

Legal Centre News

Making a Difference in the Community Since 1989

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Federal All Candidates Meeting on Social Issues October 8, 2008

On Wednesday, October 8, 2008, nineteen community-based organizations will host the Federal All Candidates Meeting on Social Issues in the George St. United Church Auditorium at 7:00 p.m.

This meeting will give community members the opportunity to question Green Candidate Emily Berrigan, Conservative Dean Del Mastro, Liberal Betsy McGregor, and NDP candidate Steve Sharpe about public health care, education, affordable housing, women's issues, income security, seniors' issues, child care and other issues.

"Our focus for this meeting is the social determinants of health, said Martha Macfie, staff lawyer at the Peterborough Community Legal Centre, one of the meeting's sponsors. "This means that the candidates will address the factors that influence health and well-being such as safe housing, jobs, adequate income support and access to health care and

other services. All Canadians care about these issues."

The meeting will be moderated by John Boyko, a highly respected local academic who teaches history and has published three books regarding Canadian political history.

"We need to know where each party stands on social issues, spending priorities, and the distribution of Canada's wealth," said Kathryn Langley of the Women's Event Committee and the Older Women's Network. "We are concerned about the growing amount of money going to for-profit corporations instead of being spent on badly needed services for Canadians."

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

George St. United Church is located at 534 George Street North at McDonnell St.

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The event is wheelchair accessible. If community members require other accommodations, they should contact the Legal Centre as soon as possible.

For more information, please contact the Legal Centre at 749-9355.

Legal Centre to offer services in Havelock

Effective immediately, the Peterborough Community Legal Centre will have drop-in hours on Monday afternoons at the TEACH Centre in Havelock.

“We made the decision to offer a weekly drop-in service in Havelock as a result of a legal needs assessment which the Legal Centre conducted in 2006,” said Legal Centre Executive Director Melinda Rees. “We recognize that it can be difficult for Norwood and Havelock area residents to get into Peterborough to access our

“People can call the Legal Centre in advance or they can just walk in any Monday afternoon to get advice.”

services, so have made it a priority to come out to the community.”

The weekly drop-in will allow area residents to access legal advice and services regarding areas of the Legal Centre’s practice such as tenant’s issues, social assistance and disability pensions, and employee and consumer issues.

“People can call the Legal Centre in advance or they can just walk in any Monday afternoon to get advice,”

said Ms. Rees. “We are doing office hours on a consistent afternoon each week so that people know that they can come in and speak to someone.”

Legal Centre Havelock Drop-In Hours

at the
TEACH Centre
5 George St. W.
Havelock, ON

Every Monday
(except holidays)
1:30 p.m.-5:00 p.m.

For more information or to make an appointment, call the Legal Centre’s main office at 749-9355.

Tip to Tenants: Don’t skip your hearing!

In Ontario, disputes between residential landlords and tenants are decided at the Landlord and Tenant Board.

In Peterborough, the Board convenes hearings approximately once per week at the Ministry of Natural Resources Building at 300 Water Street.

If you are taking your landlord to the Board or your landlord is taking you there, it is important that you arrive at 9:00 a.m. on the morning of your hearing.

If you are taking your landlord to the Board and don’t attend, your case will be dismissed.

If your landlord is taking you to the Board and you do not attend, your landlord will probably win because you were not there to provide important information. This information could include facts such as: how much rent you paid, whether you paid a last month’s rent deposit, whether your landlord has paid you interest on your deposit and any reasons that

would make it possible for the adjudicator to deny your landlord’s request to evict you.

The Legal Centre provides Tenant Duty Counsel services at the Board. Tenant Duty Counsel Services are free and are only available to tenants. Duty counsel staff may provide legal advice, negotiate settlements, argue motions and sit in on mediation sessions.

Unfortunately, we can’t help you if you are not there!

Energy Contracts - Be Aware

Have you ever sat down to dinner only to be interrupted by a knock at the door?

Door-to-door sales are very common in Peterborough. The Legal Centre advises all residents to be cautious when dealing with salespeople at your door.

In order to protect yourself,

- **NEVER** show your bills to anyone even if they say they are from a company that you deal with;
- **NEVER** give personal information; and
- **NEVER** sign anything at your door.

If the company's service or product is really good, then

they should not have a problem leaving their materials so that you can review them and get advice.

You should always review all information thoroughly before agreeing to any kind of contract. Make sure to read the entire contract and find out how much it would cost you to end the contract.

If a salesperson at your door tries to pressure you or yells at you, just close the door. If necessary you can call the police for assistance.

If you have a complaint about an energy company, you should make your complaint to that company. You

should contact the Ontario Energy Board 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>.

Call the Legal Centre at 749-9355 if you need more information.

Fighting Illegal Evictions in Peterborough

The Legal Centre is becoming concerned about the growing number of illegal evictions in Peterborough.

If you are not *required* to share your kitchen or bathroom with the *owner of your building or his immediate family*, you are probably covered by the *Residential Tenancies Act (RTA)*. Call the Legal Centre to find out more.

If your tenancy is covered by the *RTA*, you can only be evicted if your landlord obtains an order from the Board and uses the Sheriff

(Enforcement Officer) to enforce it. The Sheriff – not the police and not the landlord – is the only official with the legal authority to evict you.

If your landlord tries to get the police to evict you, call the Legal Centre at 749-9355 and the Ministry of Municipal Affairs and Housing Investigation and Enforcement Unit at 1-888-772-9277. It is an offence to illegally evict a tenant. Anyone found guilty of an offence may be subject to a fine not exceeding \$25,000.00.

If you have been illegally evicted by your landlord you may have a claim against him for the following: an order putting you back in to your unit, a rent abatement and out of pocket expenses in addition to any fines that your landlord may be ordered to pay.

Tenants only have 12 months, from the time the incident happened, to file their applications.

If you believe you have been illegally evicted call the Legal Centre for help.

Change in the Right Direction - Peterborough's Ontario Works Discretionary Benefits Policy

1. Adult Dentures - coverage extended to ODSP recipients

Under previous policy, coverage for dentures was provided only where dentures were required to increase employability. As a result, disabled people receiving ODSP benefits were not eligible. The Legal Centre filed several complaints with the Human Right Commission asserting that the policy discriminated against ODSP recipients on the basis of disability. The complaints are pending. The Legal Centre commends the City of Peterborough for its progressive new policy in this area although concerns remain that the amount is not adequate to cover the full cost of dentures.

The new policy, ... provides coverage for a maximum of \$750 per upper and \$750 per lower denture for Ontario Works and ODSP clients, every 5 years.

Works (OW) and ODSP clients, every 5 years, when

prescribed to relieve pain or for medical or therapeutic purposes or to increase employability.

2. Children's Health Benefit (CHB) of \$250 (fall 2008 payment)

OW and ODSP assistance to families with children changed significantly with the implementation of the Ontario Child Benefit in July 2008. As part of that change, the back to school allowance and winter clothing allowance were eliminated even though families depend on these crucial extra dollars at this time of the year. The Legal Centre met with OW management on May 28, 2008 and urged the City to make up the payments through discretionary benefits. The Legal Centre noted that this was being done by other progressive municipalities. The Legal Centre commends the City for its CHB of \$250 to families with children who are eligible for OW in the month of September 2008 and ODSP in the month of August 2008. The benefit is to cover warm seasonal clothing and funding for social inclusion in community activities.

3. Bus Pass Subsidy for OW and ODSP Recipients

The Legal Centre has repeatedly asked the City to provide all OW and ODSP recipients with free bus passes. For families receiving assistance, the cost of bus passes is prohibitive. Community members have endorsed this idea (see "Legal Centre News" Spring 2007 - Report to City and County Councils at pg. 10 <http://www.peterboroughcommunitylegalcentre.org>). The Legal Centre commends the City for recent changes to the discretionary policy in this area. Effective August 1, 2008 a bus pass subsidy of \$34/month will be available for City of Peterborough OW and ODSP adults who are not eligible for other transportation funding. Eligible OW recipients will receive a transit voucher that will be included with their monthly assistance. The voucher is to be taken to the City Bus Terminal on Simcoe Street. A monthly adult pass for each adult listed on the voucher will be issued as long as the client provides his or her portion of the fee, which is currently \$16 per pass. ODSP clients are simply to provide a copy of their statement of ODSP assistance to the Bus Terminal.

Financial help for tenants with rent/hydro arrears

As many of you know, the Legal Centre staff provides free Tenant Duty Counsel services for tenants at hearings before the Landlord and Tenant Board.

A large part of our work, as Duty Counsel, involves trying to preserve tenancies for tenants who are being evicted because they owe rent money to their landlords. Duty Counsel are very effective at preserving tenancies and, in the case of arrears of rent, can often negotiate payment plans that allow tenants to stay in their homes and make payments to their landlords on the rent money that they owe.

A very important resource for tenants experiencing financial hardship is the Housing Resource Centre (HRC) located at 229 King Street, Peterborough. The phone number for the HRC is 743-9122.

The HRC administers some programs which may be able to provide financial help to tenants in this situation.

Please Note: These programs sometimes run out of money.

Also, tenants must meet eligibility rules in order to get help.

The Rent Bank

May help low-income residents of Peterborough City and County with rent arrears. In order to be eligible tenants must have already exhausted all other means of assistance.

The Emergency Energy Fund of Ontario

May help low-income residents of Peterborough City and County who are in arrears of utility costs or have had their utilities disconnected. All other means of assistance must have already been exhausted.

Emergency Assistance Fund

May help low-income residents of Peterborough City or County who are homeless or facing the risk of homelessness. All other means of assistance must have already been exhausted.

The Winter Warmth Fund

May help low-income residents of Peterborough City and County who are in arrears or have been disconnected by Enbridge Gas. All other means of assistance must have already been exhausted.

Fund for Utility Service Emergencies (FUSE)

May help low income residents of Peterborough City or County who are customers of Peterborough Utility Services (PUS), and are at risk of disconnection of PUS services. All other means of assistance must have already been exhausted.

If you think you might not be able to pay your rent, get help early. It may be possible to work out a payment plan with help from HRC and the Legal Centre. If you wait until your landlord goes to the Board, you will have to pay a \$150.00 fee as well as the rent that you owe.

Other means of assistance include Community Start Up and Maintenance Benefits (CSUMB) through Ontario Works and ODSP or Discretionary Benefits which both Ontario Works and ODSP recipients can apply for through the Ontario Works office.

Information in this article was obtained from the Housing Resource Centre website at www.ccrc.ptbo.com.

An Open Letter to the Province re: OW and ODSP

The Hon Dalton McGuinty, Premier

The Hon Madeleine Meilleur, Minister of Community and Social Services

The Hon Kathleen O. Wynne, Minister of Education,

The Hon Deb Mathews, Minister of Children and Youth Services,

Jeff Leal, MPP (Peterborough)

I am writing to ask you to address an anomaly in the Ontario Works Act (OW) and the Ontario Disability Support Program Act (ODSP) which penalizes families receiving OW or ODSP if they have a young adult living at home and working while attending university or college.

Consider this fact situation, taken from a recent Legal Centre file: Mother and Daughter live together. Mother is a disabled single parent receiving ODSP. Daughter is a determined young woman who held a part-time job throughout her high school years. Having lived at home all her life, Daughter has never been financially independent. She is now 20 and attending community college on a full-time basis to obtain her qualifications as a paramedic. Once she qualifies, she is highly likely to obtain a well-paying job and make a substantial contribution to the province through her taxes. In order to finance her post-secondary education, Daughter continues to work part-time.

While Daughter was in high school, her employment earnings were exempted from the calculation of her mother's ODSP entitlement. This allowed Daughter to pay for school supplies and help her mother with living expenses. Now that Daughter is over 18 and enrolled in post secondary education, Daughter's employment income is no longer exempt from the calculation of her mother's income. As a result, Mother's ODSP cheque is reduced by about \$200 per month or more, depending on how much Daughter earns each month. Mother says "the problem is, if she works too many hours, we can't pay the bills but she doesn't earn enough to pay for her tuition and living expenses. I feel so guilty that I can't help her". Mother and Daughter would have a similar problem if Mother's source of income was OW.

Young people under the age of 18 who live at home with parents who are receiving OW or ODSP are considered to be "dependant children". The employment income of a dependant child is not included in the calculation of "income" for the purpose of determining OW or ODSP entitlement. When these young people graduate

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punish young adults who work and go to college

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from secondary school, the legislation treats them as “dependant adults”.¹ The employment earnings of dependant adults are only exempt from the income calculation if the dependant adult is attending a “*secondary school full time*”.² The earnings of dependant adults attending *post secondary* education are treated as income.

Your government is to be commended for making some amendments to the ODSP and OW legislation which make it easier for the children of social assistance recipients to get further education. (Premier McGuinty is often referred to as “the education Premier”.) As of December 2004, Registered Employment Savings Programs (RESPs) are exempt from the calculation of “income” as are approved loans, grants and awards for students in a study or training program. Because of these amendments, a parent receiving OW or ODSP can now contribute to her child’s education through a RESP and a child who goes through school on

a loan/grant/award does not jeopardize her mother’s subsistence. *But the child of a social assistance recipient who works her way through post secondary education and continues to live at home will have a severe impact on her family.* Given the previously noted progressive amendments, it is hard to understand why your government would impose this penalty on families who have successfully raised young people with the motivation and discipline to seek post secondary education.

The solution to this problem is simple. Amend the above noted regulations to read “secondary *or post secondary* school” so that the earnings exemption will apply to all dependant adults who attend college or university on a full time basis while living at home with parents receiving OW or ODSP.

A timely amendment to the relevant legislation will help the mother and daughter referred to above as well as many other Ontario families in the same position. Please let me know as soon as possible how you intend to respond to this request.

Sincerely,

Melinda Rees
Executive Director
Peterborough Community Legal Centre

1 ODSPR 222/98 and OWR 134/98, s. 2(1)

2 ODSPR 222/98 s. 38(4). Emphasis added. See also OWR134/98 s. 49(1) 6

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Does your landlord want you to start paying for Electricity?

Prepared by the Advocacy Centre for Tenants Ontario, a legal clinic funded by Legal Aid Ontario.

In many high-rise apartments, landlords pay the electricity bill for the whole building. This means electricity is included in the monthly rent. Landlords cannot force tenants to start paying for electricity separately. Landlords can only transfer the cost of electricity to tenants if the tenants agree and the rent is reduced.

Situation A- If electricity is included in your rent and you have NOT agreed to pay separately for utilities:

You do not have to agree to start paying for your electricity at this time. The Ontario government plans to introduce rules that may protect tenants who are told to start paying electricity for their apartments. **These rules are not yet law.** When they become law, you may or may

not be covered by them if you agree to pay for electricity now.

Some tenants are getting letters from their landlords or companies that their landlords have hired. A typical letter asks tenants to fill out paperwork which would let a sub-metering company charge the tenant for electricity use. You may be asked to fill out and return the completed paperwork. **You do not have to fill it out.**

If you enroll with a sub-metering company that the landlord hired, you will probably not be able to switch back. You will be responsible for paying your own electricity and possibly others fees and a deposit.

Call the Legal Centre for advice if you are in this situation.

Peterborough Landlord Tenant Board Office to close Less service for Peterborough tenants

Effective October 1, 2008 Peterborough will no longer have a Landlord and Tenant Board office. The Government Information Centre (GIC) located at 300 Water Street will remain where it is.

This will change how tenant and landlord applications are processed. Tenants and landlords who wish to commence an application have 2 options:

If paying the application fee by credit card, the applicant may fax directly to the Toronto East office of the Landlord and Tenant Board.

If applicants do not have the option of paying by credit card, then the Service Ontario clerks at the Peterborough GIC office will accept the processing fee and the application and fax it to the Toronto East office.

The Legal Centre is concerned that the new processing rules may cause delays in the application process.

Planning to buy a house?

The City of Peterborough is offering interest free loans of \$8,000 to people who are currently renting so that they can buy a house in the City or County of Peterborough.

For more information, go to http://www.peterborough.ca/Living/City_Services/Housing.htm

Report on Older Workers in Canada

In July 2008, Human Resources and Social Development Canada released *Supporting and Engaging Older Workers in the New Economy* a report by its Expert Panel on Older Workers.

The panel was established to consider the impact of Canada's aging workforce on the economy and the supports needed for older workers who have lost their jobs.

As a result the panel's recommendations focus on how to encourage older workers to stay in the workforce and

how to assist older workers who have lost jobs as a result of economic change (i.e. the decline in the industrial sector).

The Report recommends that the federal government encourage older Canadians to continue working by:

- Undertaking a public awareness campaign;
- Eliminating mandatory retirement by amending the Canadian Human Rights Act;
- Promoting lifelong learn-

ing; and

- Changing pension and tax systems to make it easier to work.

The Report also recommends extensive study regarding displaced older workers and significant changes to the Employment Insurance System to maximize the incomes of and supports available to older workers.

For the full report, go to http://www.hrsdc.gc.ca/en/publications_resources/lmp/eow/2008/page00.shtml

Improvements to financial assistance for victims of violent crime in Ontario

In May 2008, a report authored by The Honourable R. Roy McMurtry was published entitled *Report on Financial Assistance for Victims of Violent Crime in Ontario*.

In addition to name and organizational improvements, the report emphasizes the importance of continued financial assistance for victims of violent crime and recommends a single access point for victim supports and services as well as a government-appointed, independent

Victim Advocate for victims of violent crime.

Also recommended are: improved protocols for police and Crown Attorneys for informing victims of violent crime about these services and resources and greater accountability through annual reporting on provincially funded victim services and programs.

Roy McMurtry was Ontario's Chief Justice until 2007, and was strongly supportive of legal aid services and clinics.

Victims of violent crime can apply to the Criminal Injuries Compensation Board for financial assistance. Visit the website at:

<http://www.cicb.gov.on.ca/en/index.htm>

To read the *Report on Financial Assistance for Victims of Violent Crime in Ontario* in its entirety, please visit the website:

<http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/mcmurtry/>

Why the federal government must commit to housing - views from the Wellesley Institute and the Ptbo. Affordable Housing Action Committee

The Wellesley Institute (the Institute) has produced a pre-election housing primer with data to support the need for

...there are considerable savings when homelessness and eviction prevention can be accomplished, and that each eviction prevented saves approximately \$10,815.

more federal investment in housing. In Peterborough the case has been made by the Affordable Housing Action

Committee (AHAC) in the “Housing is Fundamental Year 2008” report which uses local data to describe what the affordability crisis looks like in a community such as Peterborough. This article provides highlights from these two, respected sources.

According to the Institute, housing insecurity is at record levels. One in four Canadian households pay 30% or more of their income on housing and housing is the biggest expense for low, moderate and middle-income households. The cost of housing is so high that many are left without money to

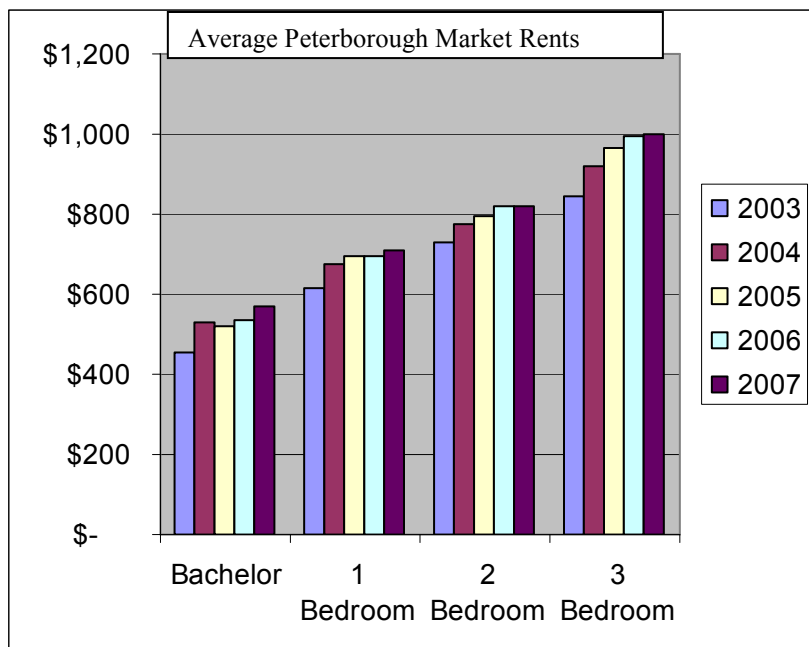
pay for food. This is a key reason that 720,231 people across Canada lined up at food banks in March 2007. More than 300,000 Canadians experience homelessness annually, and shelter beds jumped 22% between 2006 and 2007.

The Institute notes that federal housing investment (\$2 billion) is the lowest since 2002, and on a per-capita basis, the lowest in two decades. Canada has slipped from number two in 1980 to number seven in 2003 when compared to our partners in the Organization for Economic Co-Operation and Development. In 2006 the

United Nations called housing and homelessness in Canada a “national emergency”, a finding confirmed by the UN Special Rapporteur on the Right to Adequate Housing after his official fact-finding mission to Canada in 2007.

The Institute further notes that while net income for the Canada Mortgage and Housing Corporation (the federal housing agency) will rise by 49% to 1.4 billion annually, CMHC affordable housing spending will drop by 95% to a mere \$8 million in 2012.

The federal government recently approved a five-year



extension of Canada's national housing and homelessness programs that were due to expire. According to the

A family of three on Ontario Works receives only \$595 per month for shelter costs, an amount which would not cover the cost of a one bedroom apartment.

has been frozen despite the growing need.

The Institute reports that the funding for these programs hasn't changed significantly since the original programs were announced almost a decade ago, despite growing national need and growing inflation (that has cut into the value of the dollars). The Institute calculates that if existing programs such as the Homelessness Partnering Initiative and the Residential Rehabilitation Assistance Program are renewed at the same level as before, that leaves just \$125 million for a nation-wide affordable housing program. At \$100,000 per unit (about two-thirds of the development cost in large urban areas, where housing needs are the biggest), that would fund about 1,250 new homes for the en-

tire country annually.

The last big infusion of new federal affordable housing dollars came during 2005, although the one-time-only investment of \$1.4 billion was not allocated until 2007. The Institute, housing and homelessness advocates, municipal leaders and others have been calling for increased, multi-year funding to meet the growing need.

In the "Housing is Fundamental" report, AHAC notes that home ownership is becoming increasingly unaffordable, and that the average sale price of all housing in Peterborough increased by 55.1% over 5 years ending 2007.

For those who are unable to break into homeownership, the situation is grim. In 2007, the rent for a bachelor unit averaged \$568, for a one bedroom unit \$709, for a two bedroom unit \$822 and for a 3 bedroom unit \$1,000. Even with this year's increase of the minimum wage to \$8.75 per hour, minimum wage workers are more than \$10,000 short of affording a one-bedroom apartment.

For a single person receiving Ontario Works (\$349 for shelter costs) or Ontario Disability (\$445), shared accommodation is usually the only sustainable option. A

family of three on Ontario Works receives only \$595 per month for shelter costs, an amount which would not cover the cost of a one bedroom apartment.

The "Housing is Fundamental" report asserts that any comprehensive cost-benefit analysis reveals that there are considerable savings when homelessness and eviction prevention can be accomplished, and that each eviction prevented saves approximately \$10,815.

AHAC concludes that action is required at all levels of government.

However, at the federal level Canada is the only developed country that lacks a national

housing strategy that includes supportive housing. AHAC calls for a renewed federal/provincial investment in affordable housing development and for the federal government to establish a nation-wide housing strategy with targets for communities along with adequate funding to meet those targets.

Even with this year's increase of the minimum wage to \$8.75 per hour, minimum wage workers are more than \$10,000 short of affording a one-bedroom apartment.

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 2008, 2009, and 2010 years (January 1, 2008 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 2008-2010

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.