

Volume 35, Number 3/4 (Fall/Winter 1997)
Special Issue on Parkdale Community Legal Services
(PCLS)

Article 17

Letter to the Editor: The Parkdale Citizen

S. R. Ellis

Follow this and additional works at: <http://digitalcommons.osgoode.yorku.ca/ohlj>

 Part of the [Law Commons](#)

Article

Citation Information

Ellis, S. R. "Letter to the Editor: The Parkdale Citizen." *Osgoode Hall Law Journal* 35.3 (1997) : 673-678.
<http://digitalcommons.osgoode.yorku.ca/ohlj/vol35/iss3/16>

This Article is brought to you for free and open access by the Journals at Osgoode Digital Commons. It has been accepted for inclusion in Osgoode Hall Law Journal by an authorized editor of Osgoode Digital Commons.

LETTER TO THE EDITOR: THE *PARKDALE CITIZEN*®

May 28, 1975

The Editor
Parkdale Citizen,
Cowan Avenue,
TORONTO, Ontario

As the new Director of Parkdale Community Legal Services, I find myself too often meeting people who live in Parkdale who seem to have little idea of what Parkdale Community Legal Services is or what it does. It is difficult for those of us working in the Office to imagine that this could be the case. The Office has been open for almost four years and during that time has given legal advice or assistance to more than 20,000 people, so it is perhaps not surprising that we tend to assume that the Office is well-known. But it isn't necessarily so, is the message I've been getting recently and it is in reaction to that message that I am writing this letter in an effort to explain to our readers just what that bunch of young law students working in Dave Usher's old store at the corner of Elm Grove and Queen is really up to.

Parkdale Community Legal Services is first and foremost a law office where anyone who lives west of Ossington, east of High Park and south of Bloor Street, and who has a gross income low enough to meet the Office's financial criteria, can obtain free assistance with any problem of a legal nature. And I do mean *any* problem. At any particular time this Office is at work on somewhere between six and eight hundred active files covering every conceivable kind of legal problem—unemployment insurance claims, workmen's compensation claims, problems with employers such as unfair termination or failure to pay wages or to comply with the law covering holidays and vacations, problems with landlords such as refusals to make repairs or unlawful evictions, immigration problems of all kinds, complaints about unfair treatment by the Welfare Office, problems with appliances which don't work and the merchant won't fix, oppressive contractual obligations

© S.R. Ellis, 1997. The author sent this letter to the editor of the *Parkdale Citizen*, a community newspaper that operated during the 1970s, on the occasion of his being named director of PCLS. It was an effort to explain to the community the array of services that the clinic then offered. At the time, the clinic was located at 1267 Queen Street West.

covering such things as magazine subscriptions, dancing lessons, pots and pans purchases etc., family problems such as deserting husbands or divorces, child custody problems and problems with the Children's Aid Societies, problems with pension claims or medical insurance coverage, wills and the administration of small estates and other technical problems that may arise when a person dies, juvenile offences, problems with unfair treatment by schools or other authorities, *Highway Traffic Act* violations and minor criminal charges, problems in dealing with the Ontario Housing Corporation, problems with collection agencies and other kinds of debt problems, discrimination problems, and on, and on. In short, any problem, big or small, that is not the business of a doctor, dentist, priest or minister is probably something with which we can help.

Now by that, I don't mean to say that this Office will itself always provide the legal assistance that a person who comes to the Office may need. Frequently, where the problem is fairly serious and is covered by the Ontario Legal Aid Plan, our contribution will be to assist the person in obtaining a legal aid certificate from the Legal Aid Office and in finding a private law firm to provide the legal services that are required. But persons who qualify for our help on financial grounds should not worry about whether or not their problem is a "legal" problem and whether it's the *kind* of legal problem that we handle. Come in and see us and let us worry about that. If we can't help, we'll find someone who will.

I also don't intend the foregoing to suggest that we can always help. Many problems can't be solved except by paying the fine, or finding a new apartment or whatever. But our experience is that most often we can be at least of some help and it is important in any event where nothing in fact can be done to have this confirmed by someone with experience. It is surprising how often we have been able to help in what the client originally thought of as a hopeless case.

I suspect there are people in Parkdale who would qualify for our assistance but who do not come to the Office because they don't want their problem to be handled by a "student." I can understand why that concern might exist, but I do not believe it to be a valid concern in this case.

It is true that most of the cases which the Office itself looks after are handled by law students. People who come into the Office are most often met and interviewed by a student and it is that student's job to look after that file, and where the problem is one which the Law Society and courts permit students to handle and which the student's supervisor believes the student to be capable of handling, the student will be the one who takes the case, under the supervision of the Office's staff

lawyers. Cases which students are not qualified to take or are not capable of being taken by the Office's staff lawyers are referred to private law firms under legal aid certificates. The "students" in question are second or third year law students—men and women who are (with an occasional younger exception) at least twenty-three or twenty-four years of age and often in their late twenties or early thirties. During the semester just completed, the average age of the students was probably about twenty-six years. Each student has a minimum of four years university education and most will have five or six years university work behind them before coming to Parkdale. Many will have spent a number of years working for a living before deciding to go to law school. Also, because of the high admission standards imposed by law schools, any student who finds his or her way to Parkdale is almost certainly to be a person of exceptional general ability.

The students work under the supervision of our staff lawyers. At the present time we have three full-time staff lawyers working on caseload, not including myself. These are lawyers with one to three years of experience and lest anyone think that because the Office gives free assistance, it will not be as good as assistance as one might get from a private law firm, I can assure your readers that every lawyer in this Office could be working in any of the downtown "Bay Street" law firms. They are here because they think it is important that people living in the low income areas of the city have the same access to good quality legal services as a businessman or a person who can afford a lawyer's fees.

The students are assigned to the Office for a full semester (four to five months) and during that time work in the Office on a full-time basis. Their school responsibilities during that period are confined to attending two seminars a week given by me on subjects designed to be relevant to the work they are doing in the Office, and handing in certain written assignments which are also related to their caseload. The average student finds himself or herself working ten to twelve hours a day or more, most of which is time spent on cases. The students are not required to write exams for the semester spent at Parkdale.

In my opinion, the enthusiasm, fresh approach, and determination with which law students tackle problems more than compensates for any lack of experience, and the people of Parkdale in my opinion can be confident that the quality of the services that are available to them at Parkdale Community Legal Services is at least as good as that available from a "regular" law office.

The one thing about the student involvement that *is* a problem is that a new group of students comes into the Office every four months and a client with a case that takes longer than that to finish is faced with

the nuisance of having to get to know a new student every time a new group of students arrive. Fortunately, most matters can be finished in shorter time than that, so that most clients will either not experience a change in students at all or will experience it only once.

In addition to the law students and lawyers, the Office is also staffed by a number of lay advocates—working people who live (or used to live) in the Parkdale community and whom the Office has trained to provide assistance in cases where the more sophisticated legal training of a lawyer or law student is not necessary. The lay advocate's work is also, of course, subject to the supervision of our staff lawyers.

I should also like to deal with the belief some people seem to have that Parkdale Community Legal Services is a tenants' organization and that only tenants are welcome. This Office is available to every Parkdale resident who meets the Office's financial criteria, whether or not he or she be a tenant, homeowner, a landlord or just plain folks. How each client's case is handled—whether the case is referred to a regular law firm under a legal aid certificate or to some other source of legal assistance handled by the Office itself—is a question to be decided in each case after consultation with the client. The office has only three general rules in that respect. One is that the Office will not itself handle any case where there is a conflict or a possible conflict between two clients of the office. The second is that where a legal aid certificate could be used, but it is the kind of case we feel ought to be handled in the Office, before the Office will take the case the client must understand that he or she has the right to apply for a certificate and to take the case to a regular law office. And, finally, in cases where a client who is a landlord brings to the office a problem involving a conflict or a potential client with a tenant, the Office will not act in that case but will find the client legal assistance from another source.

The reason we will not ourselves act for landlords in disputes with tenants is not that we think landlords are not deserving of assistance. It is in everyone's interests that small landlords in particular be able to deal effectively with tenants who wilfully damage their property or refuse to pay their rent or to give up possession. If small landlords are not able to cope legally with those kinds of problems, in the long run decent people will leave the business of renting accommodation to slum landlords.

Small landlords must have access to legal assistance, and we will help them find that assistance. The problem that we have in acting in such cases ourselves is that of all the people in Parkdale who are potential clients of this Office, the most recent census tells us that 75 to 80 per cent *are* tenants! That being the case, the Office has always taken

the view that it would be too destructive of the community's confidence in this Office, for us to appear in the courts on behalf of a landlord, however deserving, against a tenant—to appear, for instance, in the Supreme Court of Ontario on behalf of a small landlord and obtain a Court interpretation of the *Landlord and Tenant Act* damaging to the interests of all tenants.

The other thing this Office does by way of delivery of legal assistance, is to act as the lawyers for Parkdale groups and community organizations who cannot afford to pay legal fees. If any of your readers are trying to set up any kind of a group or organization in the Parkdale area, be it to organize to fight a developer, or to oppose an unfair landlord or promote a recreational activity or whatever, and don't feel they can afford a lawyer, they should come and see us. We can help them to incorporate, if that seems desirable, or to qualify officially as a charitable organization if that is possible. We will help them to write briefs, appear, if they choose, as the group's spokesman before government authorities, give the group information about the law that may affect the group's activities, and lend the group our experience in organizing techniques and procedures.

It is a long-standing tradition in this country for people with common interests and problems to join together to promote those interests and solve those problems. The businessman has his association and lobbying organizations, such as the Manufacturer's Association or the Board of Trade. The working man has his union. Homeowners have their ratepayers' associations, consumers have their consumers' associations, automobile owners, the automobile clubs and large landlords have the UDI, and so it goes. All of those organizations have their own lawyers, helping to get organized, acting as their spokesman at Government hearings, and the like, writing briefs, advising them about the law, etc.

Residents of the Parkdale community have the same need and right to join together in trying to solve common problems and this Office has an obligation, as part of its commitment to making legal services accessible to the low income residents of the Parkdale community, to provide the legal services that such groups or organizations need and can't get elsewhere.

To date, the business the Office has received from Parkdale groups has been mainly from tenants organizations. And this is undoubtedly why some people think of the Office as a tenants' organization. But the service is available to all Parkdale groups who cannot afford a lawyer, subject only to the same rules that we apply in the case of individuals—that is, we could not act if there was a likelihood

of conflict between the new group and any existing client of the Office, we would normally not act if a legal aid certificate were available to the group, and we would refuse to act if the nature of the group seeking our services was such that acting might seriously damage our credibility or acceptability in the low income part of the Parkdale community. We would not, for example, be able to act for an organization of small landlords, although, again, we would find other sources of legal assistance for such an organization.

I have already gone on at too great a length and will refrain at this time from letting your readers know about the other things that the Office is doing in the areas of community legal education and of law reform, although I would be delighted to talk to anyone who wants to call me at the office (531-2411) about these or any other matters. For that matter, I would also be pleased to speak to any group or organization—church groups, men's clubs, etc.—who might be interested in hearing more about the Office.

The main message I want to leave with your readers however, is that if they have a problem they should at least visit the Office and see what it is like. They are assured of a friendly welcome and will, I believe find the Office to be an informal, comfortable place to visit, and a good place to get help when it is needed. If there are any complaints after they've been there they should call me.

Appointments are not necessary. In fact, we prefer people to drop in, as we are organized to meet people as they come in. On a busy day there may be a few minutes' wait, but generally speaking it is not too bad.

The Office hours are Monday, Tuesday, Wednesday and Friday, 9 a.m. to 7 p.m., Thursday mornings we are closed until 2 p.m., and we are open on Saturdays from 10 a.m. to 2 p.m.

Our address is 1267 Queen Street West, on the south-east corner of Elm Grove and Queen.

Yours very truly,

S. R. Ellis,
Director

/ag