

Legal Centre News

Making a Difference in the Community Since 1989

Volume 36

September 2007

Provincial All Candidates Meeting on Social Issues September 13, 2007

On Thursday, September 13, 2007, seventeen community-based organizations will host the Provincial All Candidates Meeting on Social Issues in the Peterborough Public Library Auditorium at 7:00 p.m.

The meeting will give community members the opportunity to question Liberal M.P.P. Jeff Leal, NDP candidate Dave Nickle, Conservative Bruce Fitzpatrick, and the Green Party's Miriam Stucky about public health care, education, affordable housing, women's issues, income security, the environment, seniors' issues, child care, and other issues.

"The organizing committee's focus for this election is on poverty reduction," said Martha Macfie staff lawyer at the Peterborough Community Legal Centre, one of the event's sponsors. "Poverty is a huge problem in Peterborough City and County. Now that the Mayor's Task Force on Poverty has com-

pleted its community consultation, we would like to hear from provincial candidates about their plans to alleviate poverty in the riding."

The format of the meeting gives candidates five minutes to answer this advance question developed by the event organizers:

"If elected, what concrete actions would you take to reduce poverty in the riding? Please ensure that your response considers the following areas: social assistance, the minimum wage, housing security, public healthcare, hunger and education."

There will also be more than an hour and a half for members of the public to ask questions of the candidates.

In addition to the advance question, the organizing committee will provide a Quick Facts Report to the candidates and the public about social assistance, the minimum wage, housing
(Continued on p. 3.)

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See insert for more information about Legal Centre sponsored events:

Provincial All Candidates Meeting on Social Issues
September 13, 2007
7 p.m. -9 p.m.
Peterborough Public Library Auditorium

Consumer Rights Day
November 27, 2007
6 p.m. -9p.m.
Peterborough Public Library Auditorium

Rent Increase Guideline for 2008 set at 1.4%

The Ontario government sets the amount by which landlords may increase the rent that they charge. The Rent Increase Guideline is expressed as a percentage, and applies to most residential units. In 2007, the guideline increase is 2.6%. Effective January 1, 2008 the guideline will be 1.4%.

The Rent Increase Guideline is also the interest that your landlord must pay on your last month's rent deposit.

What does this mean? For most tenants, your landlord may increase your rent by 1.4% in 2008. Landlords must apply to the Landlord and Tenant Board for permission to raise the

rent by more than the guideline.

Guideline increases to your rent can only be taken once every twelve months, typically twelve months after you move in or, for tenants who have lived in the unit for over a year, twelve months after your last increase. Your landlord must give you a Notice of

Rent Increase form at least 90 days before the rent increase is to take effect.

Since the *Residential Tenancies Act* (RTA) took effect

on January 31, 2007, the Rent Increase Guideline also determines the amount of interest that your landlord owes you on your last month's rent deposit.

Prior to the RTA, landlords were required to pay 6% interest annually to tenants on their last month's rent deposit. As of February 1, 2007 the interest payable on your last month's rent deposit is the same as the guideline amount. This means that your landlord must pay you 1.4% interest on your deposit for the year January 1, 2008 to December 31, 2008.

Are You Eligible for the Ontario Child Benefit?

Depending on your family income, you may be eligible for the Ontario Child Benefit (OCB) down payment of up to \$250 per child if you meet these requirements:

1. You are a primary caregiver of one or more children under 18 years old born on or before June 30, 2007.
2. You (and your spouse or common-law partner) filed your 2006 income tax return and it has been assessed.

If you have not filed a tax return, you can download an **Income Tax and Benefit**

Package from the Canada Revenue Agency website at www.cra.gc.ca/forms. You can also call the Canada Revenue Agency toll-free at 1-800-959-8281.

3. You have registered for the federal Canada Child Tax Benefit (CCTB).

If you have not registered, application forms are available from the Canada Revenue Agency on their website at www.cra-arc.gc.ca/benefits/cctb or by calling the Canada Revenue Agency toll-free at 1-800-387-1193.

4. You are a resident of Ontario as of July 1, 2007.

If you meet all of the requirements, a cheque for the OCB down payment should have been mailed out to you on July 27, 2007. If you did not receive it, and you think you are eligible, call the Legal Centre for advice.

Beginning in July 2008, if you qualify and file your yearly tax return, monthly OCB payments will be included with your CCTB and National Child Benefit Supplement payments.

With files from the Income Security Advocacy Centre.

Rent Payment Tip

Many landlords think that they can apply new rent payments to previous arrears that the tenant owes. This is not the case. Rulings by both the Ontario Rental Housing Tribunal (the predecessor to the Landlord and Tenant Board) and the Ontario Court of Appeal state that landlords cannot *unilaterally* decide where to apply the rent. Tenants are entitled to tell their landlord how they want payments applied.

In the case of a tenant who moves in and agrees to pay the last month's rent deposit over time, this becomes particularly important and could mean the difference between

preserving the tenancy and being evicted. Tenants cannot be evicted for non-payment of a last month's rent deposit. It is a good idea for tenants to give their landlord a note with each rent payment explaining which month the payment is to be applied to. Tenants should keep a copy of the note and get a receipt for every payment that they make.

Tenants with questions can call the Legal Centre for free advice or come to our Walk-in Housing Clinic on Friday mornings between 9 a.m. and 11:30 a.m.

Bill 235

A fair system for setting OW and ODSP rates

An Act to establish the Social Assistance Rates Board (Bill 235) was introduced in the Ontario Legislature as a private member's bill on June 4, 2007 by Ted McMeekin Liberal MPP for Ancaster-Dundas-Flamborough-Aldershot. Bill 235 requires that OW and ODSP rates be set annually by an expert panel based on the actual costs of shelter and basic needs items, taking into account regional varia-

tion of these costs. Basic needs would include food, basic phone service, public transportation, personal needs, and educational/recreational needs for children.

The Legal Centre asks local MPP Jeff Leal, and provincial candidates Bruce Fitzpatrick, Dave Nickle and Miriam Stucky to publicly declare their support for Bill 235.

(All Candidates from p. 1) security, public health care, hunger, and education (see highlights p. 6-9).

Health for Life, a local partnership of agencies and individuals committed to reducing chronic diseases, including heart disease, stroke, cancer and diabetes, is one of the sponsors of the event.

"We know that these diseases are significantly more prevalent in low-income communities," said Anne Adair of the Peterborough County-City Health Unit which co-ordinates the coalition. "Therefore, Health for Life believes that addressing the social determinants of health, such as poverty, will profoundly improve the health of our community."

The Peterborough Health Coalition is also concerned about poverty and health.

"There must be guaranteed, timely access to public health care without user fees which would severely impact access for low income citizens," said Roy Brady of the Coalition. "We encourage concerned citizens to come out to question the candidates."

All members of the Peterborough community are welcome to attend. Light refreshments will be served.

ODSP and OW overpayment recovery through tax refund and tax credit set-off

Have you ever received ODSP or OW benefits? Did you know that ODSP or OW staff can assess an overpayment even after you stop receiving benefits?

For example, the Legal Centre has been recently been contacted by clients who are no longer receiving benefits because they are working or because they are receiving seniors' pensions. These clients have received letters saying that they owe money for overpayments.

The Ministry of Community and Social Services (MCSS) can recover overpayments by taking money owed to you by the provincial and federal governments and applying it to the alleged debt. Refunds and credits that can be taken are:

- tax refunds;
- GST credits;
- provincial refundable tax credits; and
- refundable medical expense supplements.

They can not take money from credits relating to children including the Canada Child Tax Benefit and National Child Benefit Supplement, the Universal Child Care Benefit and similar Ontario child credits.

The alleged debt should not be referred to MCSS's Central Overpayment Recovery Unit (ORU) until the local office that assessed the overpayment has tried to get the money directly from you. If after 60 days the alleged debt is not paid, it is referred to the ORU.

The ORU must notify you that the overpayment will be referred to the Revenue Canada's Refund Set-Off Program (RSO) if it is not paid. Revenue Canada must send you a letter that explains the province's claim and gives the ORU telephone number. You would have a grace period of about 22 days from the date of the notification letter before the debt is re-

covered from tax refund and/or credits owing.

The federal Minister of National Revenue has created the position of Taxpayers Ombudsman which will be in place by September 2007. This Ombudsman will be the final level of review in the Revenue Canada service-related complaint resolution process. This person may also be a source of information and assistance regarding Revenue Canada's RSO program.

If you receive a notice from the Canada Revenue Agency you should immediately contact the Legal Centre for help.

Overpayments

If welfare or disability decides that they have given you too much money, they can assess an overpayment. This means that you owe them money.

If you are receiving benefits when they decide that you owe them money, they will take money off your cheque each month to repay this debt.

If you are not receiving welfare or a disability pension, they can still try to collect that money. Overpayment decisions are sometimes wrong.

If you have an overpayment, you should contact the Legal Centre for advice.

Lack of funding for dental care is no reason to smile

Public funding for dental health care is in the news, and it is becoming an important issue for the upcoming provincial election.

Poor dental health has been linked to serious illnesses such as heart disease and stroke, and it is identified as a barrier to securing employment.

Only 2% of Ontarians overall dental costs are publicly funded. This is the lowest level of per capita public support in Canada according to Dr. James Leake in his comments to the Canadian Dental Association on May 4, 2004 (“Why Do We Need an Oral Health Care Policy in Canada?”).

In the Toronto Star article, *Price Tag to fix smiles: \$2M* (February 22, 2007), dental health care is listed as one of the top 10 reasons for visits to emergency rooms. This suggests that ensuring public access to dental health care would also reduce hospital wait times. The article goes

on to make the following points:

- With the exception of treatment for serious dental problems in hospital, dental care is not included in the Canada Health Act.
- In Ontario, only those on social assistance – the Ontario Disability Support Program and Ontario Works – receive minimal publicly funded dental coverage. Children in families receiv-

ing Ontario Works benefits receive basic preventative care until age 18, and only if they remain in school.

- Adults receiving Ontario Works benefits get basic emergency care only, meaning that they do not receive preventative care.
- No one knows how many people go without dental benefits, but nearly 900,000 Ontarians survive on low incomes.

Provincial Party Platforms on Dental Health Care

Liberal – not mentioned in the platform announcements to date.

Conservative – not mentioned in the platform announcements to date.

New Democratic Party - On July 10, 2007, NDP leader, Howard Hampton announced his party’s plan to address inadequate dental care, called the “Fair Dental Access Plan” or “Ontario Smiles”. Mr. Hampton stated that Ontario Smiles will cost \$100 million per year initially, but will “quickly save Ontario’s health care system money.”

Green Party – not mentioned in the platform announcements to date.

We look forward to hearing from the Liberal government, the Conservative party and the Green party on their plans for dental health care in the run-up to the provincial election.

Campaign 2000 National Forum on Living Wages

Toronto
Sept 18-19th, 2007

Based on the belief that a job should be a pathway out of poverty, this forum focuses on building support for a “Living Wage” – the income that a family would need to meet basic needs, maintain a healthy standard of living, and be able to save for future needs.

For more information contact liyugu@fsatoronto.com

Provincial Election 2007

In preparation for the Provincial All Candidates Meeting on Social Issues on September 13, 2007, the Legal Centre and other sponsors of the event have compiled a Quick Facts Report for the candidates regarding six key social issues. Here are the highlights of that report.

Quick Facts – Social Assistance

1. The cost of Ontario Works (OW) and Ontario Disability Support Program (ODSP) is split between municipalities (20%) and the province (80%). Ontario is the only province that uses property taxes to partially fund provincial social services such as ODSP.
2. The National Council of Welfare reports that social assistance rates in Ontario peaked in 1992, following significant increases in 1991. However by 2005 the rates for all family-types had decreased by between 18 and 34%.
3. Since 1997 the provincial government has “clawed back” the National Child Benefit Supplement from families receiving social assistance at a rate of \$115 per child each month. The new Ontario Child Benefit will, when fully implemented in 2011, provide a single mother of one child in receipt of OW with approximately \$50 extra per month.
4. Peterborough City/County Ontario Works case load statistics:
 - In June 2007, 4,757 individuals (2,947 adults and 1,810 children in 2,704 families) relied on Ontario Works.
 - In 2006, \$1,040,780.00 was spent on discretionary benefits, of which \$792,000.00 was for health-related costs. Over 50% of health-related costs were for dental care and dentures.
 - 83% of Ontario Works recipients live in the City and 17% reside in the County.
5. Peterborough City/County ODSP case load statistics for March 2007 show that approximately 4,282 individuals (3,670 adults and 612 children) in 3,108 families relied on ODSP.
6. According to 2006 census data, the population of Peterborough City/County is 133,000. Approximately 6.7% of the population is receiving social assistance.

Quick Facts – Living Wage

1. The provincial government sets the minimum hourly wage that employers must pay to their workers. Currently the general minimum wage is \$8.00 an hour, and is scheduled to increase to \$8.75 on March 31, 2008, \$9.50 on March 31, 2009, and \$10.25 on March 31, 2010.
2. The cost of goods and services has increased by 28% since 1995.
3. Adjusting for inflation, today’s \$8.00 minimum wage is worth only \$6.26 in 1995 dollars. In 1995, the minimum wage was \$6.85 an hour.

Quick Facts on Social Issues

4. A single parent of two children living in the City of Peterborough would need to work full time and earn \$13.35 an hour in order to bring the family income above the poverty line. She would need to earn \$13.40 an hour to rent a 1-bedroom apartment, and \$19.13 an hour to afford a 3-bedroom apartment.
5. Peterborough City/County employment data for 2000:
 - 57.9% of women reported incomes less than \$20,000 compared to 36.6% of men.
 - The median income for men aged 15+ was \$27,583 in 2000, and the median for women was \$16,520.
 - The median income for all families was \$51,408, as compared to the Ontario median of \$61,024.
 - The highest rates of low income by age group were among children and youth: in 2000, 18% of children 15 and under were low income, and 22.3% of children under 6 lived below the poverty line. The low-income rate for youth 18-24 was 27%.
 - The low-income rate for senior single women who are living alone was 32% compared to 23% for senior single men living alone.

Quick Facts - Housing

1. A household is considered to be in “core housing need” when it pays more than 30% of its income on shelter costs such as rent, heat, hydro and mortgage payments. In Peterborough City/County, renter households are five times more likely to be in core housing need than owner households.
2. There is a critical need for social housing units (also known as rent-geared-to-income units or RGI units). As of April 2007, there were 1,488 applications for individuals and families on the waiting list for social housing, with wait times for different types of units ranging from 4 to 10 years.
3. Almost all government funding for new rental units is going to the Affordable Housing Program (AHP). To obtain AHP funding, rents must be lower than market rents (80% of market), however the rents are not RGI. This means that these new, high quality units will be unaffordable for families with low incomes.
4. Tenants are being evicted because they cannot afford to pay the rent. During the 4 month period April 1st to July 31, 2007, landlords in Peterborough filed 183 applications with the Landlord and Tenant Board, of which 160 (or 87.5%) related to non-payment of rent.
5. Of renter households in the Greater Peterborough Area, 12% have annual incomes below \$10,000, 40% have incomes below \$20,000, and 60% have incomes below \$30,000.

Continued on next page.

Quick Facts - Hunger

1. Despite a strong community effort, many residents of Peterborough City/County go hungry.
2. On average, Kawartha Food Share member agencies provide emergency food to 6,148 clients per month including 2,483 children. Community-based emergency meal programs serve 3,000 people per month on average, and School Nutrition Program participation statistics from 2006-2007 indicate that that 7,500 students participated in meal programs in local schools.
3. The average number of people requiring emergency food assistance each month has increased by over 50% over the last 5 years.

What's Left for Food after Shelter and Living Costs?				
Monthly:	Single Person (on assistance)	Single Parent Family of 3 (on assistance)	Family of 4 (minimum wage)	Family of 4 (average income)
Income*	\$548	\$1,405	\$1,822	\$4,391
Shelter/Utilities	\$560	\$1,275	\$1,370	\$1,370
Telephone	\$34	\$34	\$34	\$34
Food Costs	\$212.67	\$406.82	\$591.52	\$591.52
Balance Left	-\$258.67	-\$310.82	-\$173.52	\$2,395.48
<i>Source: Peterborough County City Health Unit, 2007</i>				
<i>*Includes Child Tax Benefit where relevant</i>				

Quick Facts – Health

1. Primary Health Care Services of Peterborough, which puts people on a waiting list for placement within one of five local Family Health Teams, has estimated that 15,000 citizens in Peterborough City/County do not have access to a family physician.
2. Access to health care for people without a family physician is very limited. The Day Clinic, run by the Peterborough Clinic, and the Lakefield Day Clinic, offer physician services to a limited number of people through pre-booked appointments. No "walk-in" clinics are available in the city or county.
3. Day clinics do not provide all types of services (e.g. general medicals and forms). Some income support programs and social services require the applicant to submit medical forms. People who do not have a family physician have great difficulty applying for these supports.
4. Home care services and supports for caregivers are limited. Providing these services and supports would help reduce the need for Long-Term Care placement and temporary hospital stays.

5. Poverty makes people sick and hinders the sick from getting well. Research demonstrates that poverty leads to increased risks of developing specific health conditions including heart disease, stroke, diabetes, respiratory diseases, cancer and mental illness.

6. A child's immediate and future health is seriously impacted by poverty. A child living in poverty is more likely to develop a variety of illnesses, injuries and developmental delays. They are more likely to be hospitalized and have mental health problems.

7. The impact of poverty on health accumulates over the lifespan, shortening life and causing premature death. Studies show that 23% of all years of life lost prematurely are attributable to inadequate incomes.

Quick Facts - Education

1. Poverty, education and health are all closely inter-related. Socioeconomic status has been found to be the single most powerful predictor of educational outcomes.

2. At the end of high school, only 31% of 19 year old youth from families in the bottom 25% of the income distribution go on to university, compared with 50% of 19 year olds from families in the top quarter of income distribution.

3. In 2006 the Ontario government announced that the tuition fee freeze (established in 2004) would be cancelled. This meant that fees would be allowed to increase by 20-36% over the next four years, making them the third highest in Canada, up from fourth in 2005.

4. A public opinion poll conducted by Feedback Research Corporation on behalf of the Canadian Federation of Students just prior to the presentation of the 2007 Ontario budget found that:

- 82% of voters are concerned about the accessibility of college and university education;
- of those, 82% attribute that concern to the financial barriers of high tuition fees and inadequate student financial assistance;
- 75% of Ontarians agree that tuition fees should be reduced.

5. Over the past 15 years the average student OSAP debt has increased from \$8,000 to nearly \$28, 000.

6. Income Contingent Repayment loan schemes have been suggested by policy makers as a means to make repayment of student loans easier on the borrower. However these schemes result in higher tuition fees and higher debt, which perversely affect lower income graduates the most.

7. Increased tuition fees do not translate into increased quality of education provided. In every jurisdiction where fee increases occurs there is a corresponding decrease in government funding.

8. Current real dollar funding by the Ontario government is \$2,600 per student less than in 1990-91. This represents a 21% cut in government funding.

Collection Agencies-Your Rights

“We get many calls from clients who are being harassed by collection agencies,” said Martha Macfie, staff lawyer at the Legal Centre. “It is vitally important that everyone know their rights, so that they can deal with these situations should they arise.”

Collection agencies are regulated by consumer protection law in Ontario.

If a collection agency wants to pursue you for payment, they have to tell you the name of the collection agency, who they are trying to collect money for, and the amount owed. They must provide this information in writing.

A collection agency cannot contact you more than three times in a one week period, and they cannot call you on

Sundays before 1p.m. or after 5p.m. Collection agencies are not allowed to threaten you or swear at you. They should not lie to you or mislead you.

Income from welfare, ODSP disability pensions and government pensions is protected from garnishment by collection agencies and other creditors. If your income is

from one of these sources, you should tell the collection agent. You can also contact the Legal Centre to get advice. We can give you a letter to take to your bank so that your account is not garnished.

You should never give personal information to a collection agency such as your bank account number.

Tips on Dealing with Collection Agencies

If you are contacted by a collection agency, you should ask for documents to prove that you owe money and to show how they have calculated the amount owing.

If you pay money to a collection agency, make sure that you have proof that you paid them (money order, receipt, etc.)

If you are being harassed by a collection agency:

- you should make a complaint to the collection agency in writing and keep a copy of your letter;
- if the harassment does not stop, you can make a complaint to the Ministry of Government Services at 1-800-889-9768;
- you can also contact the Legal Centre for advice at 749-9355.

How will you vote in the Referendum

on *October 10, 2007?*

The Referendum Question:

Which electoral system should Ontario use to elect members to the provincial legislature?

Make Your Vote Count
Get informed

<http://www.yourbigdecision.ca>

Energy Contracts-Your Rights

With the partial deregulation of the energy market in Ontario, residents must be cautious when choosing electricity and gas providers.

Many private energy companies go door-to-door trying to get residents to sign contracts for their services. These companies lead consumers to believe that by signing a multi year contract, they will save money on their heat and hydro bills. However, in some cases, it actually costs a lot more money to lock into a contract. It can be very difficult and very expensive to get out of a contract, so you should be sure that it is something you want.

Before agreeing to any contract, read the information and the contract carefully so that you know what you are agreeing to. Do some research on your own so that you have all the information to decide if it is the right choice for you. Take a few days to think about it before you sign any contract.

The Ontario Energy Board (OEB) also has rules about energy contracts to protect

consumers. Any energy seller who comes to your door should provide you with their name and their company's name and contact information.

There have been complaints from people who have been signed up for contracts without knowing it. In order to protect yourself, do not show your heat or hydro bill to people who come to your door. Ask everyone for identification even if they say that they are from your utility company.

If you sign an energy contract as a result of door to door sales or telemarketing, the company must contact you 10 to 60 days after you sign the contract to confirm that you want the contract. At this point, you can cancel the contract without having to pay any fees. If you agree to the contract, it goes into effect. If you want to cancel later, they can charge you fees which are extremely expensive.

If you sign a contract through the internet because of a direct mail campaign or because you contacted the company yourself, you only have 10 days to cancel the contract without penalty. If your contract is coming to an end, you must take steps to cancel it or it could be automatically renewed.

If you cancel a contract, make sure to keep proof that you have done so. You can contact the Legal Centre for help cancelling your contract.

If you have a complaint about an energy company, you should make your complaint to that company. You should contact the OEB if:

- the complaint is not resolved,
- you have been signed up for a contract without your permission,
- you were pressured by a salesperson, or
- you were not provided information about what you were getting into.

Contact the OEB at 1-888-632-6273 or at

<http://www.oeb.gov.on.ca/html/en/consumers/complaint/index.htm>.

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The Objects of the Legal Centre

The objects of the Legal Centre are:

1. To provide legal services or paralegal services or both including activities reasonably designed to encourage access to such services or to further such services and services designed to promote the legal welfare of the low income residents of the County of Peterborough, on a basis other than fee-for-service;
2. To provide legal information and education and to encourage access to knowledge of legal rights;
3. To provide legal representation to low-income residents of the County of Peterborough;
4. To identify areas of law affecting low-income members of our society and to advocate reform.

Membership

The Centre is directed by its members. If you live in the City or County, and are 16 years of age or older, you can become a member. If you are a member, you can:

- Vote at the Annual General Meeting
- Stand for election to the Board of Directors if you are over 18.
- Get the Legal Centre's newsletter twice a year.

If you want to become a member of the Legal Centre for the 2007, 2008, and 2009 years (January 1, 2007 to December 31, 2009) you need to complete the following form and send or bring it to the Legal Centre at 150 King Street, 4th Floor, Peterborough, Ontario, K9J 2R9. If you are already a member, please pass along the membership application to a friend who supports our objects.

✂

Membership Application 2007-2009

I support the work of the Peterborough Community Legal Centre. I am 16 or older.

Please print:

Name: _____ Telephone: _____

Address: _____

Signature: _____ Date: _____

Please mail or bring this form to our office. Membership takes effect 30 days after approval by the Board. Membership is for three years, and a renewal notice will be sent with the newsletters. There is no fee to become a member. You do not need to be a member to get help from us.