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Buyer Beware!

Fay Clark, CLW, Kenora

As a consumer, it is important to understand your rights and how you are protected by the law. In Ontario, rules pertaining to the sale of goods and services are regulated by many laws such as the [Ontario Consumer Protection Act](#), [Discriminatory Business Practices Act](#), [Personal Property Security Act](#) and the [Safety and Consumer Statutes Administration Act](#).

Some goods and services are covered by specific laws such as home energy, motor vehicles and travel.

Store Returns

If you purchase a good or service, merchants are generally not legally obliged to offer cash refunds, credits, or exchanges. Merchants are free to set their own policy in this area, therefore, it is important to ask about the store's return policies before you buy. However, regardless of the policies, if the goods you have purchased were misrepresented or are defective, the merchant



should supply a suitable substitute, refund, or repair the item.

Gift Cards

The [Consumer Protection Act](#) states that a store gift card must not have an expiry date or fees for purchasing or redeeming. An exception to this rule applies to cards not purchased in the store for which they are to be used. Gift cards purchased from other retailers may come with a one-time activation fee of no more than \$1.50 and must retain their value for a minimum of 15 months. After that, you may be charged a "dormancy fee" of no more than \$2.50 a month until the balance on the card is zero. Be aware. Always ask before you buy!



2013 Rent Increase

Tammy Noble, CLW, Fort Frances

The Ontario government has announced that the annual Rent Increase Guideline, the maximum percentage by which a

landlord can increase the rent for most sitting residential tenants without approval from the Landlord and Tenant Board, is 2.5 per cent for 2013. For more

information, please call the legal clinic office in your area or visit the Landlord and Tenant Board's website www.ltb.gov.on.ca and click on "WHAT'S NEW".



*May peace and joy be yours
during this wonderful season
and the coming New Year*

All offices of the Northwest Community Legal Clinic will be closed Monday, December 24th, 2012 through Tuesday, January 1st, 2013.



Some ODSP facts for you!

Laurie Nuttall, Staff Lawyer,
Fort Frances

Did you know.... You can receive up to \$6,000.00 in a 12 month period without it affecting your Ontario Disability Support Program benefits. This could include money received as gifts, inheritances, windfalls and payments from trusts and life insurance policies.

Did you know.... If you have earnings or business income you may be eligible to receive a \$100 per month Work-Related benefit from the Ontario Disability Support Program.

Did you know... You may be eligible to receive both wage earnings and Ontario Disability Support Program (ODSP) benefits. When your

Income Support is calculated only half of your net earnings can affect the amount of money you get for Income Support from ODSP. You can also claim some of your child care and disability-related work costs as deductions from your earnings and may be eligible to receive an extra \$100 per month Work-Related benefit.



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.

What is a Record Suspension?

Yvonne Hutton, CLW,
Atikokan

Contrary to what you may have read on Facebook or other social media sites, 'Pardons' are still available in Canada, but are now called 'Record Suspensions'.

Obtaining a record suspension is similar to the previous process of obtaining a pardon, however the new eligibility requirements are much stricter, and it is much costlier. The current fee for obtaining a record suspension is \$631.00, with additional fees for fingerprints and other documents that may be required.

A record suspension works in the same way a pardon did. It does not erase the fact that a person was convicted of an offence,

however, the criminal record is 'set aside' and is removed from the Canadian Police Information Centre (CPIC) database. If the offence was of a sexual nature, the record is flagged in CPIC and the record would still show if

agency that processes record suspensions. Applications and application guides are available through their website at www.recordsuspension.gc.ca or by calling the toll-free number 1-800-874-2652.



Please note!

You do not have to have a lawyer or any other service or agency



the person applies for a job or volunteer position with vulnerable people such as children.

Record suspensions do not completely erase the criminal record, nor does it mean that entry into other countries – including the United States - is guaranteed.

The Parole Board of Canada (PBC) is the only

complete and/or file your record suspension application; you can do this yourself if you are comfortable filling out the forms. Hiring a lawyer or agency adds a great deal of expense to the process, it does not make the process faster, and it is not required by the Parole Board of Canada. You may be able to get assistance with the application form from your local Legal Clinic at no charge.

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.

Atikokan's Stuff-A-Cruiser

Debra Bruyere, Support, Atikokan

Atikokan had their second Stuff-A-Cruiser campaign on Saturday, November 24th, 2012. The Northwest Community Legal Clinic coordinated this year's event with the OPP and several other community partners. Thanks to the generosity of Atikokan, we stuffed nine cruisers on Saturday with non-perishable items. The food was donated to Christmas Cheer and the community's two local food banks, the Atikokan Native

Friendship Centre's Anshandiwin Food Bank and the Faith Lutheran Church's food Bank. We also received two cash donations to go towards the Christmas Cheer Fund from the employees of Ontario Power Generation and AECON.



Pictured with one of the nine stuffed cruisers are OPP Auxiliary Officers Don Marquis and Glen Ivall with Atikokan NCLC Staff members Debra Bruyere and Yvonne Hutton

Finally.... Ontario Photo I.D. Cards

Carol Grosset, OM, Kenora

There are an estimated 1.5 million people living in Ontario, over the age of 16, who do not drive and therefore do not have valid photo I.D., other than their health card which is not accepted in all places and is a costly offence to photocopy.

It was announced this summer that the Ontario government has finally developed an identification card that can serve seniors, the disabled or any adult who does not have a valid driver's licence. These cards will assist people when opening a bank account, applying for a job, or signing contractual documents.

They will not, however, be accepted at border crossings into the United States. This new card will not replace a passport for such trips.

The card is now available in all Service Ontario Centres throughout our districts. You have to apply for the card in person. The fee is \$35.00 and the card is valid



for five years. For further information contact the Service Ontario general inquiry line at 1-800-267-8097 or <http://www.ontario.ca/government/ontario-photo-card>.

Service Ontario offices are located throughout our districts in the following:
 Atikokan – 108 Saturn Avenue
 Ear Falls – 2 Willow Crescent
 Emo – 5967 Highway 11/71
 Fort Frances – 922 Scott Street
 Kenora – 220 Main Street South
 Rainy River – 334 Fourth Street
 Red Lake – 227 Howey Street



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

Brighter Prospects:

Transforming Social Assistance in Ontario

Sallie Hunt, Staff Lawyer, Kenora

Since the 2008 recession, the number of people relying on social assistance has increased steadily. In June 2012 just under 900,000 people (including about 200,000 children) received social assistance in the province of Ontario.

The current social assistance system has been described as over-complicated, keeping people isolated and living in poverty. The *Commission for the Review of Social Assistance (CRSS)* (www.socialassistancereview.ca) has been studying Ontario's social assistance for the past two years, looking for ways to improve the system by removing barriers and increasing opportunities for people to work.

The CRSS released its report **Brighter Prospects: Transforming Social Assistance in Ontario** in October 2012 and made 108 Recommendations for a more effective and accountable social assistance system.

Despite the current employment incentives, many people on social assistance remain in poverty. In the current system, there are two separate social assistance programs: Ontario Works (welfare) and the Ontario Disability Support Program

(ODSP). Ontario Works is managed by municipalities, district service boards or band offices, while the ODSP program is run by the province. The two programs have different rules and moving from one program to the other is not seamless and often has problems. For example, while Ontario Works has several employment incentives, ODSP does not. Also, Ontario Works pays benefits at the beginning of the month while ODSP pays benefits at the end of the month.

The CRSS determined that Ontario's social assistance system must do a better job of helping people move into employment and of supporting all recipients, including those with disabilities, to participate in the workforce to the maximum of their abilities.

The CRSS found that people receiving the lowest amount of support (\$606 for a single person on Ontario Works) do not have enough money to survive. (In 1995, before the Harris Conservative Government reduced welfare rates by 22%, a single person received \$630.)

The monthly benefit of \$606 is broken into two parts: \$230 for

basic needs and up to a maximum of \$376 for a *shelter allowance*, even if ones shelter exceeds the maximum. If there are no shelter costs, then that person receives only \$230 a month. Phone and cable/satellite television costs are not included in the *shelter allowance*.



Recommendations included an immediate increase of \$100/month to the lowest category, an increase in the value amount of assets allowed, and the ability to earn up to \$200/month before having benefits reduced. Currently, benefits are reduced by 50% for every dollar earned.

Other Recommendations:

- Create a single social assistance system to replace Ontario Works (OW) and the Ontario Disability Support Program (ODSP). This would allow people on OW and ODSP to receive the same employment supports.

The CRSS envisages the single OW/ODSP program being downloaded and managed by municipalities and First Nations. However, in the past, whenever the government has downloaded a responsibility to a municipality, it has not always provided municipalities with adequate funding. Also, this could mean that, rather than having one coherent system with provincial



Brighter Prospects: *continued*

rules and guidelines, there could be different rules and options, depending in which community one lived.

- Simplify the system so that there is one standard rate for adults living alone, with cost of living increases. The standard rate would be slightly reduced for people in shared accommodations (regardless of their relationship). In addition to the standard rate, there would be a disability supplement and a supplement for children.

Standard rates would be set to achieve “a balance among three objectives: adequate incomes, fairness between social assistance recipients and low-income workers, and financial incentive to work.”

- All recipients, including those with disabilities, would be required to participate in work-related activities towards a “pathway to employment.” People with disabilities leaving social assistance for employment would be allowed to keep a portion of their disability supplement.

Initially, a person with a disability who failed to participate in work-related activities would not be penalized. However, this suggests that penalties would occur at a later time.

Several questions arise from the stated goal of finding employment for everyone through “pathways to employment,” including whether it is realistic to assume that all people are capable of working, or whether municipalities

will be able to provide the necessary supports, or whether employers will be willing to accommodate those who are willing to work.

- Couples would be allowed to live together for one year before a determination of spousal status was made.



Currently, determination of spousal status is made after three months of cohabitation or living together, or if the couple declare that they are spouses.

- All gifts in the form of goods and services would be fully exempt as income. Gifts of money up to \$6,000/year would be exempt as income. Everyone would be allowed the current ODSP asset limit of \$5,000/year for one person or \$7,500 for a couple. Certain investments (RRSPs, RESPs, IDAs etc) would be exempt up to \$60,000.

- Single parents would not be forced to seek child support from the other parent. And support payments would be deducted at the rate of 50% from benefits (similar to income deduction now) rather than the 100% deduction that is currently being made.

While a less onerous, more streamlined and less rule-bound system is most welcome, many concerns have been expressed that people with disabilities may lose out if they are pushed into a system that sees

employment as the end goal, without adequate supports or recognition of an individual’s capability.

Also, it is important to keep in mind that during the last few years the provincial government has made several cuts to social assistance benefits. Some of the cuts were:



- Cutting the *Basic Needs Allowance* for single parents by \$125 a month per child when the Ontario Child Benefit was introduced
- Ending the *Clothing and Back To School Allowances* for children on social assistance
- Reducing the cost of living increases to social assistance to one-half of the inflation rate in the last two provincial budgets
- Changing medical conditions needed to qualify for the *Special Diet Allowance*
- Withdrawing planned increases to the *Ontario Child Benefit (OCB)* for two years in the 2012 budget, and Cutting the *Community Start-Up and Maintenance* funding to municipalities.

A new social assistance system has long been called for. Until the recommendations are actually turned into legislation, it is too soon to determine exactly what people on social assistance will lose or gain. A move toward a basic guaranteed income for everyone, without complicated rules or the fear of having ones benefits terminated, is long overdue.

Healthy Homes Renovation Tax Credit

Sallie Hunt, Staff Lawyer,
Kenora

A new *Healthy Homes Renovation Tax Credit* (HHRTC) was passed by the Ontario government in October 2012, despite the Conservatives' opposition. Along with HHRTC the government has increased funding for home care. Both these measures are to help seniors remain in their homes for a longer period of time.

If you are a senior (65+) or if you live with a senior, you may be eligible to claim a tax credit of up to \$1,500/year for modifications that improve accessibility in the home. Certain expenses are eligible, such as: grab bars, hand-rails, wheel-in showers, walk-in bathtubs, wheelchair ramps, lifts and elevators, lowering counters,

touch and release drawers or cupboards, or widening doors.



For more information call 1-866-668-8297 or go to the Ministry of Finance's website: <http://www.ontario.ca/taxes-and-benefits/>

[healthy-homes-renovation-tax-credit](http://www.ontario.ca/taxes-and-benefits/healthy-homes-renovation-tax-credit)



Our staff are available throughout our districts to provide Public Legal Education sessions on a variety of topics and areas of law covered by the Legal Clinic's Mandate. Please call your local office to discuss your group or agency's needs with our staff.

Changes to WSIB Appeal Procedures

Fay Clark, CLW, Kenora

The Ontario Workplace Safety and Insurance Board has been creating a plan to "modernize the WSIB's appeal program." Changes to the current system are scheduled to be implemented on February 1,



2013. WSIB has established a transition plan for those workers who have unassigned appeals submitted prior to 2013. Workers who have not been assigned an Appeals Resolution Officer will be sent a letter either during the week of January 7th or March 4th, 2013. The letter will include a new Appeals Readiness Form. **To maintain your**

right to appeal, the form must be returned within 90 calendar days from the date the letter was sent. If it is not returned within the time limit your case will be considered withdrawn.

If your mailing address has changed since filing an appeal with the WSIB, it is very important that you provide them with your updated

Can a tenant be evicted in the winter?

Nan Normand, CLW, Kenora

Yes. There is nothing in the Ontario *Residential Tenancies Act* (RTA) that prevents a tenant from being evicted during the winter months. A landlord can proceed with eviction under RTA legislation.



Helping Families in Need Act

The Canadian Federal Government has announced the “unanimous adoption” of the **Helping Families in Need Act** by the House of Commons. It includes: enhanced access to sickness benefits for parents

receiving EI parental benefits; EI benefits for parents of critically ill children; amendments to the Canada Labour Code for parents who take a leave of absence to care for a critically ill child; and, the

Federal Income Support for Parents of Murdered or Missing Children grant. See news release and backgrounder at: <http://news.gc.ca/web/article-eng.do?nid=707969>

Using Electricity at Off-Peak Hours Can Save Money

Sallie Hunt, Staff Lawyer, Kenora

Time-Of-Use pricing for electrical usage was introduced in Ontario some time ago. The idea behind *Time-Of-Use* pricing is that a consumer choosing to use electricity on *Off-Peak* hours would save money. And, for Ontario Hydro, this means that someone using electricity during *Off-Peak* hours reduces the demand for electricity during *On-Peak* hours. *On-Peak* hours are when the demand for electricity is the highest. *On-Peak* hours change slightly between summer and winter.

For certain things, like having lights on during those dark winter mornings, the time of use can’t be changed. But for many things – dishwashers, washers, dryers, even having a shower, one can switch to *Off-Peak* hours and save money.

In an email, the Ontario Energy Board indicated that “Residential consumers typically consume about 64% of their electricity during off-peak hours, and about 18% in each of the mid-peak and on-peak periods.”

The Ontario Energy Board also indicated that a consumer could reduce the electricity bill by about “0.8% on the total monthly bill, for a residential consumer with a typical consumption pattern who uses 800 kWh per month.”

In October the Ontario Energy Board sent out information about the cost of *Time-Of-Use* (TOU) prices which are in effect from November 1st through April 30th:

PRICE PERIOD (Winter - November 1 through April 30)	NEW PRICE	CHANGE
On-Peak (from 7 a.m. to 11 a.m. and 5 p.m. to 7 p.m. weekdays)	11.8 ¢/kWh	(↑ 0.1 cent)
Mid-Peak (from 11 a.m. to 5 p.m. weekdays)	9.9 ¢/kWh	(↓ 0.1 cent)
Off-Peak (from 7 p.m. to 7 a.m. weekdays and all day on weekends and holidays)	6.3 ¢/kWh	(↓ 0.2 cent)

Changing to *Off-Peak* hours is one way to reduce ones electrical bill. With the increasingly high cost of energy, it is important to look for ways to create savings. Other ways are:

- don’t leave equipment such as computers on stand-by
- turn lights and equipment off when not in use

- buy energy-efficient appliances
- use compact fluorescent light bulbs – it costs about \$9/year to run one compact fluorescent light bulb and \$21/year for a conventional light bulb
- set the water heater at 120° C instead of 140° C (\$35-\$60/year savings)
- hang laundry instead of using a

- dryer
- avoid using an air conditioner
- turn the thermostat down at night and when not at home.

There are many ways to make you and your home more energy efficient. And, once you start, it will become a habit.



**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
P9N 1G4

(807) 468-8888 Phone

1-800-403-4757 Toll Free

(807) 468-4928 Fax

Atikokan

305 Main St. W
PO BOX 1676
Atikokan, ON
P0T 1C0

(807) 597-2811 Phone

(807) 597-6697 Fax

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Office Closures

December 24 - January 1, 2013

February 18 - Family Day

March 29 & April 1 - Easter

Sub-Offices

Red Lake - February 6, March 6

Ear Falls - February 7, March 7

Canadian Mental Health Association (CMHA)

*This issue, we feature the **Fort Frances branch of the CMHA**. Thanks to Sandy Skirten, Director of Services for contributing the following article...*

The Canadian Mental Health Association, Fort Frances Branch provides services to individuals 18 years of age and older with a serious mental illness. Services are available throughout the Kenora/Rainy River Districts and are free and confidential. Referrals can come from any source including self, family, physicians, service providers, etc.

The **District Mental Health Services for Older Adults Program** provides services to individuals 60 years of age or older with a serious mental illness, Alzheimer's disease or a related dementia. Services include: Assessment, Counseling, Cognitive-Behavioural Interventions and Treatment Planning, etc. This Program is available in Fort Frances, Dryden, Kenora, Sioux Lookout, Red Lake, Atikokan and surrounding areas.

The **Case Management Program** provides support services to individuals

with a serious mental illness living in the Rainy River District. The Case Management Program is designed to facilitate recovery and maintain quality of life.

The **STEP Centre Rehabilitation Program** in Fort Frances is a social-recreational day program designed to assist and support individuals who have a serious mental illness with activities designed to promote the recovery process including: socialization, physical activity and life skills.

The **Court Diversion and Support Program** provides support services to individuals living in the Fort Frances area who appear to have mental health needs who have been charged with a criminal offence in the Rainy River District.

The **Housing Program** provides a rent supplement to individuals who have an ongoing serious mental illness and also to those individuals who have substance abuse issues who receive Ontario Works/ODSP, but require additional funding to afford more suitable housing.

The **Education Program** provides education and training to community groups, businesses and service providers in order to enhance awareness about mental illness and to reduce the stigma that is often associated with mental illness.

The **Psychogeriatric Resources Consultant Program** provides consultative support to local Long Term Care Facilities and Community Support Agencies who serve people with dementia, mental illness or other complex needs in the Kenora/Rainy River Districts.

The **Can-Help Program** is a consumer/survivor initiative that provides peer support to individuals and families, within the Kenora/Rainy River Districts who are affected by the stigma and reality of mental illness.

For further information or a more extensive description of programs and services please refer to website

www.cmhaff.ca



Consider the environment...

Please recycle this newsletter!