and law reform needed to ensure basic human rights and improve the lives of low-income people in Ontario.



The People we serve

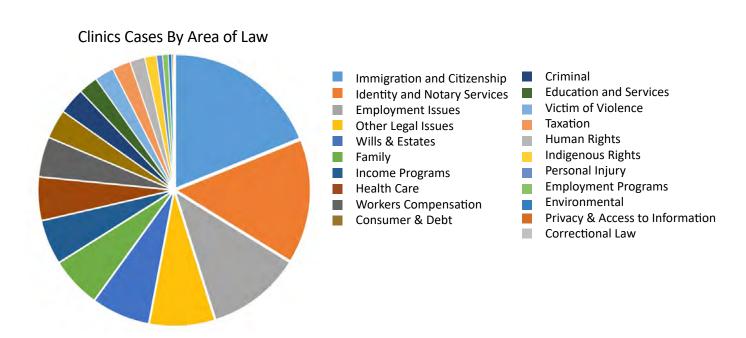
Community legal clinics serve the most disadvantaged who have been pushed to society's margins—people living with disabilities, single mothers, racialized people, victims of abuse and torture, migrant workers, the elderly, newcomers and refugees, among many others. The legal issues that are handled by clinics for their clients address those issues that arise for the clients because they are living with low incomes.

In 2022, Ontario's community legal clinics opened over 105,000 cases. 65,000 cases were in the areas of *housing* and *social assistance* – helping to keep a roof overhead and food on the table.



In addition to opening cases in their communities, clinics provide Tenant Duty Counsel services at the Landlord and Tenant Board in locations throughout the province. In 2022, over 61,000 services were provided by Tenant Duty Counsel.

Another approximate 40,000 cases were in a broad range of other areas of law:



Highlights of Clinic Work in 2022

Encampment Residents' Rights Affirmed & Protected

The Waterloo Region Community Legal Services represented a number of residents of a tent encampment in Kitchener in responding to an application by the Region of Waterloo to evict the residents. The case is a significant victory for vulnerable people and an exemplary model of community lawyering.

The clinic successfully challenged the eviction on the basis that it breached the *Charter* rights of the encampment residents. The Court agreed that the proposed eviction infringed the rights of the residents to life, liberty and security of the person.

The Ontario Superior Court of Justice concluded that:

- the Region's By-Law prohibited the erection of the shelter protection necessary to protect homeless individuals from risk of serious harm. Also, there were inadequate shelter beds in the Region. As a result, the By-Law violates the Charter right to life.
- if evicted from the encampment, the residents were likely to be forced to live in the rough or set up camp somewhere else because there was an insufficient supply of low-barrier accessible beds in the Region. In these circumstances, creating shelter to protect oneself is a matter critical to any individual's dignity and independence. The Region's attempt to prevent the homeless population from sheltering itself interfered with that population's choice to protect itself from the elements and is a deprivation of liberty.
- the By-Law's prohibition to the erection of temporary shelter exposed the homeless of the Region to risk of significant health problems, both physical and psychological. The Region's action deprived the homeless of access to shelter required for adequate protection. Therefore, the By-Law amounts to deprivation of the security of the person.

The Court declined to order the eviction of the encampment residents as requested by the Region and declined to declare that the encampment residents were in breach of the Region's By-laws. No eviction of the encampment residents!!!!!!

The composition of the residents of the encampment is reflective of the demographics of the Region's homeless population. They are individual men and women, couples, members of the 2SLGBTQ+ community, Indigenous people, members of racialized communities, as well as persons with disabilities and suffering from substance abuse, and domestic violence survivors.

The Mental Health Legal Committee, a coalition of legal practitioners in the area of mental health law, also intervened in the case. As a result of the motion to intervene, the Court ordered the appointment of amicus curiae, a legal representative to advocate on behalf of individuals living in the encampment whose capacity to engage or instruct counsel was in question, who had not retained counsel, and who had no other identified way to participate in these proceedings. The **Advocacy Centre for the Elderly** assisted with the intervenor motion and with the legal arguments by *amicus curiae*. The collaboration between these justice partners and the clinic produced an excellent result for the encampment residents. This case demonstrates the amazing things we as a clinic system can accomplish despite our stretched resources!

From Our Clients

"I was in tears when it [was] finally over, you did a wonderful job"

"I do want to say thank you. LTB is intimidating and fear of loss is real when a lack of info/rights known. Thank you for helping me. I truly don't know what and where I would be without you"

"You were excellent at explaining everything."

"Personally, I don't think you need to improve anything. I had nothing but good service from CALC."

"[Staff] and her 'intern' were absolutely amazing. [Staff] always treated me with 100% respect and dignity. Thank you."

"The services that were given to us for my ODSP application/approval were above & beyond what we could have expected. The phone calls had very quick responses, along with any emails. I do not believe we could have done without the help & support from [Nick C.]. Thank you again so much."

« En plus de mon opinion sur les aspects cités en haut, j'ai beaucoup apprécié votre accueil chaleureux à toute personne que ce soit dans votre bureau ou par les appels téléphoniques. Votre communication est excellente : elle est pleine de douceur et de clarté. Vos services sont rapides car vous avez un bon sens d'organisation. Votre attitude fait preuve d'empathie. En Bref, vous êtes toujours prêt à servir vos clients. »

"I received assistance from [Caroline]. She provided incredible service to me in order for me to get acceptance from O.D.S.P. She is professional, hardworking, persistent, kind and guided me through this difficult process. Without her I would not have been able to get assistance from O.D.S.P. I highly recommend her as she exceeded my expectations with her quality service. I am very grateful towards her, and all she has done for me and my case."

« La meilleure avocate que j'ai jamais connue auparavant Me [Laïla] s'occupe parfaitement bien de ses clients, son équipe est efficace, professionnelle et très respectueuse, je dois remercier tous et recommander tout le monde d'aller à leur cabinet. »

End Violence Against Women (EVA)

Community members and government officials gathered in Barry's Bay, Ontario on the seven-year anniversary of the tragedy that shocked Renfrew County and neighbouring communities when Carol Culleton, Anastasia Kuzyk and Nathalie Warmerdam, were targeted and murdered by a man whom they all knew personally. The women were all honoured with an unveiling of a Pebble Mosaic organized by Women's Sexual Assault Centre and End Violence Against Women (EVA).

The **Renfrew County Legal Clinic** is actively involved with EVA-Renfrew County, a group of community volunteers from various sectors and organizations. EVA advocates for personal, systemic and community change that will end violence against women.



Doug Downey, Attorney General of Ontario, presents End Violence Against Women members with specially made pins at the unveiling ceremony for their hard work and dedication helping women in distress and advocating for changes.

EVA has worked to raise awareness about rural communities, such as Renfrew County, and increased harm for victims of Intimate Partner and Gender-Based Violence. Stigma; feelings of shame; physical distance from friends and family; access to guns; and remoteness from neighbours increase the likelihood that victims will not come forward.

Pebble mosaics began as a way to honour victims and survivors of gender based violence, regardless of gender, race, or sexual orientation, and to spark hard conversations about ending violence. The projects are all designed and built by community members and have been erected in several communities across Ontario. The Pebble Mosaic in Barry's Bay reflects the isolation of the rural community and recognizes the three lives lost too soon. It is an art response to the public inquest which took place in Pembroke in June 2022; the first to take place in a rural community and focus on rural Intimate Partner and Gender-Based Violence.

The jury, made up of local residents of Renfrew County, presented 86 recommendations that encompass themes of oversight and accountability, system approaches, collaboration and communication, funding, education and training, measures addressing perpetrators of intimate partner violence, intervention and safety and, that the Government of Ontario declare intimate partner violence to be an epidemic.



The COVID-19 pandemic saw increased rates of gender-based violence and magnified systemic and longstanding inequalities, including gaps in service provision for survivors of gender-based violence. As part of the Government of Canada's strategy to address such violence, a call for proposals was made by the Department of Justice for organizations who wished to provide holistic legal services to survivors of sexual violence and intimate partner violence.

After submitting an aligned application for funding in August 2021, nine clinics were successful in obtaining more than four years of funding to provide those legal services.

The involved sister clinics are: Legal Assistance Windsor, Elgin Oxford Legal Clinic, Community Legal Assistance Sarnia, Durham Community Legal Clinic, Peterborough Community Legal Centre, Northumberland Community Legal Centre, Community Legal & Advocacy Centre, Advocacy Centre for Tenants Ontario, Justice for Children and Youth (Coordinating Clinic).

Named **Your Way Forward**, this project will provide legal education, advice, representation and holistic services for survivors of gender-based violence in urban and rural settings in Ontario. Each clinic received funding for one to two positions, including lawyers and social workers, who will work within the clinic to provide services with the collaborative support of partner clinics.

While providing services to clients who have experienced gender-based violence is not new for legal clinics, these dedicated resources have provided much-needed additional staff support and leveraged new energy and expertise. For most of the partner clinics, this project will bring expanded, wraparound services to survivors in their communities. The first step for many of the clinics was a community needs analysis to ensure that clinics' service delivery is designed to best address the gaps in the local community. The individual clinics will deliver services that make sense in their context by filling gaps and improving access to justice in tailored ways.

As part of our collaboration, a thriving Community of Practice has been established. Frontline project staff congregate every other week for knowledge sharing, research, learning and training, and practice innovation, with a focus on an intersectional understanding of violence and ensuring a consistent trauma-informed approach to service provision. There are plans to engage in systemic activism and complex case support, and to consider legal reform initiatives.

Evaluators have been retained from Western University's Centre for Research and Education on Violence Against Women and Children to track the project with ongoing and meaningful feedback. The project members are also liaising with other stakeholders and organizations in the sector to ensure that the *Your Way Forward* project creates meaningful services and complements the committed work already happening on the ground. We look forward to sharing more about our project as it progresses.

Workers in Ontario have the right to be free from sexual harassment.

SHAPE is a coalition of 20 community legal clinics in Eastern, Northern and Southwestern Ontario providing free public legal education and summary legal advice to prevent and address workplace sexual harassment, with the financial support of the Department of Justice Canada. SHAPE can also provide training and resources to employers looking to understand their legal responsibilities to address and prevent workplace sexual harassment.

Together, the coalition clinics take a coordinated approach to the development and delivery of legal information and advice to individuals as well as public legal education on sexual harassment in the workplace. The coalition, staffed with lawyers and paralegals, provides legal advice to any worker in Ontario regardless of income or location and tries to reach workers who may not know their rights including:

- Precarious workers
- Young workers
- Newcomers and racialized workers
- Women working in male-dominated workplaces
- Vulnerable workers
- Indigenous workers
- Those who identify as 2SLGBTQ+
- Persons with disabilities
- Low-income workers.

Sexual harassment can and does impact people of all genders, sexualities, and races. However, sexual harassment disproportionately impacts women, racialized workers, 2SLGBTQ+ workers, low-income workers, and newcomers. All Ontario workers, including volunteers or interns, are protected against workplace sexual harassment, even those who have quit or lost their jobs.

SHAPE COALITION

Community Legal Clinic - Simcoe, Haliburton, Kawartha Lakes **Durham Community Legal Clinic** Peterborough Community Legal Centre Northumberland Community Legal Centre Community Advocacy & Legal Centre The Legal Clinic Renfrew County Legal Clinic Centre des services communautaires Vanier/ Clinique juridique francophone d'Ottawa Elgin-Oxford Legal Clinic **Huron Perth Community Legal Clinic** Legal Assistance of Windsor Chatham-Kent Legal Clinic Community Legal Clinic - Brant, Haldimand, Norfolk **Grey Bruce Community Legal Clinic** Waterloo Region Community Legal Services Niagara Community Legal Clinic/ Clinique juridique communautaire de Niagara Community Legal Assistance Sarnia Algoma Community Legal Clinic **Keewaytinok Native Legal Services** Sudbury Community Legal Clinic Kinna-aweya Legal Clinic



Defending Downtown Rooming Houses

Neighbourhood Legal Services continues to organize with tenants and community groups to preserve affordable housing stock in our community on a large-scale, systemic level.

In July of 2019, the clinic began working with a group of tenants at the Inglewood Arms, a rooming house on Jarvis Street in Toronto which is home to over 90 tenant households. A developer was trying to purchase the building and knock it down to build a 36-storey condo complex. The clinic formed a coalition with the Ontario Coalition Against Poverty and the **Advocacy Centre for Tenants Ontario** to defend this important affordable housing stock.

The tenants do not oppose the development of the property. They want to have a right to return to the building once it is completed, at their previous rents, and they want to have an acceptable interim relocation plan. They also want to ensure that these affordable housing units are maintained as affordable housing.

A number of legal issues arose in this case. The first is that the landlord claimed the tenants are not tenants at all, but more like hotel guests – meaning they don't have legal rights. The tenants disagreed. The main client has been living in his unit for 10 years, and many other tenants have been in their units for 5+ years. The tenants do not have any other home; this is their primary residence. Many of their rents are paid directly by ODSP. To assert that the tenants are indeed tenants, the clinic brought an application to the Landlord and Tenant Board and the Board found the applicants to be tenants with full protection of the *Residential Tenancies Act, 2006*. The approximately 90 tenants of the Inglewood Arms are now secure in the knowledge that they enjoy the same protections as other tenants under the Act, including rent control and protection from arbitrary eviction.

We continue to represent residents of the Inglewood Arms at the Ontario Land Tribunal (OLT) in defending an Official Plan Amendment requiring developers to maintain rooming house units as affordable housing, and to allow original rooming house residents to return to the new development at their previous rent rate.



This painting occupies pride of place at the front desk of Neighbourhood Legal Services in Toronto. The artist is Maryam Hassan, a longtime St. Jamestown resident; budding criminal lawyer; NLS board member, and past law student contributor to our work. This painting symbolizes NLS working alongside local residents in the St. Jamestown community.

Street Youth Legal Services

Legal issues are often a root cause of youth homelessness and, homelessness often leads to legal issues. Through the Street Youth Legal Services Program, **Justice for Children and Youth** provides legal services directly to young people experiencing homelessness. The program includes legal advice and representation, legal education workshops for young people and adults who support them, community development and engagement with youth in law reform activities and policy work.

The SYLS Program provides legal assistance to young persons experiencing homelessness by advising on: their right to apply for child support from their parents; appealing a denial of social assistance; their rights as an employee to safety and dignity in the workplace; their rights as a tenant, as well as accessing support to assert these rights effectively. The Program helps young people appeal their expulsion from school and provides assistance to get the classroom support they need. They are connected to legal resources to help them obtain secure, permanent immigration status or to get comprehensive advice and assistance on criminal matters.

Legal services in these areas, along with promoting knowledge of access to legal resources, aim to prevent the circumstances that lead to homelessness and bridge the access to justice gap for youth experiencing it. The SYLS program promotes a rightscentered and rights respecting approach to homelessness prevention by promoting young people's knowledge of their rights and their capacity to advocate and assert those rights and entitlements.

Justice for Children and Youth has been working for over 20 years with youth serving agencies that focus on youth homelessness and housing instability in the GTA. Partner agencies include YSM-Evergreen, Native Child Resource Centre, Y-House, Covenant House, Central Toronto Youth Services, Eva's Place, Friends of Ruby and many more.





There are over 1.5 million

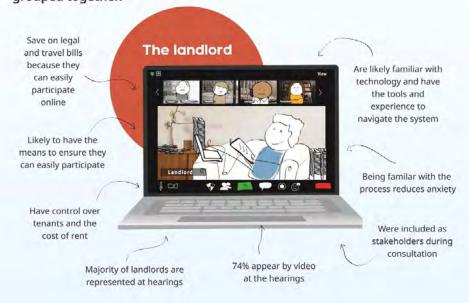
tenants in

ontario

What happened?

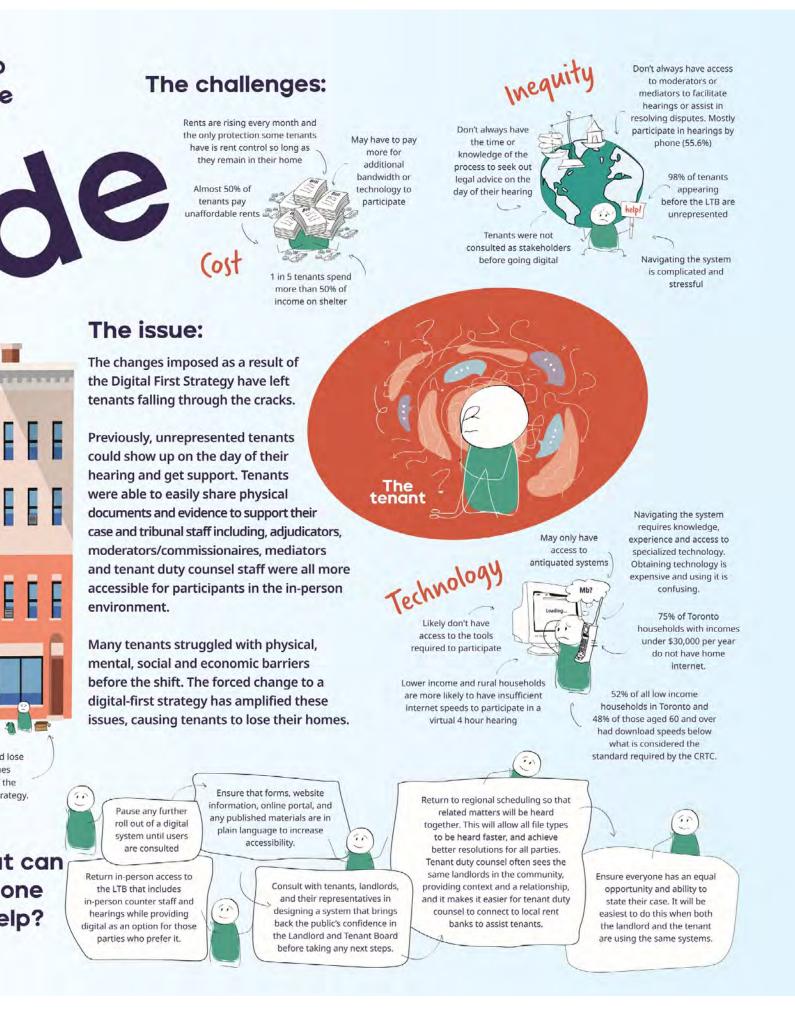
Tribunals Ontario (which oversees the Landlord and Tenant Board, LTB) introduced a Digital First Strategy, a permanent move in the midst of the pandemic.

The implementation of the new Digital First Strategy included an overhaul of how matters are scheduled. Previously, all local matters were scheduled together according to different regions, regardless of file type. Now, matters are scheduled by file type, which creates mega hearing blocks with regions grouped together.



How the forced switch to digital hearings has don more harm than good.





Empowerment of community leaders leads to systemic change and addresses inequality

West Scarborough Community Legal Services works with community leaders to empower them to advocate for structural and social change for racialized people and low-income peoples in their communities. With WSCLS support, community leaders can advocate for change in their communities by bringing awareness to community issues and meeting decision-makers directly to discuss how best to support their communities. This advocacy highlights how current laws and policies fall short of addressing the needs of these communities.

WSCLS works to ensure their neighbours and community members feel safe to tell their stories of pain and resilience. To this end, the clinic's services are intentionally created to allow community leaders to feel empowered and make informed decisions. The clinic staff trains community members to become community leaders through the creation of safe community spaces such as Social Assistance Coalition of Scarborough (SACS), Voices of Scarborough (VOS), and Power in Community: Fighting for Affordable Homes (PIC). These spaces allow community leaders to turn discussions of how to support community into important, transformative actions that address inequality in Scarborough. WSCLS, SACS, VOS and PIC have been advocating for more community services and resources for Scarborough to fill the service and equality gap that many of our racialized communities are facing.

We are very proud of our community leaders!



In December 2022, one of our SACS, VOS and PIC members, Ms. Bee Lee Soh, was selected as a recipient of the Queen Elizabeth II's Platinum Jubilee Pin. She was awarded in recognition of her outstanding contributions to the Scarborough community as a community advocate.

Links to Justice Project at the Black Legal Action Centre

The staff team at the Black Legal Action Centre's (BLAC) Links to Justice Project collaborated on a documentary that features the project journey, along with stories and experiences of African Caribbean Black students and families across Ontario. The documentary also highlights the ways that the Black community is addressing anti-Black racism within our classrooms and in the justice system through community engagement and advocacy.

A Closer Look at the School-to-Prison Pipeline describes the ways in which teachers and administrators use disciplinary policies and practices to push students out of schools and into the criminal justice system. From 2020 to 2022, BLAC worked with community partners, teachers, students, and families to better understand the reality and impact of the school-to-prison pipeline. BLAC's Links to Justice Project partnered with community organizations to hold focus groups across Ontario aimed at developing recommendations to prevent the school-to-prison pipeline; coordinated two youth panel discussions to facilitate a dialogue on their experiences within the education and justice system; and, presented public legal education workshops on the education system and the school-to-prison pipeline.



Access to Justice for Trans People

The **HIV & AIDS Legal Clinic Ontario (HALCO)**, the Canadian Bar Association (CBA), and the TRANSforming JUSTICE: Trans Legal Needs Assessment Ontario (TRANSforming JUSTICE) Research Team recently released the *Access to Justice For Trans People* report.

This report highlights that trans people face more co-occurring legal problems than cisgender people in Canada, often as a direct result of the legal system itself. It aims to situate the findings of the TRANSforming JUSTICE study within the broader access to justice framework informed by the CBA's Reaching Equal Justice report. The combination of findings from both projects helped identify barriers and challenges for trans people in accessing justice. Through living accounts of trans people's interactions with the legal system, the report makes recommendations to improve access to justice for trans people in Canada. The recommendations in the report are animated by the following five key factors:



- 1. Trans people must be supported to lead the further development and implementation of all recommendations, as well as the development of materials, tools, etc., associated with the recommendations.
- 2. An intersectional lens that accounts for the different experiences of trans people with different identities and circumstances must be employed at all stages of further development and implementation of the recommendations.
- **3.** Without income, housing, and access to appropriate health and social services, trans people's lives will simply not improve.
- **4.** Tinkering with rules, policies, laws or regulations is not enough. Rather, law reform and systemic change is necessary as many of the root causes of people's legal issues stem from past and current rules, policies, laws, regulations and systems. As part of this reform, early preventative intervention and resolution processes, as opposed to only court- and tribunal-based processes, must be implemented to effectively respond to the legal needs of trans people.
- 5. This work must be done in a way that respects the sovereign rights of the Indigenous Peoples of Canada, incorporates Indigenous justice approaches and responds to Calls to Action of the Truth and Reconciliation Commission of Canada and Calls for Justice of the National Inquiry into Missing and Murdered Indigenous Women and Girls. Indigenous trans and/or Two-Spirit people must be supported to take the lead on this essential work.

The full report is available through these links:

Access to Justice for Trans People PDF
L'accès des personnes trans à la justice PDF

Public interest groups granted standing to challenge unjust laws

A coalition of community legal clinics, comprised of the Advocacy Centre for Tenants Ontario, ARCH Disability Law Centre, Canadian Environmental Law Association, Chinese and Southeast Asian Legal Clinic, HIV & AIDS Legal Clinic Ontario and South Asian Legal Clinic Ontario, intervened in the Supreme Court of Canada case of British Columbia (Attorney General) v. Council of Canadians with Disabilities.

The issue was whether the Council of Canadians with Disabilities could seek public interest litigant status to challenge certain provisions of the B.C. law dealing with persons who are subject to involuntary commitment in a mental health facility. Represented by ARCH, the clinic coalition took the position that the test for public interest standing as set out in Canada (Attorney General) v. Downtown Eastside Sex Workers United Against Violence Society, 2012 SCC 45 should not be in any way narrowed or restricted as it would have devastating consequences on their client communities and their ability to access justice.

In a unanimous decision delivered by Chief Justice Wagner, the Supreme Court of Canada confirmed that courts must turn their minds to the purposes that justify granting standing. These include giving effect to the principle of *legality* and *ensuring access to justice*. The Court ruled that access to justice is fundamental to the rule of law. "There cannot be a rule of law without access, otherwise the rule of law is replaced by a rule of men and women who decide who shall and who shall not have access to justice. Access to justice is symbiotically linked to public interest standing: it provides an avenue to litigate the legality of government action in spite of social, economic or psychological barriers which may preclude individuals from pursuing their legal rights."

The Court found in favour of the Council of Canadians with Disabilities, and picked up on many of the interveners' arguments that urged the Court not to narrow the test in any way nor to create more hurdles (procedural, evidentiary, and so on) that would negatively impact public interest organizations and legal clinics who often bring forward public interest claims on behalf of their clients and client communities.

These important findings and outcome ensure that community legal clinics can continue to do important and valuable systemic work on behalf of their low-income and marginalized client communities. The decision makes the court system more accessible to low-income or other marginalized communities. Preserving access to public interest litigation ensures those who are directly impacted by court decisions will continue to have their voices heard.

The intervening clinics congratulate the Council of Canadians with Disabilities (CCD) on this successful outcome. Disability communities will greatly benefit from this decision as it enables the CCD to continue its litigation challenging legislation that violates the rights of persons with mental health disabilities.



Conseil des Canadiens avec déficiences

CETTE VOIX QUI EST LA NOTRE

Devastating and Unfair Climate Change Impacts on Vulnerable Communities



The climate crisis is a public health and equity crisis. Climate change impacts are deeply unfair. Low-income people in Canada are the least responsible for the devastating impacts of climate change but are the most impacted by them.

Local action on climate change is crucial. Following global climate strikes in 2019, over 50 Ontario municipalities declared climate emergencies. They have significant power to address climate change issues, including the authority to pass by-laws.

This past year, the **Canadian Environmental Law Association** (CELA) developed resources related to equity, health, and climate change, many targeted at municipalities that have broad jurisdiction to enact by-laws regarding health, well-being, and safety of people in their region.

CELA developed five reports outlining recommendations for municipalities:

- Extreme Heat and Rental Housing report encouraging adoption of a draft by-law requiring landlords to limit the maximum temperature to 26°C in rental units.
- *Urban Tree Cover* report addressing the correlation between urban greening and low-income areas, as green spaces in lower-income neighborhoods have been found to be lower quality, less numerous, and smaller as compared to high-income neighborhoods.
- Construction of Green Roofs report discussing economic and environmental benefits of green
 roofs including dampening the urban heat island effect and reducing air pollution, flooding, and
 energy usage.
- Rural municipalities are encouraged to create climate change and equity-centered transportation
 plans by 2025, which are developed by consulting with community members, conducting low-income
 barrier studies, increasing on-demand public transportation, prioritizing pedestrians, bicycles, and
 public transit, and focusing on a complete streets approach.
- Flood Protection report recommending flood mapping that identifies at-risk low-income communities, equity-focused emergency planning, funds to assist low-income communities in covering costs associated with flooding, and a grant program to assist with infrastructure upgrades.

Alongside the Advocacy Centre for Tenants Ontario, the Advocacy Centre for the Elderly, and Low-Income Energy Network (LIEN), CELA is also advocating for better tracking of heat-related deaths by the Ontario Coroner's Office. Tracking and data collection are crucial to protecting vulnerable communities — especially as heat waves are predicted to become more frequent and more severe.

This year's Ontario Project for Inter-Clinic Community Organizing (OPICCO) Forum focused on impacts of climate change on our clients, and the intersection of clinic law, systemic advocacy, and climate change. Legal clinics have a mandate to pursue systemic advocacy on behalf of our clients. Climate change affects every aspect of our clients' lives. Clinics consider advocacy around climate change adaptation and mitigation to be part of our work.

Speakers from the **CELA**, the **Low-Income Energy Network**, Hamilton ACORN, and
Landings LLP spoke about the impacts of
climate change on immigration law, housing
law, employment law, and low-income
peoples' well-being. Also addressed were
current advocacy efforts to implement
maximum heat by-laws to protect renters,
and changes to Canada's immigration regime
to recognize climate migrants.



Indigenous Justice

Community legal clinics in Ontario are very proud that there are now eight Indigenous Justice Programs housed in clinics to serve Indigenous communities across the province. The work of two of the Indigenous Justice Coordinators are highlighted here.

Ahwenehaode Indigenous Justice Program runs out of Waterloo Region Community Legal Services. The Indigenous Justice Coordinator (IJC) also provides support to 2 other Legal Clinics: Legal Clinic of Guelph and Wellington County and Mississauga Community Legal Services.

The IJC provides direct client support and community development work. With the direct client work, the IJC will provide support to clients to assist in them in resolving legal issues such as, connecting to resources to avoid eviction, or assisting through the process of an Ontario Disability Support Plan appeal. In one case, the IJC assisted an unrepresented client in applying Gladue principles into oral testimony in their ODSP appeal hearing. The client won the appeal.

In community development work, the IJC has participated in a number of outreach initiatives to organizations in all catchment areas, public legal education, attendance at cultural events, along with membership in a number of community groups. There have also been a number of inter-clinic Initiatives such as being a part of the Ontario Project for Inter-clinic Community Organizing (OPICCO) executive and assisting in arranging monthly drop-in calls. The drop-in call for June, was a viewing of "Stories of Landback Camp" documentary film and discussion of Indigenous community organizing. OPICCO also released a statement for National Day for Truth and Reconciliation.

Several IJC's presented an ACLCO webinar for all clinic staff for National Day for Truth and Reconciliation. This was an opportunity for clinics to discuss and learn how to apply the Truth and Reconciliation Commission's Calls to Action to their clinic's work.

For June, National Indigenous History Month, three IJC's partnered with the LAO's Indigenous Justice Strategy to release 4 newsletters which included "traditional cooking videos" with the intent to provide cultural teaching in a humorous and informative way!

These are just a few highlights of the work of Indigenous Justice Coordinator for WRCLS, LCGWC, and MCLS. The IJC also works closely with the other IJC's within the clinic system for regional initiatives such as Little Native Hockey League mobile legal clinic and a gala event for the 2023 National Day for Truth and Reconciliation for Residential School Survivors.



YEN:TENE is the Indigenous Justice Program (IJP) that is housed from the **Hamilton Community Legal Clinic**. YEN:TENE means "you and I will go there together". The name and logo of the program were provided by members of the Indigenous community through a community participation contest for both the logo and the name.

This specific IJP region spreads from Fort Erie - Niagara to Simcoe then Delhi to Brantford – Paris to Oakville - Burlington. This region also includes two Indigenous communities – Mississauga of Credit First Nation and Canada's largest First Nation, Six Nations.

The Indigenous Justice Coordinator provides one on one client consult services to Indigenous people across the region that are not limited to clinic law services. The IJC assists clients in receiving legal assistance and navigating the colonial legal system in areas of law that cover clinic law services including wills and estates, ODSP, OW, housing landlord matters, WSIB and also family and criminal law. Each client is also referred to Indigenous healing and supportive services that are provided through many of the Indigenous community partnerships that YEN:TENE has developed throughout the region.

YEN:TENE is active in community development programming that strengthens community relationships between Indigenous and non-Indigenous communities particularly community legal clinics and the Indigenous communities. This takes form in ways of community round dances, unity rallies, socials and traditional Indigenous ceremonies. The program is active in addressing forms of racism and discrimination against Indigenous people in various institutions including policing, health care and education. YEN:TENE continues to support and provide service to the

families of both Heather Winterstein and Patrick Tomchuk. In both cases, YEN:TENE has gathered community partners,

both Indigenous and non-indigenous, to work together and hold both policing and health care institutions accountable for harm done to both Heather and

Patrick as well as their families, communities and nations. Challenging and changing the way they provide service to Indigenous communities is the way we are moving forward which means designing and implementing Indigenous specific streams of service delivery. YEN:TENE continues to work with community partners in developing alternative systems to the colonial legal systems by aiding in the constructing of Indigenous peoples courts, Indigenous child welfare systems and an Indigenous family court

system. These alternative systems will incorporate Indigenous legal principles and applications and will be alternatives to the colonial court processes.

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Reflections of a clinic staff lawyer

Hamilton Community Legal Clinic is an incredible place to work. It is difficult to describe how much your workplace can become part of your fabric after 18 years. I joined the clinic as a junior lawyer, and was quickly confronted with an entirely different reality than what I learned in law school and in private practice. I was suddenly serving a clientele who lived on the margins of society - who experienced a myriad of oppressions on nearly a daily basis. I remember reviewing ODSP applications and commenting to a colleague about how many applicants had depression and anxiety. His response has stayed with me: wouldn't you be depressed and anxious if you had to live so far below the poverty line? It made me realize just how fundamental our clients' needs were - there was nothing superfluous about the assistance they needed.

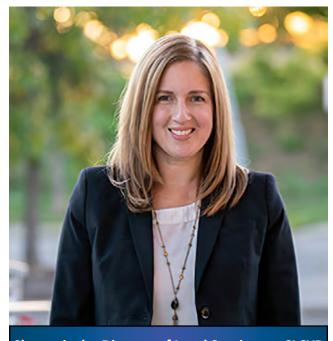
Years later, someone explained how difficult it can be just for someone to muster the courage and even come up with funds to show up at our office. It changed the way I responded to someone showing up without an appointment or late and hopefully made me a more compassionate lawyer. While working with individuals experiencing homelessness, I have repeatedly been shown how

these individuals have remarkable insights into the system failures that helped lead to their homelessness, the gaps that keep them trapped in the cycle, and most importantly what is needed to improve their situation.

These life lessons have been as valuable as the opportunities to practice law and develop my legal training. And they are part of the reasons why I have chosen to spend my legal career in community legal clinics. Another reason is the people I have had the good fortune to call my colleagues and friends. That's right - y'all are amazing. Dedicated, compassionate, intelligent and fun as all heck. And you have inspired me with your brilliance and commitment to social justice.

Although the clinic is losing a couple members of the old guard, have no fear: the new guard is amazing.

I can't wait to see what comes next - I just know you will make the CLC system proud.



Sharon is the Director of Legal Services at CLCYR

Sharon Crowe on moving from the Hamilton Community Legal Clinic to the Community Legal Clinic of York Region

Community Boards of Directors - the Pillars of Community Legal Clinics!

Community legal clinics in Ontario are governed by community elected boards of directors. The law that governs legal aid services defines clinics as independent organizations whose board of directors

are members of the community or communities they serve or, persons with a substantial assoication with or interest in the community served.

Boards are responsible for the management and administration of the clinic, and most importantly, boards determine the legal needs of the communities their clinics serve and ensure services are directed to addressing those needs.

Community governance is fundamentally important to the mandate and operations of community legal clinics and the delivery of poverty law services. Community-elected boards have ensured the important independence of clinics from the funder as well as government. Independence in legal decision-making and legal representation is a hallmark of the rule of law. Independence from government is crucial because, in a large number of



Income Security Advocacy Centre Board of Directors
– returning gleefully to in-person meeting!

the legal matters involving poor people, the "other side" is the government, or a government agency.

Clinic boards ensure accountability to the communities clinics serve for the nature and quality of the services provided. Clinic board members are usually from the community served, whether it is geographically or otherwise defined, and are often past and potential future users of the service. This linkage helps to ensure that the services provided are the services the community most needs. Hard decisions regarding what services should be priorized are made locally by the community itself. Board decisions at a local level can be made quickly, to respond to rapidly changing needs. Each community gets the poverty law services that are most critical to it; at the time that they are needed.

So, the community board performs a number of interrelated functions that are crucial to the provision of legal services to low-income communities.

The strengths of local community governance are clear and clinics have worked hard at keeping it intact and functioning well in support of the well-being of low-income communities. The work of community boards can be challenging. We owe it to them to ensure they have on-going training and supports.

The ACLCO salutes clinic board members throughout the system and celebrates the vital role they play with their guidance and oversight, thus ensuring the quality and relevance of the essential legal services that clinics provide.

Awards and Recognitions



The Dr. David Green Leadership in Advocacy Award was presented by Muscular Dystrophy Canada to the **ARCH Disability Law Centre**. The award is presented to individuals, groups and/or organizations who/which have made outstanding efforts in advocating for changes in public policy or increasing awareness of the MDC or neuromuscular disorders. ARCH has been exceptional in the past year in terms of advocating for equitable policies as related to COVID-19. Specifically they have done tremendous work on critical care (de)prioritization protocols and policies on caregiver visits in hospitals. They have worked closely with MDC on webinars, action tools, letters and meetings. The materials have not only been important for Ontarians, but across the country. Because of these efforts MDC clients are able to feel safe and live life on their terms.



Shelley Gilbert, coordinator of social work for **Legal Assistance of Windsor**, has been recognized with this year's national Excellence in Victim Service Award given by the Department of Justice, for her work providing direct assistance to victims and survivors of crime. The award recognizes an individual who has empowered victims and survivors of crime, inspired other service providers and promoted best practices, and achieved meaningful change that has improved the experiences of those who have been touched by crime in Canada. Shelley is also a founder and co-chair of the Windsor-Essex Counter Exploitation Network, which involves more than 25 service providers collaborating to meet the needs of human trafficking survivors at the local, provincial, national, and international levels.



The City of Toronto honoured **Don Valley Community Legal Services** Executive Director, Marjorie Hiley, by awarding a new street in her name. The honour is in recognition of Marjorie's lifetime achievements and contributions to the community. Marjorie has practiced law for the past 44 years, including 40 years in the community legal clinic system, primarily in the area of immigration and refugee law.



Kerri Joffe, Staff Lawyer at ARCH Disability Law
Centre was awarded the 2022 Indigenous Partnership
Award. This award was presented to Kerri by
Indigenous Disability Canada at the 2022 Indigenous
Disability & Wellness Gathering in Celebration
of Indigenous Disability Awareness Month. We
are so proud of Kerri and her relentless advocacy
and commitment in all her work on behalf of our
communities. Kerri attended the event on behalf
of ARCH, and presented on several panels about
disability rights issues including the United Nations
Convention on the Rights of People with Disabilities
and Medical Assistance in Dying.



Robert Lattanzio, Executive Director of ARCH Disability Law Centre, is the 2022 recipient of the Guthrie Award. The Guthrie Award is the Law Foundation of Ontario's signature award to recognize exceptional access to justice champions. Robert has dedicated his legal career to advancing the full equality and inclusion of persons with disabilities and is in the forefront of the most substantial innovative test case litigation, law reform, legal professional development, and public legal education initiatives that are improving access to justice for people with disabilities in Ontario. Robert is recognized as a committed and passionate leader in the disability rights and disability justice communities, the legal clinic community, and the broader human rights community in Ontario and across Canada.



Professor Mary Jane Mossman has received the 2022 Women's Law Association of Ontario President's Award. As a professor and trailblazer, Professor Mossman has positively influenced many in the legal profession. The WLAO President's Award recognizes a woman, firm or organization who has made a substantial contribution to the legal community and as a recognized leader, demonstrates a commitment to the promotion of women in the law: engaged, aware and connected to issues, substantive and personal, facing women in the legal profession today. Professor Mossman is also a long-standing leader and advocate for community legal clinics and continues to support the clinic system through her work on the Friends of the Clinics Committee.

Who we are

The ACLCO is the representative body of Ontario's community legal clinics. We are governed by a 13-person executive comprised of staff and board members from clinics from all regions of the province. We have developed expertise in poverty law services delivered through the community legal clinic model. We act in a leadership role to advocate for sustainable legal aid services and, we are recognized throughout Canada and internationally as a champion of community based legal services.



What we do

The ACLCO communicates and collaborates regularly with government, funders, community and justice organizations regarding legal aid and community legal clinics. The ACLCO helps coordinate the clinic system's interactions with a variety of external justice partners.

A primary focus of the ACLCO has been to work with other legal aid service provider groups, primarily through the Alliance for Sustainable Legal Aid, to pursue increased government funding for legal aid. These efforts have concentrated on working with the provincial government to educate it about the importance of access to justice and legal aid investment. Significant work was also done with the federal government surrounding its role in funding legal aid services in Ontario.

Collaboration with the primary funder of clinics, Legal Aid Ontario (LAO), remains an important focus for the ACLCO. We work with LAO to ensure robust and thriving poverty law services in Ontario. In addition, the ACLCO works with LAO on a wide range of issues affecting the clinic system through the ACLCO Executive and a number of standing and ad hoc advisory committees.

The ACLCO has expanded its supports for community clinics. We operate the KnowledgeNow program, promoting knowledge creation and sharing throughout the clinic system. The ACLCO Policy Counsel plays an important role in clinic support and leadership. For several years before LAO withdrew funding in September 2019, the ACLCO managed the clinic learning and training program for the clinic system.

The ACLCO will continue to work on behalf of Ontario's community legal clinics by ensuring the ongoing flow of new funding into legal aid and the clinic system, by strengthening the clinic—LAO relationship, by fostering strong relations between the clinic system and our justice sector partners, and by expanding the supports we provide to clinics throughout the province.



Advocacy Centre for Tenants Ontario • Advocacy Centre for the Elderly • Algoma Community Legal Clinic ARCH Disability Law Centre • Black Legal Action Centre • Canadian Environmental Law Association Centre for Spanish-Speaking Peoples • Chatham-Kent Legal Clinic • Chinese & Southeast Asian Legal Clinic Clinique juridique francophone de l'Est d'Ottawa • Clinique juridique Grand-Nord/Grand-Nord Legal Clinic Clinique juridique populaire de Prescott et Russell Inc. • Clinique juridique Roy McMurtry (SDG) Legal Clinic Community Advocacy & Legal Centre • Community Legal Assistance Sarnia • Community Legal Clinic - Brant, Haldimand, Norfolk Community Legal Clinic - Simcoe, Haliburton, Kawartha Lakes • Community Legal Clinic of York Region Community Legal Education Ontario/Éducation juridique communautaire Ontario (CLEO) Community Legal Services of Ottawa/Services Juridiques Communautaires d'Ottawa Don Valley Community Legal Services • Downsview Community Legal Services • Durham Community Legal Clinic Elgin-Oxford Legal Clinic • Elliot Lake & North Shore Community Legal Clinic • Grey Bruce Community Legal Clinic Hamilton Community Legal Clinic/Clinique juridique communautaire de Hamilton HIV & AIDS Legal Clinic Ontario • Huron Perth Community Legal Clinic Income Security Advocacy Centre • Industrial Accident Victims' Group of Ontario (IAVGO) Injured Workers Community Legal Clinic • Jane Finch Community Legal Services Justice for Children and Youth • Keewaytinok Native Legal Services Kensington-Bellwoods Community Legal Services • Kingston Community Legal Clinic Kinna-aweya Legal Clinic • Lake Country Community Legal Clinic • Landlord's Self-Help Centre Legal Assistance of Windsor • Manitoulin Legal Clinic • Mississauga Community Legal Services • Neighbourhood Legal Services Neighbourhood Legal Services (London & Middlesex) • Niagara Community Legal Clinic/Clinic juridique communautaire de Niagara Nipissing Community Legal Clinic • North Peel & Dufferin Community Legal Services Northumberland Community Legal Centre • Northwest Community Legal Clinic Parkdale Community Legal Services • Peterborough Community Legal Centre • Queen's Prison Law Clinic Renfrew County Legal Clinic • Rexdale Community Legal Clinic • Scarborough Community Legal Services Services d'aide juridique du Centre francophone de Toronto • South Asian Legal Clinic of Ontario South Etobicoke Community Legal Services • Sudbury Community Legal Clinic • The Legal Clinic Timmins-Temiskaming Community Legal Clinic/Clinique juridique communautaire Timmins-Témiskamingue Unison Health and Community Services • Waterloo Region Community Legal Services West Scarborough Community Legal Services • West Toronto Community Legal Services Willowdale Community Legal Services • Windsor-Essex Bilingual Legal Clinic/Clinique juridique bilingue Windsor-Essex

ASSOCIATION OF COMMUNITY



ACLCO Member Clinics

Workers' Health & Safety Legal Clinic