



# The Advocate

A Publication of West End Legal Services

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## Stop Bill 106: Faster evictions do not make our communities safer!

Source: The Advocacy Centre for Tenants Ontario (ACTO)

Bill 106 – The Safer Communities and Neighbourhoods Act (SCAN) was introduced as a private member’s bill on October 2, 2008. This Bill will have serious impacts on the rights of tenants and fails to address real concerns of community safety. Bill 106 (SCAN) would enable municipalities to appoint a Director of Safer Communities and Neighbourhoods that will accept anonymous allegations of unsafe or illegal activities occurring on or near specific properties. The SCAN Director has sweeping powers to conduct surveillance of accused tenants and homeowners. The Director can then apply to Superior Court to evict the tenant or close the property for up to 90 days through a ‘Community Safety Order’.

### Bill 106 (SCAN) Will Be Bad For Our Communities

The Residential Tenancies Act and Criminal Code already address unsafe and illegal activities occurring in residential properties.

- SCAN will undermine security of tenure for tenants and lead to an increase in homelessness.
- SCAN violates the rights of tenants to a fair, open process.
- SCAN will violate our right to privacy in our homes.
- SCAN will likely result in human rights violations and over-investigation of racialized community members. Women and children may face homelessness based on allegations

against their partners or other males in the household.

- There is no oversight of the SCAN Director.
- SCAN could violate the right to security of the person provided for in the Canadian Charter of Rights and Freedoms.
- Police officers can carry out SCAN-ordered evictions, something they are not allowed to do under the Residential Tenancies Act.

There are no guarantees that SCAN will do much more than move the offending activities from one community to another. We need real solutions that address the root causes of unsafe behaviour including non-coercive community dispute resolution processes, adequately funded drug and alcohol treatment programs and social programs for disenfranchised community members. Ontario could spend up to \$8 million implementing Bill 106. Ontario already spends \$3.4 billion on policing. Public dollars are better spent to address the lack of decent, accessible, affordable housing in Ontario.

### What You Can Do To Protect The Rights Of Tenants

Write your local MPP and tell them that Bill 106 is a bad idea. Share your concerns in a clear, polite manner and urge your MPP to vote for tenants rights and against Bill 106. A sample letter can be found by visiting the Clinic’s website at [westendlegal.ca](http://westendlegal.ca)

Send a copy of your letter to the Honourable Jim Watson, Minister of Municipal Affairs and Housing and MPP Yasir Naqvi, the MPP who introduced Bill 106. The following is a list of the MPPs in our area.

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## OUR COMMUNITY CHAMPIONS: Bellwood Community Homeowners Association

A local city councillor appeared to be working with a developer to close down the Bellwood Mobile Home Park in Bells Corners (a small bedroom community just west of Ottawa) and replace it with a new subdivision. The mobile park was established 50 years ago and has grown into a well-rooted community with 250 families made up of seniors and young families.

A meeting was organized and over one hundred people came to defend their homes and to start a tenants association. The tenant association worked tirelessly at creating their Constitution and Bylaws, lobbied their municipal politicians and held a benefit dance all which caught the eye of the media. The case was reported in the Ottawa Citizen and in the community newspapers. They came together to fight for their cause and the community has supported them with donations of food, gift certificates, money, merchandise, office supplies and use of equipment, meeting space and volunteer time.

As a result of all the publicity, the developer has decided not to purchase the land and Association is now working with the City of Ottawa to purchase the land from the owner and start a non-profit mobile housing corporation.



We recently heard that this deal has also fallen through and the BCHA will now need to determine what their future options are.

The Bellwood community has worked hard and will continue the fight to save their homes. We are proud to nominate them for the Association of Community Legal Clinics of Ontario (ACLCO) Community Champion Award as they have worked tirelessly to preserve their homes and the integrity of their community.

The Association of Community Legal Clinics of Ontario is the representative body for Ontario's community legal clinics whose objective is improve the legal welfare of the communities served by clinics in Ontario. The ACLCO award is to recognize individuals or organizations that "champion the cause of our clients and communities".

We believe the Bellwood Community Homeowners Association is a "Community Champion!"



*"Never doubt that a small group of committed citizens can change the world." Margaret Mead*

## Update - Special Diet Allowances

by Jacques Chartrand, LLB

Prior to November 2005 some social assistance recipients believed they would be continuously receiving a special diet allowance because their medical condition was diagnosed by their doctor as permanent and no review was required. Others expected such an allowance until they turned 65 because they were so advised in writing by the government.

This is not the case as the Divisional Court of Ontario stated in a decision issued in October 2008 that rules under which benefits, such as the special diet allowance, that are paid on a periodic basis (weekly, monthly or yearly) can be changed and do not remain permanent was the reasoning given.

There will be no further court action concerning these issues as the Court of Appeal of Ontario denied the Leave to Appeal Application of the recipients. However, all is not lost. The hearings of the special diet complaints before the Human Rights Tribunal have started and are expected to finish in the middle of June 2009. The outcome of these hearings will have a direct bearing on the appeal cases that are on hold before the Social Benefits Tribunal.

We will keep you informed of any new developments on this matter.

## Could You Pass the Citizenship Test?

**1. When did settlers from France first establish communities on the St. Lawrence River?**

- a. 1200s
- b. 1700s
- c. 1900.
- d. early 1600s



**2. What form of transportation did Aboriginal peoples and fur traders use to create trading networks in North America?**

- a. Roads
- b. Waterways
- c. Railway
- d. Air



**3. Who is the Queen's representative in Canada?**

- a. Prime Minister of Canada
- b. Premier
- c. Her Majesty Queen Elizabeth II
- d. Governor General of Canada

**4. Which province is the only officially bilingual province?**

- a. New Brunswick.
- b. Quebec
- c. Ontario
- d. Prince Edward Island

**5. From where does the name "Canada" come?**

- a. From the Inuit word meaning country
- b. From the French word meaning joining
- c. From the Métis word meaning rivers
- d. From "kanata", the Huron-Iroquois word for village

**6. Name the five regions of Canada**

- a. Midwest, North, South, East, Central
- b. Maritimes, Ontario, Quebec, Prairies and British Columbia
- c. Atlantic, Central, Prairie, West Coast and North
- d. West, Central, East, Prairies and Territories

**7. What country is Canada's largest trading partner?**

- a. Mexico
- b. United States of America
- c. China
- d. Japan

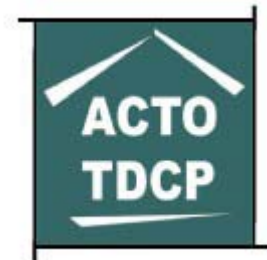
Answers: 1 - d, 2 - b, 3 - d, 4 - a, 5 - d, 6 - c, 7 - b

**BILL 106 - continued from page 1**

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Advocacy Centre Tenants Ontario

## Landlord and Tenant Frequently Asked Questions

**Can the landlord change the lock?**

A landlord can change the lock while the tenant is living in the unit as long as the landlord gives the tenant a key for the new lock.

A tenant cannot change the locks unless the landlord agrees. If the tenant does change or add lock, a copy of the key should be given to the landlord immediately.

**Does a landlord have to give rent receipts?**

Yes, if a tenant asks for them. The landlord cannot charge for providing receipts.

For more information about the rights and obligations of tenants visit our website at [www.westendlegal.ca](http://www.westendlegal.ca)

## What Our Clients Have to Say

"I was very impressed with the competency, compassion and calmness my lawyer provided leading up to and during my tribunal case. . ."

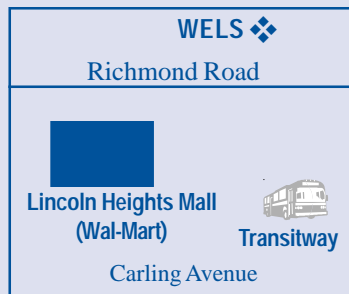
"I will always remain grateful and very appreciative of the services provided to me during a very difficult time in my life by legal aid services."

"I was impressed by the wording and knowledge expressed in the letter forwarded to the landlord in our particular case and would like to extend my personal thanks. . ."

*"There is no such thing in anyone's life as an unimportant day."  
Alexander Woolcott*

## West End Legal Services

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### 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  
Sonia L. Parsons (on leave)  
Sylvia Chapman (Replacement)

### Office Staff

Linda Martineau, Office Manager  
Vicky Watson, Casework Assistant

### Our Board of Directors

Dorothy O'Connell (Chairperson)  
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### Areas of Practice

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

## Bill 139 - New Rules for Temp Workers

Source: The Human Resources Professionals Association (HRPA)

The Ontario government has introduced legislation to better protect "elect to work" or temporary employees under the Employment Standards Act, 2000.

In December, the government introduced Bill 139--the Employment Standards Amendments Act (Temporary Help Agencies), 2008. The bill sets out obligations and prohibitions relating to temporary help agencies and ensures temporary employees are treated fairly and have better opportunities to move to sustainable employment.

The new legislation addresses the following:

- Establishes that temporary employees are covered by the Employment Standards Act
- When a temporary employee is assigned work by the temporary help agency, that agency is the persons employer and this person is an employee of that agency
- Ensures temporary workers are aware of their rights under the Employment Standards Act
- Stops temporary help agencies from charging workers for resume writing and interview preparation
- Ensures temporary workers have all the information they need about their assignments, especially pay schedules and job descriptions
- Enables the government to enact future regulations so temporary em-

ployees have notice to termination and severance pay rights that align with the rights of permanent employees

- When offering a work assignment with a client, temporary work agencies will have to provide:
  - The legal operating or business name of the client
  - Client contact information including address, telephone number and at least one contact name
  - The hourly or other wage rate or commission and benefits associated with each assignment
  - The hours of work for the assignment
  - A description of the work to be performed
  - The pay period and or pay date established by the temporary help agency

Bill 139 provides that the Act comes into force six months after the day it receives Royal Assent.

Over 700,000 people in Ontario are employed in temporary jobs through over 1,000 temporary help agencies. The Canadian staffing industry is worth \$8 billion dollar a year, with Ontario representing 57% of the market. On December 9, 2008, the Ontario government tabled Bill 139.

[westendlegal.ca](http://westendlegal.ca)

Your Gateway to Legal Information & Resources

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