

## Waterloo Region Community Legal Services (Legal Clinic) – Newsletter January 2006

### **DO SEEK LEGAL ADVICE !**

The justice system can be a scary thing with lots of rules to follow. As a layperson, you may need a lawyer to help you if you want to go to court or to a tribunal. We encourage you to come to the Legal Clinic to at least seek advice. You may find that it is really worth the while.

### **Cultural Barriers**

You may not be used to going to a lawyer when you have a problem. Perhaps, in your country of origin, it may not have been a good idea to go to court for help or you are used to resolving conflicts in a different way such as by negotiation. However, you should be aware that, legally, you do have certain rights. It may be very useful to know what exactly they are and what the options are for dealing with your situation. The Legal Clinic may be able to help give you this information.

### **Language**

Unfortunately, our staff can only provide services to you in English. If you fear that you may not understand, bring a family member, a friend or anybody you trust to interpret for you.

### **Free Services**

Our services are free but you may have to pay for disbursements. This means that, whenever our staff does something for you, we do not charge you. However, sometimes we have to ask a third party to do something for you, such as have your doctor write a report and there is a cost for that service. That is a disbursement and we will generally look to you to pay that cost. Payment arrangements can be made.

### **Confidentiality**

Whatever is discussed with our staff remains strictly confidential. We need written authorization signed by you if we want to obtain information about you from outside agencies or services. We will not release information about you to anybody outside the Legal Clinic without your authorization.

### **Learn About Your Options**

You do not always have to take legal action when you have a problem. However, it is often useful to know what your legal rights and options are. You can come to the Legal Clinic for advice but it is your decision whether you follow the advice or not. Sometimes, you may have your own reasons to proceed in a different way or the problem may resolve itself. Seek legal advice nevertheless so you can decide what to do, based on the complete information on your situation.



### **WE DO:**

- Landlord/Tenant
- Ontario Works/ Ontario Disability Support Program
- Workplace Safety and Insurance
- Canada Pension Plan
- Criminal Injuries Compensation
- Employment Insurance

Call us: (519) 743-0254

### **LEGAL AID DOES:**

- Family Law
- Criminal Law
- Immigration

Call Legal Aid: (519) 743-4306

### **LEGAL CLINIC CONTACT:**

**Kitchener** - (519) 743-0254

170 Victoria Street South

Kitchener, ON, N2G 2B9

Fax: 519-743-1588

Hours: 9 am to 5 pm Mon to Fri

### **Cambridge**

At the Cambridge Self Help Food

Bank - 54 Ainslie Street South

Hours: Mon 1:30 to 4:30 pm

Fri 9:30 am to 12:30 pm

On our web site, you can find an introduction to the Legal Clinic, the services it offers, its history and staff. The address is:

[www.wrcls.ca](http://www.wrcls.ca)

We are currently working on our site so visit, while it changes!

## **SOME USEFUL THINGS TO KNOW ABOUT YOUR RENT**

## **IF THE LEGAL CLINIC IS UNABLE TO ASSIST...**

### **Due Date**

Rent is due on the day set out in the rental agreement. Usually, this is the first day of the month. You have to pay rent on the due date but you have the whole 24 hours of this day to do so. Some people think they have 14 days in which to pay their rent. That is not so. Regularly paying your rent late can result in eviction.

### **Postdated Cheques**

Some landlords try to **require** their tenants to provide post-dated cheques to pay their rent. This is illegal. However, if you would like to, you can offer your landlord post-dated cheques for each of your convenience. If your landlord insists on postdated cheques, call the Legal Clinic for advice.

### **Rent Receipts**

Tenants are entitled to get a rent receipt free of charge upon request. This is particularly important if you are paying your rent by cash as there may be no other way to prove payment. Some landlords prefer to give receipts once a year. However, if you wish to have one monthly, they must provide one. If the landlord refuses to issue a receipt, call the Legal Clinic for advice.

### **Deposits**

The landlord can ask for a "Last Month Rent" deposit which cannot exceed one month's rent and is to only be applied to the last month before the legal end of the tenancy. This means that, if you have given proper notice and January is the last month you occupy your place, you do not have to pay rent for January as the landlord will use the money from the deposit. The landlord cannot use the deposit for any other purpose such as damages or rental arrears. The landlord cannot require any other deposit for damages such as a "security deposit". The landlord is also legally obliged to pay you interest on the rent deposit and should do so each year. Under the current legislation, the landlord is to pay 6% interest per year (not compounded). If they fail to pay the interest in spite of your request, you can deduct the amount of interest owed from a month's rent. If you have any questions about your deposit, call the Legal Clinic for advice.

We try to help everybody but there are areas of law we do not do (see front of this Newsletter). Also, some people have an income that is too high for our eligibility limits. Here are two great services you can use, if we are unable to assist:

### **Lawyer Referral Service**

This service is not connected to financial eligibility criteria. Their phone number is:

**1-900-565-4577**

When you call the Lawyer Referral Service, you have to pay \$6.00, which will be added to your phone bill. You can then ask for a lawyer in a certain area of law. Staff give you the phone number of a lawyer in your community and an identification number. You can then call this lawyer and receive a free 30 min consultation.

### **Family Law Information Clinic (FLIC)**

This free Information Clinic is held at the Court House in Kitchener at 200 Frederick Street, 2<sup>nd</sup> floor, on Wednesdays and Fridays. The service starts at 8.30 a.m. on a first-come-first-serve basis. As the FLIC is organized by Legal Aid Ontario, you will have to prove financial eligibility. For questions, call the Court House at (519) 741-3300.

If you want to read the legal provisions, go to [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca), click on "Statutes and Associated Regulations" and find the Tenant Protection Act under "T". For deposits and interest on deposits, see s. 118. For post-dated cheques, see s. 119 and for rent receipts, s. 120. Make sure you still call the Legal Clinic as sometimes the legal provisions are not very clear and it is important to know how they may be applied.