



June 12, 2020

SENT VIA EMAIL: comm-justicepolicy@ola.org

Standing Committee on Justice Policy
c/o Committee Clerk, Christopher Tyrell
Legislative Assembly of Ontario
99 Wellesley Street West
Room 1405, Whitney Block
Queens Park
Toronto, Ontario M7A 1A2

Re: Submission to the Standing Committee on Justice Policy – Bill 161

Mississauga Community Legal Services provides poverty law services for Mississauga residents living with low incomes which, based on our last census, are over 125,000 residents.

We are funded by Legal Aid Ontario (“LAO”) and governed by a Board of Directors that consists of members who live or work in our community. The Board supports the goals of the clinic by directing our work with its invaluable understanding of what the needs are “on the ground.”

We are writing to add our voice to those who support robust community based legal services made available to marginalized people throughout Ontario. The Association of Community Legal Clinics of Ontario (ACLCO) has provided a thorough analysis of the Bill. We strongly endorse and support all the recommendations that they have made on our behalf and wish to take this opportunity to highlight the following points:

1. The purpose of the legislation omits “access to justice, “low-income Ontarians” and “disadvantaged communities”; all terms that existed in the purpose clause in the previous legislation. It is essential that this legislation’s intent is to promote access to justice throughout Ontario for low-income individuals and disadvantaged communities.

2. The definition of poverty law should be given a broad scope similar to the previous legislation. The reality for many low-income Ontarians is that basic human needs like food and shelter are frequently threatened by discrimination, lack of income supports, affordable housing, education, employment and other factors often described as the social
3. determinants of health. The evident need for legal aid in the area of poverty law should be reflected in the definition poverty law.
4. The purpose of having funding agreements in place between clinics and LAO is to continue the approach of responding to local needs. The Bill should address how to facilitate these agreements in the event terms have not been reached within the expected six-month time frame after the bill receives royal assent. One method would be to appoint a third party to mediate which is a proposal we and other social justice partners support.
5. If a decision were made to stop a service or at worst eliminate Mississauga's only legal clinic then there would be no recourse to resolve this matter as there is in the current legislation. There should be a cost effective and efficient recourse for clinics to ask for a review of a LAO decision when a decision has serious implications for the clinic and the community it serves.
6. One of the barriers to accessing legal aid is client contribution to the cost of services. While this may be possible to some degree in other situations, it is much more of a barrier for poverty law clients. Clinics often represent clients at Superior Court, to the Court of Appeal, and the Supreme Court of Canada on matters that often involve nonpecuniary matters whether it is combating racism or preserving a home to name just a few examples. It would create a chilling affect on all equity seeking cases should clinics become fee for service agencies.
7. We join the ACLCO in their suggestions to strengthen the LAO Board. It is important that the governance of LAO includes an understanding of clinics. It is also important that there is equal balance on the Board between Law Society appointees and those from the Attorney General. This balance would acknowledge the importance of legal aid to the public and to the justice sector.
8. Community based legal clinics should continue to be the foundation for the provision of clinic law services; rather than LAO having regard to clinics foundational role under the current Bill. The new wording seems to suggest that there would be competing organizations for poverty services. We believe that this would be inefficient means of delivering this essential service; there should be no duplication of poverty law services. Therefore, the recognition of clinics as the foundation for the provision of clinic law services should be preserved.

9. The legal needs of the communities should continue to be determined by the clinics.

The Bill removes local decision-making powers and delegates it to a central location likely in Toronto which will most likely create a cookie cutter approach to the delivery of services across the province. Moreover, uniformity will come at the expense of responsiveness where clinics now are efficient and responsive providers of legal services because of our governance structure.

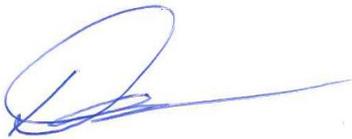
Ontario is a large province made up of so many different communities. As a result, the legal needs in Thunder Bay will be different for people living in Windsor and in Mississauga for example. The ability of clinics to quickly adapt and respond to those local needs because of its current governance structure (an independent Board of Directors made up of the members of the community served) is why our clinic is able to serve Mississauga residents so well.

The community legal clinic system in Ontario has grown and made good on its promise to serve low income Ontarians over the last 50 years of its existence. It has become an internationally renowned legal aid system admired in countries including China, the UK, the US who have come to Ontario to study it. This is a direct result of the *Legal Aid Services Act, 1998* that has enabled MCLS and other clinics to provide a wide range of legal services that the community needs.

We thank you for attention to this important matter.

Yours truly,

MISSISSAUGA COMMUNITY LEGAL SERVICES



Douglas Kwan
Co-Executive Director



Sabrina Karmali
Co-Executive Director

Cc: Deepak Anand, MPP (Mississauga – Malton)
Rudy Cuzzetto, MPP (Mississauga – Lakeshore)
Natalia Kusendova, MPP (Mississauga Centre)
Kaleed Rasheed MPP (Mississauga East - Cooksville)
Sheref Sabawy, MPP (Mississauga – Erin Mills)
Nina Tangri, MPP (Mississauga – Streetsville)