



The Advocate

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Special Diet Allowances Contravene Human Rights

TORONTO – 1 March 2010: The Ontario Human Rights Tribunal recently found that the provincial Special Diet Allowance (SDA) program violates the Human Rights Code in the way it provides benefits to three individuals. These three individuals are lead complainants in a Tribunal proceeding that involves complaints from nearly 200 other people.

But in a troubling move in response, the Ministry of Community and Social Services has circulated an internal memo that suggests it is considering scrapping the program entirely.

“In its decision, the Human Rights Tribunal recognized the role the SDA plays in supporting substantive equality for people with higher food costs due to treatment for medical disability,” said Cindy Wilkey of the Income Security Advocacy Centre, co-counsel for two of the complainants. “Cancelling the program would put the health of thousands of people at risk, impairing their ability to meet dietary needs that are recognized components of medical treatment.”

The Special Diet Allowance program is a long-standing part of Ontario’s social assistance system. It is intended to relieve the disadvantage faced by people who have extra dietary costs related to therapeutic diets prescribed by their health care professionals.

The Tribunal has ordered the province to pay additional retroactive and ongoing benefits to the lead complainants and has given the government three months to make the same improvements for anyone in the SDA program with the same medical conditions.

In 2005, the Ontario government changed the SDA program, leaving hundreds of people unable to afford the diets they had relied on to treat or manage the complications of medical conditions. In April 2008, the government’s own Special Diets Expert Review Committee recommended significant changes to ensure that the program included recognized therapeutic diets and provided appropriate allowance levels. The recommendations have not been implemented.

“The government has long known that the program posed a number of problems,” said Lesli Bisgould of Legal Aid Ontario’s Clinic Resource Office, also co-counsel. “The discrimination built into the program has now been recognized by the Tribunal. We call on government to preserve this important program and to move quickly to fix it, to serve the needs of all people with disabilities who have special nutritional requirements.”

Source: Income Security Advocacy Centre



Last Month’s Rent Deposit

Can a landlord ask for a last month rent deposit?

Yes. A landlord can collect a last month’s rent deposit if it is requested on or before the day that the landlord and tenant enter into the tenancy agreement. The deposit cannot be more than one month’s rent and it can be used only for the last month before the tenancy ends. It cannot be used for anything else, such as to pay for damages.

Can a landlord ask a tenant to pay money to update the rent deposit?

If the rent increases after a tenant has paid a rent deposit, the landlord can ask the tenant to pay an additional amount towards the last month’s rent deposit so that it is the same as the new rent.

If a tenant gives notice that they want to move and the landlord has not previously asked the tenant to top up the rent deposit, the landlord still has the

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Powers of Attorney for Property and for Personal Care

What is a Power of Attorney?

A Power of Attorney is a legal document that gives someone else the power to act on your behalf. This person is called your “attorney”. In Canada the word “attorney” usually does not mean lawyer, as it does in the USA.

What is the difference between a Power of Attorney for Personal Care and a Power of Attorney for Property?

A Continuing Power of Attorney for Property or a General Power of Attorney for Property gives your attorney the power to make decisions about your finances, home, and possessions. A Power of Attorney for Personal Care deals only with personal care decisions. You can name the same person as your attorney for both property and personal care, or you can name different people.

What are personal care decisions?

Personal care decisions are decisions about your health care and medical treatment, diet, housing, clothing, hygiene, and safety.

Why should I have a Power of Attorney for Personal Care?

If you become mentally incapable of making personal care decisions, someone else must make them for you. This person is called your “substitute decision-maker” (SDM).

For some decisions, including those about your medical treatment, the law says your doctor and other health care providers must get your substitute decision-maker’s consent before taking action.

Making a Power of Attorney for Personal Care lets *you* choose a person you trust to be your substitute decision-maker if you become mentally incapable in the future. Making a Power of Attorney for Personal Care is also a way to make sure your wishes about personal care decisions will be respected. It gives you a chance to say what you want and do not want. For example, if you do not want certain medical treatments if you get seriously ill, you can state this in your Power of Attorney.

When does a Power of Attorney for Personal Care take effect?

It takes effect *only* if you become mentally incapable of making some or all of your personal care decisions. On the other hand, a Continuing Power of Attorney for Property comes

into effect as soon as it is signed and witnessed, unless you state otherwise. Power of Attorney documents are often kept in a safe place to use only in the event of mental incapacity at a later date.

Where can I get a form for the Power of Attorney?

Your local community legal clinic will usually have the booklets available. Or you can use the form published by the Office of the Public Guardian and Trustee. To order a copy, call **416-314-2800**, or toll-free **1-800-366-0335**. You can also download it by going to our website at westendlegal.ca

Source: CLEO (Community Legal Education Ontario)



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right to ask the tenant to pay an additional amount towards the rent for the last month, so that it is the same as the current rent.

Does a landlord have to pay interest if a rent deposit is collected?

Yes, the landlord must pay the tenant interest on the rent deposit every 12 months. The amount of interest is equal to the rent increase guideline that is in effect when the interest payment is due.

Download a FREE Power of Attorney kit at westendlegal.ca

New Law Dealing with Harassment and Violence in the Workplace

Bill 168 is new legislation which helps protect Ontarians from workplace violence and requires employers to develop workplace violence and workplace harassment policies and programs.

Under Bill 168, workplace violence is defined as:

- The exercise of physical force by a person against a worker in a workplace that causes or could cause physical injury to the worker;
- An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; or
- A statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker

The new legislation will help further protect workers from violence and harassment in workplaces. The new protections will require employers to:

- Develop and communicate workplace violence and harassment prevention policies and programs to workers
- Assess the risks of workplace violence, and take reasonable precautions to protect workers from possible domestic violence in the workplace.
- Allow workers to remove themselves from harmful situations if they have reason to believe that they are at risk of imminent danger due to workplace violence.

Bill 168 comes into force in June 2010.

For more information contact: Ministry of Labour - Occupational Health and Safety Inquiries - 1-800-268-8013 or visit their website at <http://www.labour.gov.on.ca/english>

The Harmonized Sales Tax

Beginning July 1, 2010, the two sales taxes Ontarians pay (GST & PST) will be combined into one tax: the Harmonized Sales Tax (HST).

What is the HST?

Currently Ontarians pay two taxes when we buy goods and services: the GST (a federal tax of 5%) and the PST (a provincial tax of 8%).

The HST will combine the GST and PST into one 13% sales tax. This means that we will pay the same total amount of tax for many things we buy as we did when we paid the GST and PST separately.

What's different is that we will have to pay the HST on some goods and services that we didn't have to pay PST on before. Some examples are home heating fuels and certain kinds of services.

Doesn't this just mean I'll have less money?

The government is making other changes to the tax system

– higher tax credits and lower tax rates – that they say will help people deal with this extra expense.

There is one important thing to remember about the changes to the tax system – **you have to file an income tax return every year** to get the benefits of these changes.

What about people who don't file tax returns?

For those people who don't file taxes, the cost of the HST will be high. They will have no tax credits or income tax reductions to balance the additional sales tax on goods or services.

Those people on social assistance who don't file tax returns will have to start doing so in order to get these benefits.

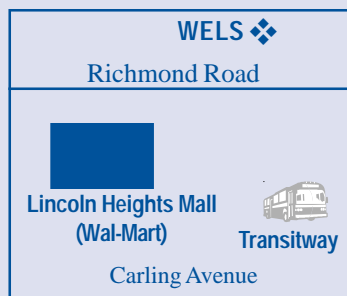
Visit our website for more info: www.westendlegal.ca

Source: Income Security Advocacy Centre

As fo March 31, 2010 Ontario's minimum wage goes up to \$10.25

West End Legal Services

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www.westendlegal.ca



Hours of Operation

Monday to Friday
8:30-12:00 1:00-4:30
We are closed Thursday afternoons.

Lawyers

Jacques Chartrand, Executive Director
Caroline Harris-McDonald
Laurie Joe

Community Legal Workers

Mary Garrett
Sylvia Chapman

Office Staff

Linda Martineau, Office Manager
Vicky Watson, Casework Assistant

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Areas of Practice

Landlord and Tenant Law
Immigration
Social Assistance (OW/ODSP)
Canada Pension Plan
Worker's Compensation

Upcoming Events of Interest

Open House/Silent Auction in support of Breast Cancer Action

When

Thursday, April 15, 2010 from 3:00 pm to 7:00 pm

Where

West End Legal Services - 1301 Richmond Road, Ottawa
(located near the Lincoln Fields transit station
and shopping centre – Walmart)



Why

To support Breast Cancer Action
A survivor-directed, voluntary organization.
They offer a peer counselling program, pre-operative sessions,
workshops and access to their lending library.

RSVP

For more information or to RSVP, please call Vicky at (613) 596-1641

Ottawa Immigration Law Conference

When

Friday, April 23, 2010, from 9:00 a.m. to 4:00 p.m.

Where

Richelieu Vanier Community Centre, 300 Av. des Pères Blancs, Ottawa

Registration Fee

(Includes Lunch and Coffee)

Lawyers/Consultants: \$125.00
Employees of non-profits, Articling students/law clerks: \$55.00
Other students: \$20.00
(University, law school, bar admission course)

Please call (613) 596-1641 for a registration form

Registration deadline: April 9/10

Contactez le 596-1641 si vous désirez recevoir cette publication en français