

SUPPORTING INDIVIDUALS  
AND OUR COMMUNITY  
BY PROVIDING  
QUALITY LEGAL SERVICES

# Northwest Community Legal Clinic

JUNE 2010

## What is the HST and how will it affect me?

Fay-Lynn Clark, CLW

Harmonized Sales Tax (HST) is a combination of the current Provincial Sales Tax (PST 8%) and Canada's Goods and Services Tax (GST 5%) to create **one tax of 13%**. The HST comes into affect on **July 1<sup>st</sup>, 2010**. It will not change the amount of tax you currently pay on *most* items, but you will be charged the entire 13% on some items which were previously PST exempt.

The items which will see an **increase with both taxes** applied are: insurance, electricity, fuel, internet services, landscaping, hotel rooms, taxis,

camping sites, travel, subscriptions, home renos, private resale of vehicle, real estate commissions, massage, vitamins, dry cleaning, fees for athletics and theatre. Items which have been purchased but not used by July 1<sup>st</sup>

clothing, car seats, feminine hygiene products, and prepared food and beverages sold for \$4.00 or less. Items such as groceries, prescriptions, and child care, will continue to be fully exempt.

Also introduced is the Ontario Sales Tax Transition Benefit to "provide temporary relief to residents of Ontario to help them adjust to the new harmonized sales tax system." It is a payment of up to \$1000 per year for a family and \$300 for a single person, depending on your income. For more information on the HST go to [www.rev.gov.on.ca/en/taxchange/consumers.html](http://www.rev.gov.on.ca/en/taxchange/consumers.html) or contact Service Ontario.



such as airline tickets will be subject to the HST.

Other products will remain taxed at the 8% PST rate and **not** have the additional 5% portion of the HST applied. These include newspapers, books, diapers, children's

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## A new look for our newsletter & website

With this issue comes a new easier to read format for our quarterly newsletter. As always, we will work hard to feature informative articles that are useful to all of our readers.

We are pleased to begin an e-newsletter service with our September edition. To sign up to receive our newsletter by e-mail, please contact your local office with your name and e-mail address.

Clients with open files and anyone who does not notify us will continue to receive the newsletter by mail.

We also encourage you to take

a peek at our redesigned website: [www.northwestcommunitylegalclinic.ca](http://www.northwestcommunitylegalclinic.ca). We are still working on ensuring accurate information for all of our communities is there, and we will be updating it regu-

larly, so please check it often! Our newsletter will be posted here with the relevant links to forms, information sources, legislation etc relating to the articles.



### Welcome to the Northwest Community Legal Clinic

The Northwest Community Legal Clinic provides services to the Kenora and Rainy River Districts from its three offices located in Fort Frances, Kenora and Atikokan.

The Northwest Community Legal Clinic is funded by Legal Aid Ontario. The Fort Frances and Kenora locations share office space with the Legal Aid Area Office, where legal aid certificates are provided for family and criminal matters.

#### Eligibility

The Legal Clinic will assist people who cannot afford legal assistance due to financial hardship, i.e.,

Mission Statement  
Supporting Individuals  
& Our Community  
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Quality Legal Services



## First Nations Post Secondary Education At Risk

Will Landon, Beaver Brae Secondary School Co-Op Student



The Crown's chief treaty negotiator in 1880 clearly stated that "the Crown's treaty commitments were not limited by the time and the quality of educational opportunity would be equitable with the non-Aboriginal educational services". This legal right is being challenged by a 2009 Canadian government report that was buried until recently.

The Post Secondary Student Support Program is the responsibility of Indian and Northern Affairs Canada (INAC). The program was given to the control of individual bands for the benefit of their members in 1973. The funding allocations are guided by an intimate knowledge of each student's indi-

vidual needs and are supported by close community ties of kinship. The program itself is strained by capped funding and an increase in eligible students.

Without any consultation, INAC commissioned the 2009 report on alternative delivery options. The move to band control of these monies was made in 1973 as a result of INAC's adoption of the Assembly of Nations education report, *Indian Control of Indian Education*. It was an important strategic direction which is now threatened by the presentation of options in the 2009 report that include the development of regional First Nations education organizations, a pan-Canadian educational foundation, reversal to INAC administration

or off loading of the program to Human Resources Development of Canada. All of these options would increase program costs. With capped funding, this means a decrease in student allocations. Reductions in available monies mean fewer aboriginal students will be able to access post secondary education. The implications of this on poverty reduction for First Nations would be disastrous.

Control over education is fundamental to self government. It is troubling that INAC commissioned the development of these proposed changes without direction from the First Nations. All changes in law must arise out of the will of the people. This is what democracy is about.

### Our Pamphlet Stands

All three offices of the Northwest Community Legal Clinic carry a large supply of pamphlets relating to areas of law within the Clinic Mandate. We invite you to call or stop into your local office to view the selection.

Pour la  
Ligne D'Avis  
Juridique en  
Français,  
téléphone  
1-87 POUR  
AVIS



## French Legal Advice Line

Courtesy of the Sudbury Community Legal Clinic

The Sudbury Community Legal Clinic is now providing a toll-free telephone advice service to low income Franco-Ontarians residing in northern Ontario and parts of central Ontario. This pilot project is funded by Legal Aid Ontario and will provide access to French telephone legal advice and referrals in the following areas of law: housing (tenants only), social assistance (Ontario Disability Support Program and Ontario Works), Canada Pension Plan and Employment Insurance. This may include referrals to local Commu-

nity Legal Clinics or other agencies, if appropriate.

This advice line will provide an opportunity to franco-phone clients to discuss their legal questions or difficulties and obtain information about their rights and obligations. A Legal Advice Worker will be available to answer calls at **1-87 POUR AVIS (1-877-687-2847)** Monday to Friday from 8:30 a.m. to 12 noon and from 1:30 p.m. to 4:30 p.m. (Eastern Time). The program is supervised by a clinic lawyer and all information exchanged is

confidential and free of charge.

Service providers are also welcome to join their e-mail list by sending a brief e-mail to us at [larcqs@lao.on.ca](mailto:larcqs@lao.on.ca) so that the project may provide further information, including legal information of interest to low income individuals and families.

For more information contact: Ligne D'Avis Juridique/ French Legal Advice Line Téléphone/Telephone : 1-87 POUR AVIS (1-877-687-2847).

**This material is for information purposes only, and is not legal advice. If you require legal advice, please contact your community legal clinic or other legal representative.**

# Fast tracked evictions

Nan Normand, CLW

Under the **Residential Tenancies Act**, evictions can be “fast tracked”. There are three grounds for a 10 day notice period:

1. Disturbing the peace in a building with no more than 3 units and one unit is occupied by the

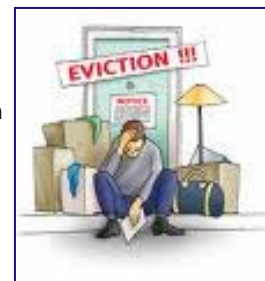
landlord; or

2. Willfully causing undue damage to the rental property; or

3. Using the rental property for production or trafficking of illegal drugs

With a fast-tracked eviction, the landlord must still provide the tenant with a Notice to Terminate

followed by the completed Application to End Tenancy or Terminate and Notice of Hearing. At the hearing, both parties are entitled to speak to the matter. The adjudicator will consider the case issue an Order which is enforceable by the court.



## ODSP & CPP Disability Benefits

Sallie Hunt, Staff Lawyer

CPP disability benefit are taxable as income, while ODSP benefits are not.

The difference in tax treatment between ODSP and CPP disability benefits is that both amounts are included in calculating a person's net income. However, ODSP is not included in the calculation of taxable income but CPP disability benefits are.

If you receive only ODSP disability benefits, you do not pay any income tax on these benefits. When you receive both CPP and ODSP disability benefits, you may receive **less** money than if your only income was from ODSP benefits.

ODSP deducts the **gross** amount that you receive from CPP, that is, ODSP deducts the CPP

amount before any tax is paid. If you have to pay income on your CPP benefits, you will receive a **net** amount, that is, the amount after income tax is paid.

If your income is less than \$10,320 in 2009, you do not have to pay any income tax. If your CPP-D disability benefit is less than \$860 per month (\$10,320/year) and it is your only taxable income, you will pay no income tax. This is because your personal exemption of \$10,320 will produce a non-refundable tax credit equal to the tax owed.

The first tax bracket begins after \$10,320. If your CPP disability benefits are more than \$860 per month then you will have to pay some tax. And your overall net income will be reduced by the amount of the tax, because, as

explained above, ODSP deducts **gross** CPP disability benefits.

However, in addition to the personal exemption of \$10,320, you may also be able to claim the additional disability deduction of approximately \$7,000, which would allow your CPP and any other income to total \$17,320 annually, before any tax would have to be paid. (This of course would require your doctor to complete the *Disability Certificate Form T2201*.)

If you do have to pay tax on your CPP disability benefits, you can contact CPP at 1-800-277-9914 option 0 and ask that it deduct so much per month (\$25-50) for your income tax. You have to tell CPP how much you would like taken off monthly for income tax.

**For internet links to the forms mentioned in our newsletter, visit our website [www.northwestcommunitylegalclinic.ca](http://www.northwestcommunitylegalclinic.ca); or you can stop in or call to have staff print them for you.**

## Better Business Bureau

Liz Polischuk, Support Staff

The Better Business Bureau (BBB) for Manitoba and Northwest Ontario is in Winnipeg. The BBB takes complaints involving all types of businesses as well as charities and non-profit organizations. The BBB does NOT handle complaints that are already being dealt with in court or through another agency, nor do they handle complaints about employment situations, nor can they act as a collection agency.

Before you can file a complaint with the BBB, you must have made an effort to settle the complaint directly with the owner or manager of the company. Your complaint must be brief but complete and factual. A copy of the complaint will be sent to the company for their response.

The BBB will attempt to help the consumer and the business reach a satisfactory settlement; however, the BBB

cannot force an adjustment. If a satisfactory settlement cannot be reached, the BBB does offer Mediation Services.

To contact the Better Business Bureau Of Manitoba And Northwest Ontario call 1-800-385-3074 or 204-989-9010, visit their website at: [www.manitoba.bbb.org](http://www.manitoba.bbb.org) or email [bbbinquiries@mts.net](mailto:bbbinquiries@mts.net) or [bbbcomplaints@mts.net](mailto:bbbcomplaints@mts.net).



Serving the Kenora and Rainy River districts from three locations:

<u>Fort Frances</u>	<u>Kenora</u>	<u>Atikokan</u>
601 Mowat Avenue	Ste. 6 - 308 Second St. S	305 Main St. W
Fort Frances, ON	Kenora, ON	PO BOX 1676
P9A 1Z2	P9N 1G4	Atikokan , ON
(807) 274-5327 Phone	(807) 468-8888 Phone	P0T 1C0
1-800-799-2485 Toll Free	1-800-403-4757 Toll Free	(807) 597-2811 Phone
(807) 274-3141 Fax	(807) 468-4928 Fax	(807) 597-6697 Fax

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**Legal Aid Ontario**



## Office Closures

May 24, 2010 - Victoria Day  
 July 1, 2010 - Canada Day  
 August 2, 2010 - Civic Holiday



## Sub-Offices

**Red Lake** - Wednesdays July 7th,  
 August 4th, September 1st  
**Ear Falls** - by appointment: Thursdays  
 July 8th, August 5th &  
 September 2nd

## Ontario Government plans to help with rising hydro costs

Fay-Lynn Clark, CLW

A bill to provide Northern Ontario residents some relief from high energy costs has been introduced. Bill 44 allows implementation of **the Northern Ontario Energy Credit** to help “eligible” low to middle income northern residents, including those living in Northwestern Ontario, with their energy costs.

However, with an average monthly hydro bill of \$100.00 per household and prices on the rise, the amount of the Northern Ontario Energy Credit seems fairly insignificant. The Ontario Energy Board confirmed new electricity prices have taken effect May 1<sup>st</sup>, increasing the average monthly bill about \$6.00. As

well, the Green Energy Act adds an extra \$4 per year; and HST adds another 8%; averaging increases of \$170 per year.

To be eligible for the Northern Ontario Energy Credit you must:

- Be a resident of Northern Ontario (including living on a First Nation Territory)
- Be 18 years of age or older
- Have paid rent or property tax for your principle residence
- Have paid costs for energy within the principle residence

Single persons who have a yearly net income of under



\$35 000 will be entitled to the maximum credit of \$130.00 per year. When net income reaches \$48,000 the credit will be reduced to zero.

Families with a net income of under \$45 000 will be entitled to the maximum credit of \$130.00 per year. When net income exceeds \$65,000 the credit will be reduced to zero.

This program, like many others is **paid only if you file an income tax return**. To ensure you receive all benefits you are entitled to, you must file an income tax return, even if you have no taxable income.



Consider the environment...

Please recycle this newsletter!