History of Legal Aid and the Clinic System in Ontario

Canadian and World History

1967
The Legal Aid Act, 1967, is established
Ontario Legal Aid Plan to be governed by a Board of Directors, making the province an in-demand state.

Equal Rights Amendment Passed By U.S. Congress

1970
The Canadian Environmental Law Association (CELA) is established
Mandate: to protect the environment and to educate environmental law reform.

1971
Parkdale Community Legal Services Established
Delivers legal services to Parkdale's low income residents. Its mandate is to provide legal aid to community and clinic and is co-funded by Osgoode Hall law school.

Canada Abolishes Death Penalty

Pajette Investments Ltd. v. Marhold
(1975), 62 DLR (3d) 158 (SCC).
The landlord's duty to take reasonable responsibility to maintain rental premises, including the common areas and the grounds, in a manner that is adaptation to an abatement that is available to a tenant.

Canada ratifies the International Covenant of Economic, Social and Cultural Rights (CESCR)
Article 11 provides: "The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.

"O Canada" Proclaimed National Anthem

Reference re Residential Tenancies Act
(1981), 122 DLR (3d) 1, given constitutive force the power to make disputes regarding landlord-tenant relations and tenancies, also into the province.

Jean Sauve becomes Canada's First Female Governor

Discovery of Hole in Ozone Layer

Red Cross Implements World Wide National Blood Screening

Chernobyl Nuclear Disaster

Stock Market Crash

Meech Lake Accord

Oka Standoff

Fall of Berlin Wall

Thousands of Protesting Students Killed in Tiananmen Square

Exxon Valdez

Canada and U.S. Sign Free Trade Agreement

Apartheid Abolished in South Africa

Charlottetown Accord

Westray Coal Mine Disaster

Dartmouth/Halifax County Regional Housing Authority v. Sparks
The NSSC establishes that providing security of tenure is a key component of housing but denying it to public housing tenants amounts to discrimination based on sex, sex and income and is not justified.

Finlay v. Canada (Minister of Finance)
SCC holds that a province does not violate the Charter by using its taxation system to offset its obligations to provide social benefits to recover an overpayment.

Israeli Prime Minister Yitzhak Rabin assassinated

Quebec Separation Referendum

Sheep Cloned

Nanavut Officially Established

World Trade Center Attack

Creation Of International Criminal Court

Ontario Court Of Appeal Revokes Ban on Same-Sex Marriage

Criminal Code Modifications Make Corporations Criminally Responsible For Unsafe Workplaces

1973
Task Force on Legal Aid
Report on the lack of legal aid in depth review of the operation of the Legal Aid Plan.

1974
Community Legal Education of Ontario is founded.
Clinics and community legal education and paralegal/clinic language material for people with low incomes.

RCMP Admits First Fear Women

1975
Funded
Parkdale Community Legal Services

1976
Funded
Canadian Environmental Law Association
Huwel Wolesh' Consultants
Legal Assistance of Windsor
London Legal Clinic
Metro Toronto Legal Services
Neighbourhood Legal Services
New Welfare Action Centre
People's Law Research Foundation
Parkdale Community Legal Services
Rexdale Community Legal Clinic
Hyatt Regency Legal Assistance Group
Mississauga Community Legal Services
Windsor Community Legal Clinic
Halton County Legal Services
Hamilton Community Legal Clinic
Hyatt Regency Legal Assistance Group
Kenora Community Legal Clinic

1977
Funded
Kinna-awaso Legal Clinic
Mississauga Legal & Community Services
Queen's Counsel Legal Clinic
Ottawa Community Legal Services
Neighbourhood Legal Services
Rexdale Community Legal Clinic
Hyatt Regency Legal Assistance Group
Mississauga Community Legal Services
Windsor Community Legal Clinic
Halton County Legal Services
Hamilton Community Legal Clinic
Hyatt Regency Legal Assistance Group
Kenora Community Legal Clinic

1978
The Clinic Funding Regulation under the Legal Aid Act, provides for a fixed amount for structural funding of clinics. The Plan is to fund an "adequate number of independent clinical delivery system," and legal clinics are to operate as "independent community organizations."
Funded
Centre for Spanish Speaking Peoples
Sudbury Community Legal Clinic
Community Education Clinic
Chinese
Community Legal Services of Niagara South
Rural Legal Services
York Community Services
No Longer Funded
Problem Central
New Welfare Action Group
People and the Law
Ottawa Tenants

1979
ARCH is founded
Ontario Legal Services Centre dedicated to defending and advancing the rights of people with disabilities.
Funded
Community Legal Services
Flemingdon Community Legal Services
Waterloo Region Community Legal Services
Legal Services
Advocacy Resource Centre for the Handicapped
No Longer Funded
Preventive Law

1980
Funded
Black Resources and Information Centre
Hyatt Regency Legal Assistance Group

1981
Funded
Scarborough Community Legal Services
Niagara North Community Legal Assistance
West End Legal Services
Simcoe, Haliburton, Kawartha Lakes

1982
Funded
Sioux Lookout Community Legal Services
Justice for Children and Youth

Charter of Rights and Freedoms

Willis v. Ministry of Community and Social Services
Ont. CS holds that WRB must have more than mere suspicion of fraud before it can refuse to provide assistance allowance.

The Advocacy Centre for the Elderly is established
Provides a range of legal services to low income women in the province of Ontario. It is the first community legal clinic in Canada providing legal services to seniors who are "poor, frail or older."

Section 15 of the Charter (equality rights) comes into effect

1983
Funded
Algoma Community Legal Clinic
Clinique juridique populaire de Prescott et Russell

1984
Funded
Advocacy Centre for the Elderly
Clinique juridique Shamiram
Durolds & Glengarry Legal Clinic
Durham Community Legal Clinic
Renfrew County Legal Clinic
Nipissing Community Legal Clinic

1985
Funded
South Etobicoke Community Legal Services
Neighbourhood Legal Services
Legal Services
Legal & Community Services
Downsview Community Legal Services

1986
Funded
Brant County Community Legal Clinic
Willowdale Community Legal Clinic
Windsor Essex Bilingual Legal Clinic
South Ottawa Community Legal Services
Community Legal Assistance Services
Metro Toronto Chinese & Vietnamese Legal Clinic
Georgina Community Legal Services

Dennbarsh v. Ontario (Ministry of Community & Social Services)
Dv. CS holds that the PM should be given liberal interpretation, with consideration of the purpose of claimant.

Andrews v. Law Society of British Columbia
Supreme Court holds that citizenship provision in the Charter is to benefit those Canadians who are socially disadvantaged and the "similarly situated" test to determine discrimination was too lax by the SCC.

Supreme Court Strikes Down Ban on Abortion

1987
Funded
West Scarborough Community Legal Services
Toronto Workers' Health & Safety Legal Clinic
Kingston Community Legal Clinic
Chinese Community Legal Clinic
Peterborough Community Legal Clinic
Rainy River District Community Legal Clinic
Mississauga Legal Clinic
No Longer Funded
Tenant Hotline
London Clinic

1988
The Federal government caps its contribution to civil legal aid at 5% of its expenditures (about what they at the total cost, so an annual maximum increase of 5 percent per year.

1989
Funded
Brampton Community Legal Clinic
Lake County Community Clinic
Lorate, Lewis & Denville Legal Clinic

1990
Funded
Aboriginal Legal Services of Toronto
Elliot Lake & Northshore Community Legal Clinic
Northumberland Community Legal Centre

1991
Funded
Pro Equity Advocacy & Legal Services
[project funding only]

The Queen v. Schachter
SCC finds that the Unemployment Insurance benefits available to natural parents to "adoptive" parents was unconstitutional, denying a class of the relationship recognition and dignity of the family.

"A Time for Action" released
Report on New Social Assistance Legislation.

The Rent Control Act takes effect.

R. v. M. (B.)
The SCC recognizes the "profound sense of harm suffered by sexually abused children, effects that may last into adulthood. Finding that in cases of childhood sexual abuse, the "harm done to children who are victims of sexual abuse is not unlike the plaintiff was aware of the harm they had suffered.

1992
Funded
African Legal Clinic
The **Court Challenges Program of Canada** is set up to provide financial assistance for important court cases that advance the rights of disadvantaged guaranteed by the Charter.
R. v. Roberts v. Ontario. The OCA holds that "special assignment" for an person of assisting a disadvantaged individual or group amounts to a breach of the Charter rights.
The "demand-driven" funding structure for legal aid certificates is replaced when the Law Society and the Attorney General signed a Memorandum of Understanding (MOU). For the first time since the Depression, the Plan is to function within a pre-set funding level for certificates.
The Environmental Bill of Rights is proclaimed in force. Ontario becomes the 1st province.
The **Refugee Law Office** is established as a 3-year pilot project and is the 1st staff legal aid office in Ontario.

1993
Funded
Canadian Legal Clinic
The Ontario Legal Services Plan, including changes in eligibility guidelines, is proclaimed in effect.

1994
Funded
Canadian Environmental Law Association
Huwel Wolesh' Consultants
Legal Assistance of Windsor
London Legal Clinic
Metro Toronto Legal Services
Neighbourhood Legal Services
New Welfare Action Centre
Legal Services
Parkdale Community Legal Services
Kingston Community Legal Services
Community Legal Services
Ottawa Community Legal Services
Durham Community Legal Services
Four linked pieces of legislation, that had been introduced in the fall of 1993, are proclaimed in force:
Ontario Mental Health Act, Substitute Decisions Act, Consent to Treatment Act, and Advocacy Act
R. v. Thibaudeau v. Canada. The SCC finds that the provisions of the ITA, requiring a parent to include the child tax benefit payments in the income of a parent, while allowing a parent who has paid such amounts to deduct them from their income, violated the s.15 of the Charter.
Ontario Lawyers Fee Tariff Regulation
The **HIV & AIDS Legal Clinic** begins operating as a full service legal clinic serving the low income people with HIV and AIDS in Ontario.

1995
Funded
Canadian Environmental Law Association
Huwel Wolesh' Consultants
Legal Assistance of Windsor
London Legal Clinic
Metro Toronto Legal Services
Neighbourhood Legal Services
New Welfare Action Centre
Legal Services
Parkdale Community Legal Services
Kingston Community Legal Services
Community Legal Services
Ottawa Community Legal Services
Durham Community Legal Services
Advocacy Centre for the Elderly
Simcoe County Legal Services
Brampton Community Legal Services
Lorate, Lewis & Denville Legal Services
R. v. Gladue
The SCC finds that "the sentencing judge must take into account the unique circumstances of aboriginal offenders."
Aboriginal Legal Services of Toronto is established
Supports and advocates for the aboriginal community, and changes in Toronto to gain control over the legal and office issues that affect them.

1996
No Longer Funded
Metro Toronto Legal Services
R. v. Ontario (Ministry of Community and Social Services)
Ont. CA holds that WRB must have more than mere suspicion of fraud before it can refuse to provide assistance benefits violated sections 7 and 15 of the Charter. Applications for leave to appeal to the OCA and the SCC are later dismissed.
Effectively continuing its earlier decision in Hayden, the SCC's decision in **Reference re Section 94(2) of the Motor Vehicle Act (British Columbia)** holds that it is open to provinces to set up administrative tribunals to deal with moving issues.
Despite massive opposition, the Canada Assistance Plan is repealed.
The provincial government establishes an independent review of legal aid in Ontario. Ad Review, to undertake a comprehensive review of legal aid in Ontario.

1997
Funded
Pro Equity Advocacy & Legal Services
[project funding only]
Advocacies and representatives from community organizations across Canada meet for day-long conference on Charter litigation and equality issues.
Standing Committee on Social Development holds public hearings on proposed Social Assistance Reform Act.
SCC holds that governments must ensure that the benefits they provide are provided equally. **Vriend v. Alberta (Attorney General).**
The failure to fund sign language interpretation for deaf persons meant that they did not receive equal access to the benefits of the Plan, and was discriminatory on the basis of a disability.

1998
Substantial amendments to Canada Pension Plan, including changes in eligibility requirements for disability benefits, are proclaimed in effect.
The **Workplace Safety and Insurance Act 1997** is proclaimed in effect. Special General Inquiries established. Ad is repealed.
Ontario Mental Health Act, 1997 is proclaimed in force.
The **Ontario Disability Support Program Act, 1997** takes effect.
Tenant Protection Act, 1997 is proclaimed in force, replacing the Rent Control Act. **Ontario Rental Housing Tribunal (ORHT).**
R v Kearney et al. v. Brunelas Ltd et al., the Ontario Human Rights Board of Inquiry finds that the Plan's rule of a maximum number of unrelated persons in accommodation under the Code on the basis of family status violates the Code, and is not saved by s.1 of the Code. Applications for leave are dismissed. Dv. CS upholds the Board's finding.

1999
The **Legal Aid Services Act, 1998**, which creates the independent agency Legal Aid Ontario (LAO), is proclaimed in force, and the Legal Aid Act is repealed.
R. v. Ellacott the SCC interprets s.718.2(e) of the Criminal Code to mean that "the sentencing judge could and should of alternatives to custody and pay greater attention to the circumstances of Aboriginal people seeking to the creation of the Gladue Court.
R. v. J.A. v. New Brunswick the SCC finds a positive duty on the part of the government to provide and provide legal aid to a child protection proceeding where state removal of children was a possible consequence.
Clinic Resource Office (CRO) website launched.

2000
Funded
Advocacy Centre for Tenants - Ontario
Income Security Legal Clinic
Legal Clinic (Eglinton)
Grey-Bruce Community Legal Clinic
Lambton County Legal Services
Clinique Juridique Communautaire Timiins Temiskaming Community Legal Services
Legal Clinic of Quebec and Wellington County
Ontario's Safe Streets Act, 1999 is proclaimed in force.
In **Muskegowuk Council v. Ontario**, Ont. CA affirms in the result a decision drawing the imposition of mandatory workfare policies on reserves.
Ontario introduces the lifetime ban on receipt of social assistance benefits for convicted recipients of welfare fraud. Dv. CS rules that this "appears to violate s.15 of the Charter."
Ad is proclaimed in force. **Deterioration with Dignity: Ontario's Long Term Care Strategy.**
Vector released in Ontario. Flogging inquest among the pioneers recommendations that the Plan be given the mandate and funding to be able to consider applicants in extraordinary circumstances, and to provide assistance in life-threatening situations, and that advocacy and legal assistance also be addressed.

2001
Clinic report detailing problems with CRO's "Clinic Funding Regulation" released.
Ontario Court of Appeal Revokes Ban on Same-Sex Marriage
Criminal Code Modifications Make Corporations Criminally Responsible For Unsafe Workplaces
Ontario Court of Appeal Revokes Ban on Same-Sex Marriage.
Ontario Disability Support Program
Members of OSDP Action Coalition meet with Minister of Community and Correctional Services **Sandra Pupatello.**
Ontario Court Of Appeal Revokes Ban on Same-Sex Marriage
Ontario Court of Appeal rejects a challenge to the Ontario Disability Support Program.
Ontario Court Of Appeal Revokes Ban on Same-Sex Marriage
Ontario Court of Appeal rules that the Ontario Disability Support Program violates the Charter.
Ontario Court Of Appeal Revokes Ban on Same-Sex Marriage
Ontario Court of Appeal rejects a challenge to the Ontario Disability Support Program