



Hamilton Community Legal Clinic
Clinique juridique communautaire de Hamilton

Hamilton Community Legal Clinic
**Dedication to Justice:
Circles of Care**

2024

Annual General Report

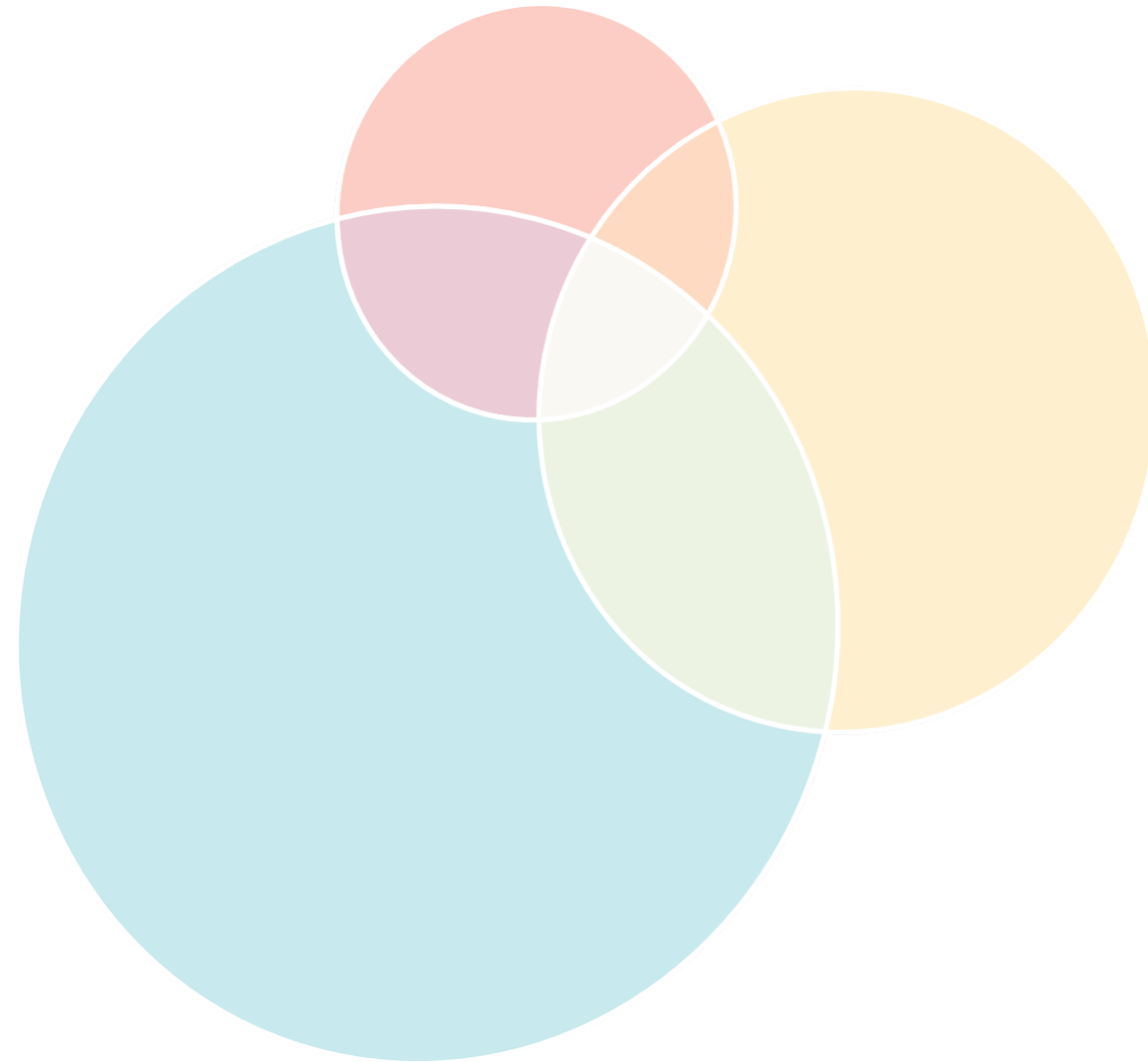


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Board Members

2023-2024

David Quezada
Hina Saeed
Kelly Barker
Kingsley Audu
Kris Noakes
Lisa Feinberg
Simon Lebrun

2024-2025

Simon Lebrun
David Quezada
Anjali Upadhyia-O'Brien
Patricia Suleiman
Holly Wootten
James Diemert
Kingsley Audu
Kris Noakes
Lisa Feinberg

Vision

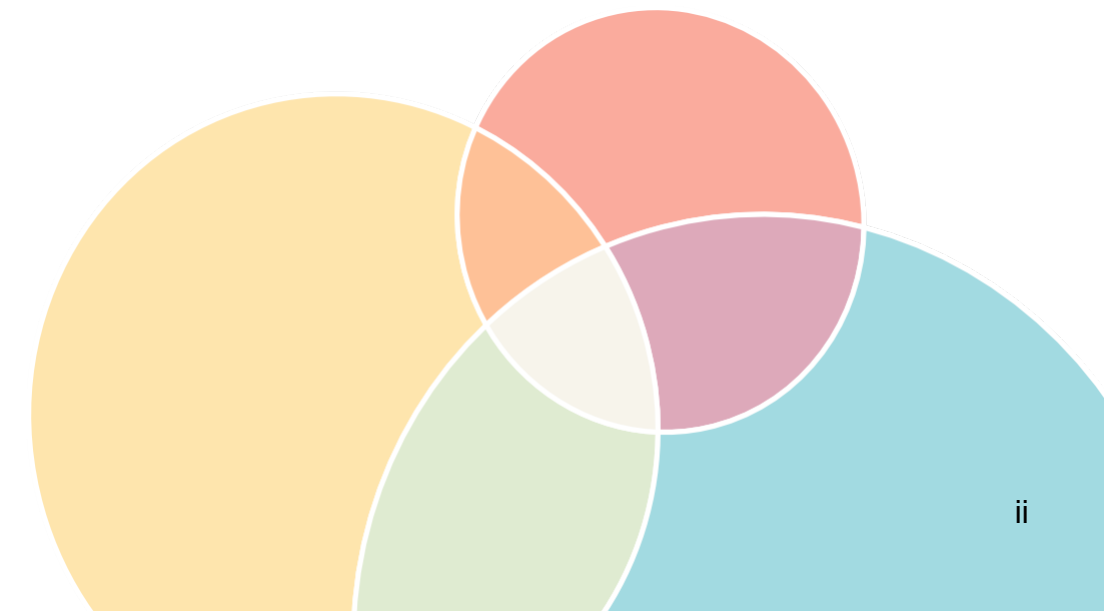
Hamilton Community Legal Clinic will be recognized and valued as an important provider of poverty law services and advocate for social change.

Mission

Hamilton Community Legal Clinic is a community based not for profit agency whose diverse team of caring professionals and volunteers provides legal services to low income individuals and communities to promote access to justice and to improve quality of life. We do this through: summary advice and referral, representation, community development, law reform and public legal education.

Values

We are committed to the empowerment of individuals and the communities within Hamilton by upholding the following values as we engage in our mission: trust, respect and integrity; equity, diversity and inclusion; leadership, excellence and innovation.



Message from the BOD

Message from the Chair of the Board of Directors.

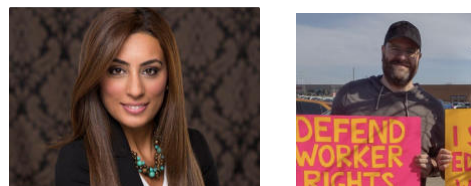
As I prepare to step down from my role as chair of the board of directors, I reflect on my six years at the clinic. It has been an honour to be part of such an important organization in our community. This year marked by another year of immense challenges and the remarkable resilience of our community. The past few years has tested us all, with the housing affordability crisis reaching new heights and social benefits lagging far behind the needs of those we serve. Despite these hardships, our dedicated staff team has worked tirelessly, providing essential support and advocacy to those who need it most.

It has been an honour to witness the unwavering commitment of our team as they navigate these rough waters. Their hard work, compassion, and professionalism have not only upheld our mission but have also strengthened our community's fabric in these trying times.

As I pass the torch to Simon Lebrun, I am confident that the Clinic is in capable hands. Simon's leadership, vision, and deep commitment to social justice will undoubtedly guide the Hamilton Community Legal Clinic to new heights. I look forward to seeing the Clinic continue to thrive under his stewardship.

Thank you for the privilege of serving as your chair. I leave with a deep sense of pride in what we have accomplished together and a firm belief in the bright future that lies ahead.

Sincerely, **Hina Saeed**, Outgoing Chair,
Welcome **Simon Lebrun**, Incoming Chair.



Message from the ED + LD

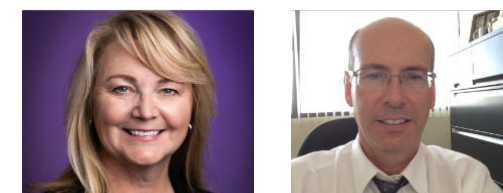
Executive Director and Legal Director

As we reflect on the past year, I want to express my deepest gratitude to our remarkable team for their unwavering commitment to social justice. Their dedication, paired with collaboration with like-minded organizations, has been crucial in addressing some of our community's most urgent challenges—from the housing affordability crisis to the alarming rise in hate groups and actions.

This year, we have worked relentlessly to confront systemic injustices, including the justice of Indigenous rights, Queer rights, Francophone rights, and the fight against Black racism and elder abuse. Our advocacy for improved social benefit rates, basic income, better access to health care, and the rights of the unhoused has never been more vital. Our partnerships with community allies demonstrate that our work extends far beyond the four walls of our office.

We've also made significant progress in improving housing conditions, pushing for a maximum heat by-law, renovation licence and relocation by-law, addressing the encampment crisis, and advocating for inquests into the residential care facilities due to tragic death of Attila Csanyi and inquest into Niagara Health care due to tragic death of Heather Weinterstein, an Indigenous woman. These efforts are part of our broader commitment to ensuring that the right to justice is upheld for everyone, especially those most affected by the ongoing neglect in housing, healthcare, and income supports by successive federal and provincial governments.

I encourage everyone to read this Annual General Report. It offers a detailed account of the incredible work our dedicated team is doing every day to improve access to justice in our community.



Sincerely,
Clare Freeman, Executive Director,
Michael Ollier, Director of Legal Services

Financial Report

Audited Statements Prepared by: Hillborn LLP

April 1st, 2023-March 31st, 2024

Revenues

Legal Aid Ontario	\$ 3,526,487.00
-indirect receipts (note 5)	\$169,849.00
Tenant Duty Counsel Program	\$68,287.00
Employment and Social Development	\$9,434.00
Recovered from clients	\$14,513.00
City of Hamilton	\$137,700.00
Hamilton Community Foundation	\$125,645.00
Province of Ontario	\$9,500.00
Other income	\$9,500.00
Total Income:	\$ 4,099,942.00

Expenses

Salaries	\$2,714,136.00
Benefits	\$483,288.00
Professional dues	\$29,849.00
Travel	\$110,065.00
Communications	\$24,262.00
Accommodations	\$168,217.00
Equipment	\$14,980.00
Library	\$859.00
Supplies and services	\$33,044.00
Audit fees	\$6,482.00
Indirect payments (note 5)	\$169,849.00
Total Expenses:	\$ 4,119,640.00
Excess of revenues over expenses	-\$19,698.00
Return of funding to Legal Aid Ontario	-\$35,044.00
Funds balance, beginning of year	\$249,205.00
Funds balance (deficit), end of year	\$194,463.00

Legal Services

Frontline Staff Report

Frontline staff have had another challenging and productive year at HCLC. During the past year, we have experienced change among our team. Two team members moved on to other opportunities – one within the clinic and one with another organization. We welcomed two new members who have been diligently working on learning their roles. The volume of frontline work and limited resources means that learning the position can be incredibly challenging!

Statistics:



Summary Advice Cases:

7101



Phone Calls Answered:

14,00+



Emails Sent + Received:

23,000+



Referrals to other resources:

4381

Challenges:

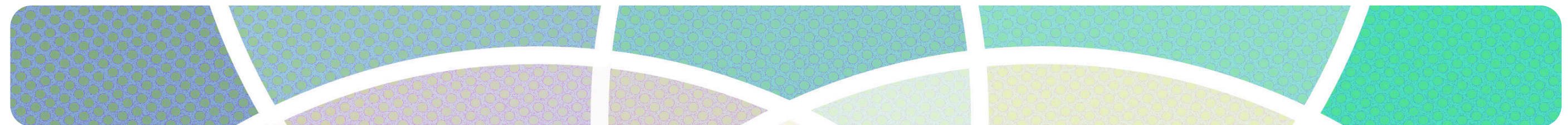
Technology – we continue to provide support to clients in obtaining documents needed to ensure they receive accurate and timely legal advice. Processes change frequently within the various government bodies so we are constantly learning and updating procedures.

Client Needs:

We are the first point of contact for clients accessing the clinic. Often by the time they reach our clinic, clients are desperate for assistance and for someone to simply listen to them tell their story. Some of our repeat clients have 100-200 docket entries (interactions) recorded with us over a two-year period. Not only is this difficult in terms of time management (knowing other calls are coming in, emails are piling up with potentially urgent issues) but the vicarious trauma associated with hearing stories of desperation and suffering daily can take its toll on those working on the frontline. Our team works to support each other in dealing with these difficult situations. We have also provided training on various areas including Mental Health First Aid, Suicide Intervention and Addressing Burnout along with holding regular team meetings. We have recently began counting our walk-in clients to gain a better sense of the numbers attending our office in-person on a daily, monthly and annual basis. In tracking this information (along with telephone calls and email requests) we hope to gain further insight in how to best serve our clients while supporting our frontline staff in their work.

What's Next?

Upcoming projects for frontline staff include review and reformatting of our community resource guidebook and participating in a community “walk-about” to ensure we are as knowledgeable as possible about resources available in our community. We look forward to another successful year.



Housing Law

Housing Law Report

As housing lawyers in Ontario, we face significant challenges amid a housing crisis, with rising tenant homelessness and unjust evictions. We tackle complex legal issues and unfair landlord practices, including illegal evictions and rent hikes, exacerbated by misuse of eviction notices and unapproved rent increases. These issues strain resources and reveal systemic failures. We advocate for stricter tenant protections, increased penalties for illegal practices, and more funding for legal aid. Our work highlights the need for systemic change, emphasizing housing as a fundamental right over property investment. Despite the challenges, our efforts are crucial in pushing for necessary policy reforms.

Some of the challenges we face include:

- **Unjust Evictions and Rent Practices:** We have a high volume of clients facing unfair evictions and illegal rent practices, such as misuse of notices and unapproved rent increases. This reflects systemic issues in tenant protections and strains legal resources.
- **Need for Policy Changes:** We advocate for stricter enforcement and higher penalties for illegal eviction notices and non-compliance with rent increase guidelines. We also support increased funding for legal aid.
- **Systemic Issues:** The housing system is seen as lacking justice, with a focus on property rights and market returns rather than treating housing as a basic right. We emphasize the need for a fundamental shift in housing policy.
- **Current Challenges:** Working as a caseworker involves dealing with high-stakes situations where clients face potential homelessness. The recent addition of Section 6.1 of the Residential Tenancies Act, allowing significant rent increases and no-cause evictions for new buildings, exacerbates these issues.

- **City of Hamilton's Housing Policies:** There is a need for more transparency and better resources for managing affordable housing waitlists and subsidies. The city's refusal to retroactively apply subsidies and vague guidelines complicate efforts to maintain affordable housing.

Success Stories

Policy Changes and Advocacy:

Worked with city council to propose changes to eviction and subsidy policies. Evictions are now being considered as a last resort, and discussions on subsidy loss are progressing positively.

Divisional Court Case:

Successfully defended a decision at the Divisional Court to prevent eviction. The case involved a landlord trying to evict tenants to accommodate his daughter. The Court reaffirmed that the Residential Tenancies Act should focus on tenant protection.

Tenant Reinstatement:

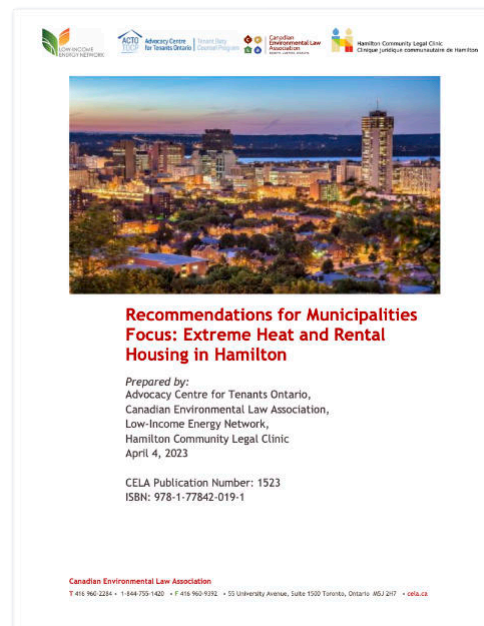
Assisted a client who was locked out and had \$12,000 in arrears due to a lost subsidy. Filed a Request for Extension of Time, leading to a preservation order and a review hearing. The client's rent was reduced from over \$1200 to \$134 per month after subsidy reinstatement, and eviction was delayed. The collaboration with Good Shepherd helped stabilize the client's housing situation and clear arrears.

Housing Law

Housing Law Report

Maximum Heat By-law:

We worked collaboratively with Canadian Environmental Law Association and Acorn to see Hamilton pass the first Maximum heat by-law for tenants. Climate change is causing folks to live at unreasonable and unhealthy temperatures in their rental units. A maximum heat by-law will ensure landlords cool residences once the inside temperature reaches 26 c.



Recommendations for Municipalities

Focus: Extreme Heat and Rental

Housing in Hamilton:

https://cela.ca/wp-content/uploads/2023/04/1523-Extreme-Heat-and-Rental-Housing-in-Hamilton_4APRIL2023.pdf

City of Hamilton looking at implementing by-law requiring landlords to provide air conditioning:

<https://hamiltonindependent.ca/city-of-hamilton-looking-at-implementing-by-law-requiring-landlords-to-provide-air-conditioning/>

Anti-Renoviction By-law :

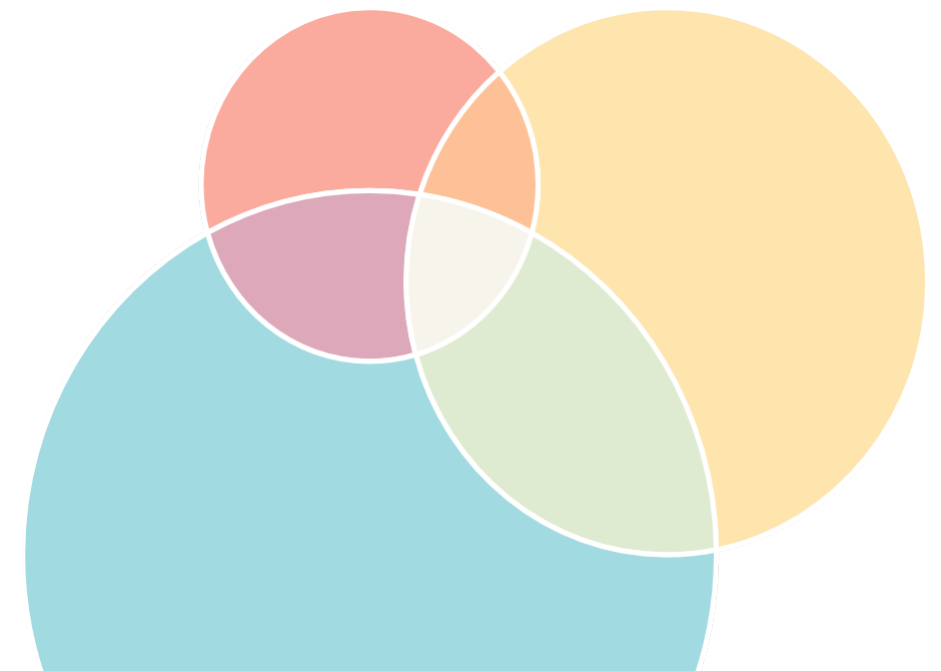
Supporting Acorn in advocating for a new city of Hamilton Anti-Renoviction By-law. We delegated with Acorn about the importance of landlords not being able to unnecessarily evict and displace tenants so that they can increase rents.

Hamilton's anti-renoviction bylaw made official, will begin January 2025:

<https://hamiltonindependent.ca/hamiltons-anti-renoviction-by-law-made-official-will-begin-january-2025/>

New: Expanded Tenant Defence Fund

In the next year the city of Hamilton has approved funding for a housing lawyer and paralegal to assist tenants with preventing eviction from bad faith landlords. We are pleased to be working together with Acorn, other tenant associations, and Hamilton Housing Help Centre. This program is expected to begin in July of 2024.



WSIB Team

Workplace Safety Insurance and Board Team Report

Ongoing Issues and Advocacy:

The WSIB team advocates to end "deeming," where injured workers' long-term income replacement is based on hypothetical rather than actual earnings post-injury. However, our clinic's practice is at risk, as most team members are nearing retirement. We urgently need resources to train new advocates.

There have been many WSIB delays, especially early in the appeal process are problematic. Many cases stuck at the WSIAT due to a dysfunctional appeals system. Improving decision-making quality at the WSIB would greatly benefit clients who often face significant delays. Increased in-person hearings could enhance decision-making quality.

Casework Achievements:

Two notable casework achievements include representing a disabled worker denied income loss benefits and successfully restored full benefits, and assisting a foreign-trained doctor injured while working towards Canadian certification, securing approximately \$4,000 per month in Canada Pension Plan Disability (CPP-D) and Workplace Safety and Insurance Board (WSIB) benefits. The case continues at the Workplace Safety and Insurance Appeals Tribunal (WSIAT) for full income replacement.

Systemic Advocacy:

Staff submitted to the Standing Committee on Bill 149 and made submissions to the WSIB on Appeals Branch practices.

Leading Case:

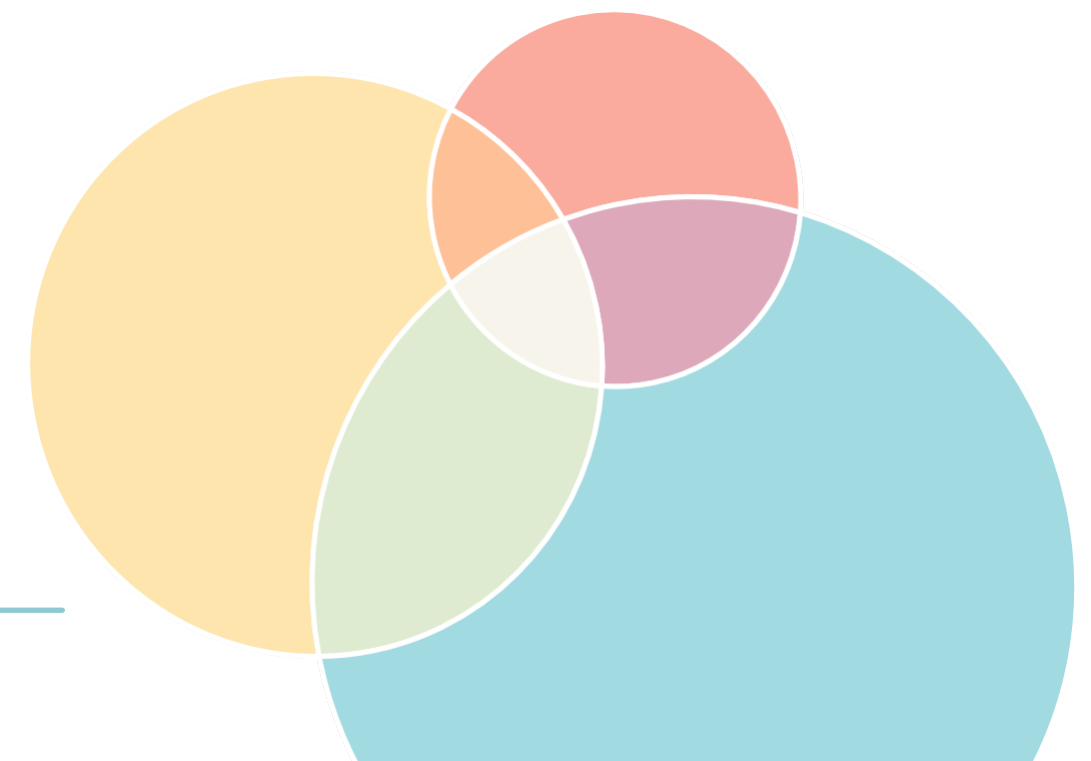
In *Grisales & ONIWG v. WSIB*, the Divisional Court ruled that the issue of indexing should be appealed through the ordinary system. The clinics WSIB staff are representing this issue before the WSIAT, with the case progressing.

Public Legal Education (PLE) Presentations:

WSIB team presented to various groups on WSIB's intersection with other benefits and changes to the Appeals Services Division.

Success Story:

There are many success stories but notably, staffs advocacy in *Grisales & ONIWG v. WSIB* contributed to Bill 149 provisions allowing the Cabinet to increase indexing beyond the Consumer Price Index (CPI). In 2022, we opposed changes proposed in the Value for Money Audit on the Appeals Services Division, leading the WSIB to abandon the most problematic parts in 2023.



SBT

Social Benefits Tribunal Team Report

The low rates of the Ontario Disability Support Program (ODSP) and Ontario Works (OW) are a pressing issue, as they have not materially increased in over five years and are inadequate to meet recipients' needs. Clawbacks exacerbate these challenges. The Canada Disability Benefit (CDB), set to begin in July 2025, will provide up to \$2,400 per year; however, it is still considered insufficient. Urgent action is needed to increase rates and provide adequate financial support. Caseworkers value the opportunity to support vulnerable individuals and seek reforms such as automatic ODSP benefits for those with severe symptoms and reducing application red tape.

Clients often feel understandably nervous about the outcome of their ODSP appeal when they come to the clinic for guidance. From the initial contact to the hearing preparation meeting, the clinic reassures clients by providing thorough support throughout the confusing appeal process. Specifically, clients are concerned about attending the Tribunal hearing and answering questions about their medical conditions. The clinic prepares them extensively for the hearing, leading to a high rate of success for their clients. Despite multiple rejections from the Disability Adjudication Unit, clients show resilience and perseverance in continuing with their appeals.

Outcomes (2023/24):

DAU Reversal: 132

SBT Win: 122

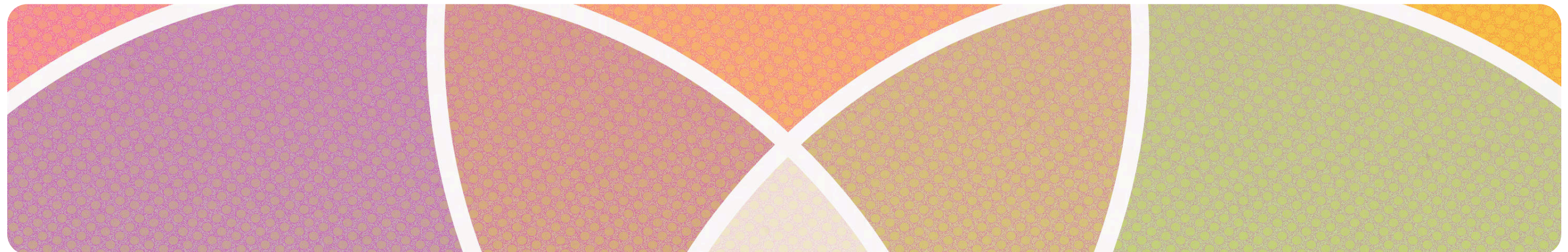
SBT Loss: 54

Total: 308 files.

Success Rate: 82%

Work in Community:

Staff attend Shelter Health Network ODSP Clinics for Completing Applications for People Who Do Not Have Family Doctors every second Thursday of the month and see approximately 12 people to review the applications for completeness before submitting. Additionally, SBT staff put on presentations in community to Medical Residents at McMaster Family Practice about Completing ODSP Applications, and presentations to Wesley Centre for New Immigrants.



Employment Law

Employment Law Report

HCLC's Employment Law practice area advises and represents community members, manages open files to negotiate settlements and litigate matters, and engages with community partners to provide educational sessions on workers' rights.

Since 2016, HCLC has offered employment law services and shares one employment lawyer with three other clinics in SW Ontario. We offer summary advice services and advocacy on retained files. The cases we handle are typically employee terminations, workplace human rights violations, and harassment and reprisal allegations. The population we serve is large and has diverse, sometimes extremely urgent legal needs.

Those employment law needs are part of a domino effect of other concerns in their lives, and the lives of their families and communities. We combine legal and social work skills to assist clients, connect them with resources and tools, and always do our best where we can to get them a reasonable and positive outcome to their legal concerns. Notably, we secured a positive result for a client who was terminated from his position as a building attendant at a Hamilton apartment building. We assisted this person to access reasonable alternate housing elsewhere.

We also partnered with the Hamilton Immigration Partnership Council and The Hamilton Public Library to provide a series of Public Legal Education (PLE) seminars on workers' rights to newcomers to Canada. This is a rewarding service area and we see year over year that there is a steady, at times extremely heavy, demand for employment law assistance. We strive, and will continue to strive, to provide support, realistic information, and hope within our resource limits.

Community Development

Community Development Report

HCLC focuses on enhancing the quality of life for Hamilton residents, particularly marginalized groups such as seniors, migrants, and those facing displacement or homelessness. The clinic collaborates with organizations like the Hamilton Council on Aging and Age-Friendly Hamilton to address issues affecting seniors, including legal matters and systemic barriers.

For migrants, HCLC participates in an interagency network that provides legal information, advocacy, and support through collaborative efforts with other agencies. The clinic also works to prevent displacement through legal reform and community education initiatives. HCLC emphasizes community participation and addressing systemic issues like racism and social exclusion to achieve effective social change.

Between April and December 2023, HCLC had 2,410 direct interactions with community members through public legal education, community gatherings, committees, roundtables, and coalitions organized by HCLC and its partners.



HLO

Hamilton Legal Outreach



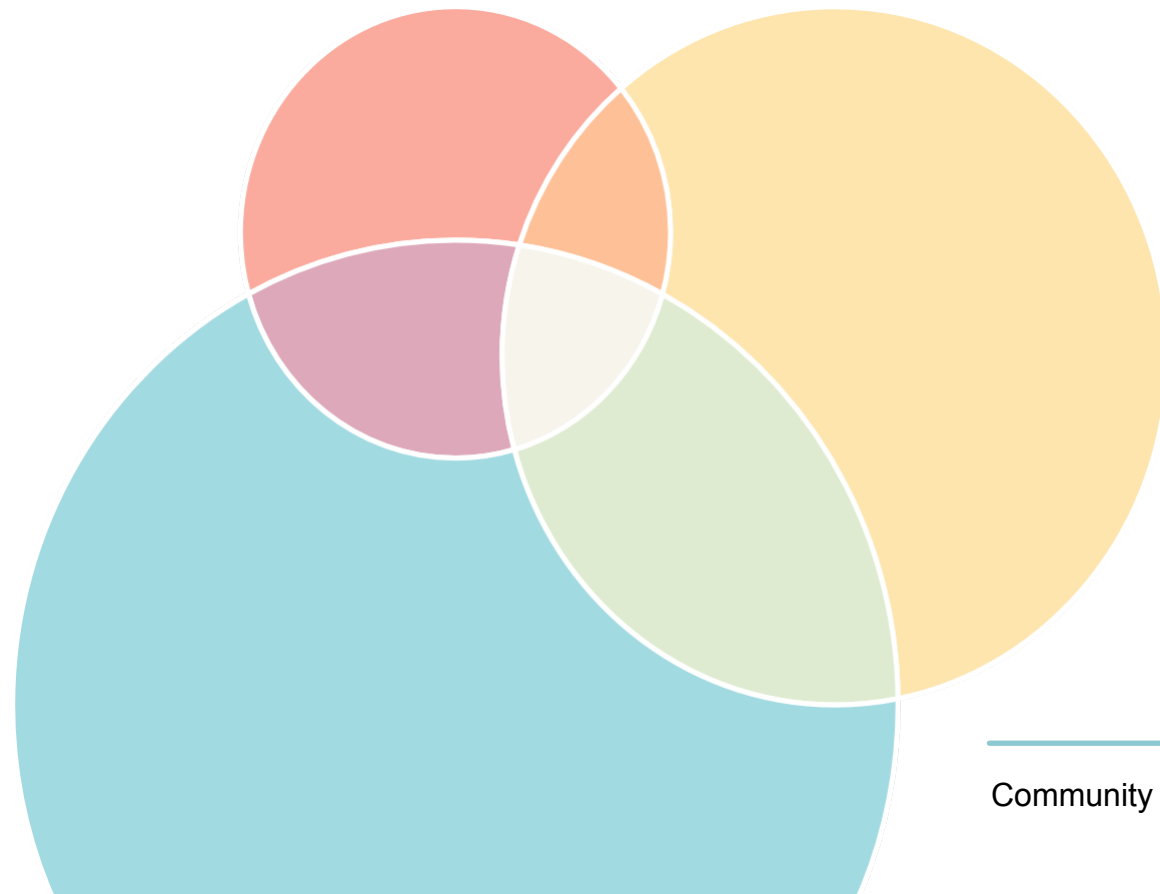
The Hamilton Legal Outreach (HLO) provides in-person services at a multitude of local Outreach Sites. HLO is continuously strengthening bonds with our current referral network, and actively expanding with other organizations that primarily serve clients who have intersecting mental health and addiction needs within our community.

Compounding social policy deficiencies in our community's housing, income and healthcare systems create greater sources of stress for our clients and may often become life-threatening. Our hope is for nothing short of a systematic and immediate redesign of the systems which offer essential, basic, human needs: housing, income and health care; short of a change that builds housing, income and healthcare models with our clients at the forefront, those experiencing the greatest precarity will continue to be impacted.

HLO Highlights:

HLO had another innovative year working on community services, research projects, and Public Legal Education (PLEs).

- Staff commenced a pilot project to provide POA drafting services for Indigenous community members.
- HLO partnered with ACORN and the SPRC to support data collection and analysis surrounding the impacts financialization poses to Hamilton's housing market, which led to a written submission provided to the Federal Housing Advocate in September 2023 and was incorporated into a federal report on the impact of financialization across the country, released in May 2024.
- Through collaboration with ACORN Hamilton, the Hamilton Community Benefits Network, and other allies in Hamilton and Toronto, a Renovation's By-Law was tabled and passed in council chambers in December 2023. This is the first by-law of its kind in Ontario.
- HLO collaborated with Legal Aid Ontario's Duty Counsel in criminal court to find innovative solutions that facilitate individuals in navigating the complex criminal justice system more effectively.
- HLO, alongside our summer law student, undertook the development and presentation of a PLE focused on educating youth about the responsible usage of social media delivered to Youth Service Providers through the Street Youth Planning Collaborative on September 14, 2023.



Together We Rise

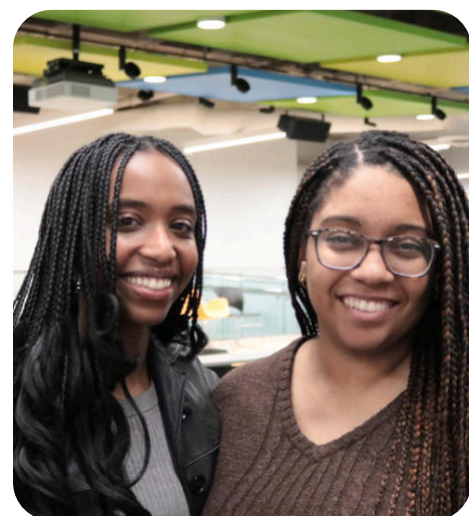
Black Justice Program



Together We Rise/S'élever ensemble, the Black Justice Program at the Hamilton Community Legal Clinic, had a productive year supporting the Black community in Hamilton. We celebrated a bittersweet victory with the dropping of charges against Marcus Charles, thanks to Chris Rudnicki's representation. We advocated for Black Hamiltonians across various legal areas, including supporting Black tenants downtown who needed urgent repairs. In response to concerning trends in Hamilton Police's use of force, we helped establish a Black police advocacy committee to address policing and anti-Black racism in the city.

We co-organized Hamilton's first anti-Islamophobia campaign, ensuring Black Muslims were represented. During Islamic Heritage Month, we collaborated with HARRC and the Muslim Legal Support Centre on a public legal education event. As part of the Hamilton for All organizing committee, we launched a city-wide inclusion campaign alongside HIPC, HCCI, SPRC, HARRC, and others.

Our educational efforts included a talk on reframing anti-Black racism as a humanitarian and health issue by TWR's Black Justice Coordinator at McMaster's Global Health



program. We also hosted our annual Black History Month event, themed "Celebrating Black Joy Through Togetherness," with Hamilton Public Library. The event featured speakers, community organizations, a live DJ, and food from High Society Supper Club. The library provided a children's section with Black books and colouring pages of Black historical figures. We are grateful to Hamilton Public Library for their collaboration.

QJP

Queer Justice Project



The Queer Justice Project (QJP) has continued its work to assist members of all queer communities in navigating the legal systems and addressing the questions they encounter. The Trans ID Clinic operates on a monthly basis to ensure that those who wish to have their identification match their identity are able to do so. Over the past year, the QJP has reached out to other queer organizations, both local and national. Learning from and collaborating with these organizations has been a rewarding experience.

The QJP remains committed to countering the rising hate movement targeting queer communities across Canada. Advocacy and education on queer topics continue to be a priority. Several speaking opportunities and positive space trainings were conducted throughout the year.

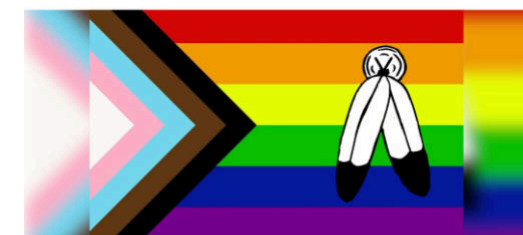
Pride Month

A Quick History of Federal and Provincial Queer Rights



Indigenous History + Pride Month

Two-Spirit: The Intersectionality of Indigenous and Queer Identity.



YEN:TENE

Indigenous Justice Program



The Circle of Beads has emerged as a key Urban Indigenous voice in Hamilton, advocating against systemic racism and discrimination. Key achievements include securing an Indigenous liaison position within the Hamilton Police Services, establishing an Indigenous anti-bullying program, and appointing Hamilton's first Indigenous director within the city hall's Indigenous relations team. We advanced an Indigenous seat at city hall and we continue to support Indigenous people through Gladue briefs and legal support.

The Circle successfully lobbied for an inquest into Heather Winterstein's death and secured funding for Two Spirit Indigenous Queer ceremonies. Additionally, PAANG celebrated its 19th anniversary, and Sisters in Spirit organized a notable gathering in London. The Circle also actively engages in high-profile cases, such as the Patrick Tomchuk vs. Constable Brian Wren matter.

“Systemic forms of racism and discrimination continue to be pervasive across various institutions, including city halls, policing, education, and healthcare. Holding these institutions accountable is crucial and ongoing work. In Hamilton and the surrounding area, this work is particularly challenging. Racism and hostility often emerge whenever Indigenous voices are finally heard.” Lyndon George

Notable Highlights:

Local group asks for new seat on Hamilton council to represent Indigenous community:

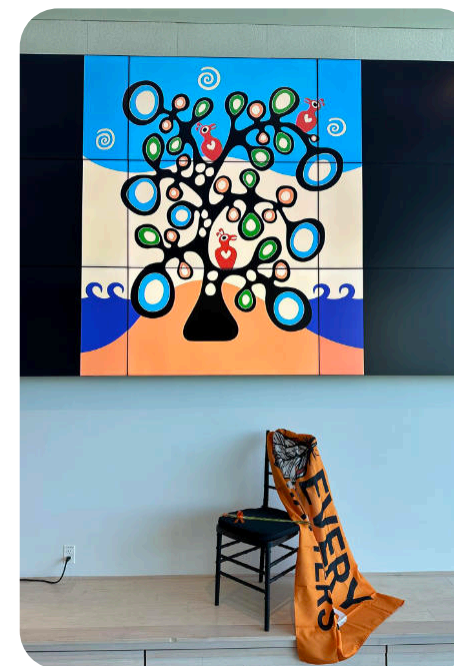
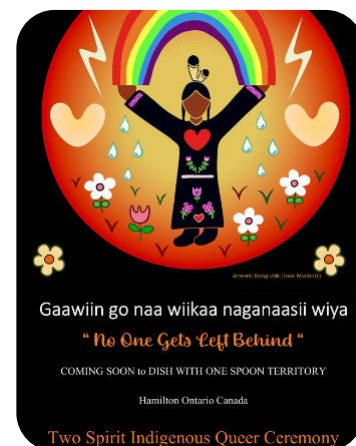
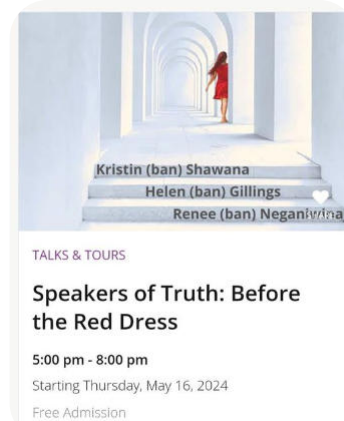
https://www.thespec.com/news/council/local-group-asks-for-new-seat-on-hamilton-council-to-represent-indigenous-community/article_a413c486-11ea-55aa-a1db-cb83146a6ff1.htm

Group renews calls for new 'Indigenous specific' council seat at City of Hamilton:

<https://www.chch.com/group-renews-calls-for-new-indigenous-specific-council-seat-at-city-of-hamilton/>

Hamilton police officer who assaulted Indigenous man in 'disturbing' act to be demoted for 1 year:

<https://www.cbc.ca/news/canada/hamilton/wren-assault-tomchuk-1.7188602>



FLS

French Language Services

The HCLC FLS were involved in the promotion, organization and celebration of Franco-Fest, Franco-Ontario Day, Black History Month Gala and National Francophone Immigration Week events. We are happy and proud to see that these events are bringing more and more people together every year, and show how vibrant the Hamilton francophone community is.

Staff delivered a few public legal education sessions focusing primarily on housing. We also have promoted access to French language services in the Province with our ongoing participation to the Francophone Legal Clinic Network of Ontario which connect with Legal Aid Ontario on that matter. This network met in our annual Southwest conference where francophone legal Clinics were able to share their experience, knowledge, and initiatives to better how we provide French legal services in the Clinic system.

FLS co-chair the Francophone Interagency Committee and participated in the Interagency sub-committees mostly related to immigration matters through the Welcoming Communities project, and the Mohawk Sports park project in collaboration with the Francophone Immigration Network. Internally, we are proud to have a bilingual staff at almost every positions to secure the best active offer possible. Finally, we have completed the renewal of our bilingual designation for the next three years.

NHH

No Hate in the Hammer

The HCLC remains committed to countering the rising hate movements through educational resources and calls-to-action alongside partners such as No Hate in the Hammer; working to build a belonging Hamilton.

Throughout 2024, the clinic continued to lead in the development of the NHH Anti-Hate Toolkit, which was launched in July 29th, 2023. Today over 30 local agencies have signed on to the belonging pledge. Sadly this past year we again witnessed the rise in hate towards communities.

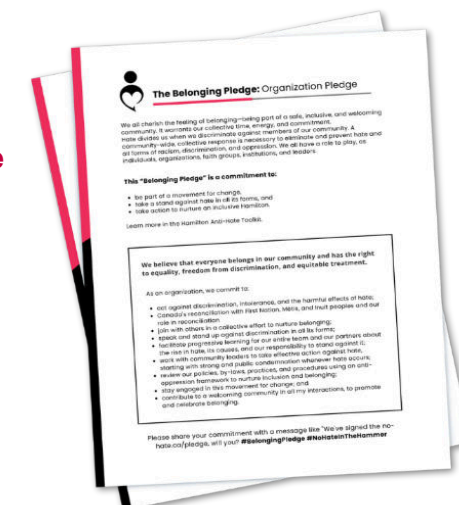
The toolkit is an online resource consisting of actionable steps for individuals and organizations that wish to further their education and support of inclusion and diversity in Hamilton. The toolkit launched with an Anti-Racism and Anti-Oppression Pathway for individuals and stakeholders, with updates and expansions in following years.

We encourage a public wave to sign onto the Belonging Pledge. For more information about the Belonging Pledge, Anti-Hate toolkit, and No Hate in the Hammer please visit:

www.NoHateInTheHammer.ca .

Highlight:

<https://NoHateInTheHammer.ca/Pledge>



Call to make an appointment before you visit the clinic.

Landmark Place

Southwest corner of Main St. E. And
Catherine St. S.

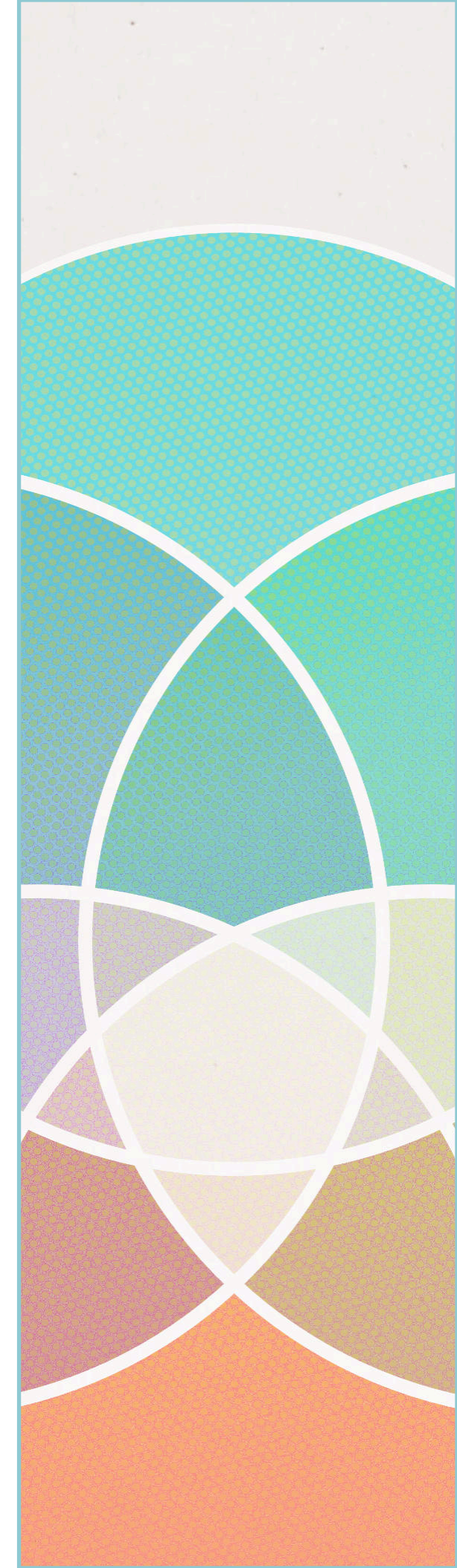
100 main Street East
Hamilton, ON, L8N 3W4

Phone number

905-527-4572

Website

www.HamiltonJustice.ca





Hamilton Community Legal Clinic
Clinique juridique communautaire de Hamilton