

# 2009 HIGHLIGHTS

March 9, 2010

## Renters need greater protection under law

Nova Scotia renters have cause for concern: A recent decision from the Supreme Court of Nova Scotia upholds that landlords may evict tenants without any reason during the first five years of their tenancy.

In the case in question, a Halifax family of seven was served a notice of non-renewal of their lease because their landlord, Killam Properties Ltd., felt too many people were residing in the family's

three-bedroom apartment. Robert Richardson, Killam's executive vice-president, was quoted in a Feb. 27 article as saying, "It was just too many people in a unit that size." The landlord was apparently concerned that the family used too much water, a utility that was included in their rent.

The eviction notice was served in the fourth year of the family's tenancy, just one year before they would have been granted security of tenure under

the Nova Scotia Residential Tenancies Act. This was a case of discrimination on the basis of family status. Sadly, the court has effectively ruled that the landlord's right to evict without reason takes priority over the human rights of the evicted family.

The court's decision makes it clear that Nova Scotia renters have no legal recourse to contest eviction notices served to them by their landlords in the

### 2009 Stats

- We opened 335 new files in 2009
- 197 were in the area of "poverty" law
- 18 were in the area of child protection
- 1 was adult criminal
- 49 were young offender files
- 60 new family law files
- 10 new community files

## OUR BOARD OF TRUSTEES

Our Board of Trustees has once again been working hard on behalf of the clinic. A special thanks goes out to all of our board members:

Alayna Kolodziechuk  
Archie Kaiser  
Ben Hirtle

Cherif Matta  
Claire Campbell  
Donna Franey  
Elaine Gibson  
Jackie Porter  
Joanne MacRae  
Loretta Manning

Peter Sullivan  
Reena Davis  
Robin Hunter  
Rollie Thompson  
Sandra McCulloch  
Valerie Getson  
Wendy Turner

## PROTECTION FOR RENTERS

first five years of their tenancy. The Residential Tenancies Board, responsible for settling landlord-tenant disputes in Nova Scotia, has no jurisdiction to consider a landlord's reasons or motivations for evicting tenants, according to the court. As long as proper notice is provided by the landlord, the board cannot declare an eviction notice invalid, even when the landlord's reasons for evicting a tenant are discriminatory on the basis of sex, race, source of income, family status, and so on.

The message being sent by the court is clear: Tenants who have lived in their homes for less than five years have no protection against eviction and no protection against discrimination with respect to their homes.

Out of 11 provinces and territories that have residential tenancies legislation in place, eight provide security of tenure to tenants from the outset of their tenancy, rather than after five years. In these jurisdictions, in order to evict a tenant, landlords must show a tenant has violated their responsibilities under the law. Violations that can result in eviction include unpaid rent, illegal activity, interference with other tenants, and damage caused to the landlord's property.

Landlords typically argue that they require extensive powers to evict tenants in order to protect their property and their other tenants from "problem tenants." However, Nova Scotia's legislation currently provides landlords with effective recourse in dealing with tenants who are disruptive or

destructive: Landlords can apply to the director of Residential Tenancies with evidence that a tenant has not lived up to their responsibilities under the law.

The Nova Scotia Residential Tenancies Act is in need of substantial reform, especially with respect to tenants' security of tenure. Secure housing is a basic need which we all require in order to raise our families and to contribute meaningfully to our communities. Our elected representatives should acknowledge this need and take appropriate measures. Amending the legislation to provide security of tenure to tenants at the outset of their tenancy would be a step in the right direction.

## OUT OF THE COLD WINTER SHELTER

*By Fiona Traynor*

The Out of the Cold Winter Shelter, located at St. Matthew's United Church (1479 Barrington Street), opened on November 22, 2009, and will continue

to be open every night from 9pm—8am until April 30, 2010. The Shelter

has 15 beds available on a first come, first serve basis. It is open to all persons aged 16 and older, who

are in need of a safe, warm and welcoming space to sleep.

The Shelter, run primarily by volunteers, is supported through donations of funds, supplies and volunteer hours. Metro Non-Profit Housing Association is the umbrella or-

*"...it must be acknowledged that building more shelters, even temporary ones, is not a long-term solution to homelessness."*

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### 2009 Frances Fish Women Lawyers' Achievement Awards

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*By Katie Aucoin & Mavis Mak*

On October 20, 2009, the annual Frances Fish, Women Lawyers' Achievement Awards were held in Halifax. The award was created in memory of Frances Lillian Fish, who was the first woman admitted to the Nova Scotia Bar in 1918. This year, Susanne Litke, a resi-

dent Staff Lawyer at Dalhousie Legal Aid Service, was a co-recipient of the Frances Fish Award alongside the Honourable Justice Nancy J. Bateman.

Susanne Litke was called to the Nova Scotia Bar in 1996. She began her legal career with Patterson Palmer (now Patterson Law) in Truro, Nova Scotia, and in 1999 moved to Halifax to begin her work as a Staff Lawyer with DLAS. Susanne's practice involves advancing

the rights of clients facing significant life challenges such as poverty, violence, and racial and sexual orientation discrimination. She has handled mainly family law and youth criminal matters, but also deals with poverty law issues and "end of life" issues with persons living with HIV and AIDS.

On October 20, 2009, Becky Atkinson presented the Frances Fish Award to Susanne Litke. Susanne represented

## SHELTER

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ganization that has taken the lead on management matters. The steering committee is made up of the North End Community Health Centre, Ark Outreach, Adsum for Women and Children, The Sisters of Charity, Dalhousie Legal Aid Service, and several community members. The Dartmouth Community Health Board and the Church of Saint David both donated funds which went toward paying for training and hiring a part-time coordinator.

An important factor in the setting

up of this Shelter is that it is a *community response* to gaps in the existing shelter system, and not one that is funded by the government. The Shelter shines a light on the lack of affordable and supportive housing available to persons experiencing homelessness and persons living in poverty. Although the organizing committee and volunteers are committed to this initiative, it must be acknowledged that building more shelters, even temporary ones, is not a long-term solution to homelessness. The organizing committee is looking forward to engaging with government and the wider community to create stable and



progressive solutions to the housing crisis within our community through the building of more affordable and supportive housing.

For more information, the contact telephone number for the Shelter is 225-0770, from 8:00pm to 8:30am, and the Shelter's e-mail contact is:

[halifaxwintershelter@gmail.com](mailto:halifaxwintershelter@gmail.com).

## FRANCES FISH

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Becky when she was at one of her lowest points in life. As Becky's lawyer, Susanne advocated for Becky in a domestic violence case which was designated as 'high risk for lethality.' In an emotional and powerful speech, Becky described how Susanne took on her case on a Legal Aid certificate that ultimately covered a tiny fraction of the hours and years of litigation required to move Becky and her child from danger to a life of well-being. Susanne gave Becky the confidence and motivation to launch and write the *Safely on Your Way* guide, to which Susanne also contributed.

Susanne's role at DLAS involves acting as a mentor and supervisor for students from the Schulich School of Law and the Dalhousie University School of Social Work. Susanne also does extensive community work, which includes assisting various organizations with legal and client related matters, developing a women's community space in Halifax, and being a voice for the gay, lesbian, bisexual, transsexual

and queer communities. Susanne regularly delivers legal education and information workshops to a range of organizations in the community about the rights of parents and women in the areas of child protection, family, and poverty law. Several of these sessions have focused on providing legal information to women's advocates around the province.

During her career, Susanne has been an active member of the Justice Advisory Committee of the Family Law Information Project for Abused Women and the Women's Innovative Justice Initiative. Susanne has also worked on numerous Pro Bono Student Canada legal projects as a consultant, and is currently the legal supervisor on several projects, including Family SOS, Deafness Advocacy Association of Nova Scotia and Stepping Stone.

In attendance at the banquet from DLAS were Donna Franey, Reena Davis, Fiona Traynor, Heather McNeill and Susan Young. The law firm of Merrick Jamieson Sterns Washington & Mahody

graciously invited three law students from DLAS to the banquet. Katie Aucoin, Mavis Mak and Leah Grimmer attended and were highly motivated and inspired by the women in attendance, the inspirational speeches of the presenters and recipients of the Award.



Award Recipients Justice Nancy Bateman (left) and Susanne Litke



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Thank you to the Law Foundation of Nova Scotia and Nova Scotia Legal Aid for their continued support of the work we do!

Thanks to all our volunteers this year...

Our volunteers have been numerous this year and we have students from ProBono Student Canada, SALSA, law students and Dalhousie Undergrad students. These students have been serving our clients, staff and clinic students. Many thanks to Rick Eng, Mat Kelly, Eric Little, Brian MacDonald, Connie MacIsaac, Scott Millar, Jackie Pidduck, Angela Potvin, Andrew Robb, Georgina Vibert, Jen Warford, and Maren Zimmer, Kelsey Hudson, Tara-Lee De Jong, Natalie Green, Michael Maynes, Mallory Sparkes, Kimberley Scheelar, Erin Greenan, Dhiren Chohan, D’Arcy Morris-Poultney, Daniel Hufaker, and Curtis Ronning.

**Thanks once again to our dedicated staff!!**

Executive Director, Donna Franey has been with us since May, 1995 and she has been a member of staff since 1990. Our dedicated staff consists of Staff Lawyers, Claire McNeil (1991), currently on a two year sabbatical, Shawna Hoyte (1995), Heather McNeill (1997), Susanne Litke (1999) and Susan Young (2001) and Jennifer Cox (June, 2009) who is standing in during Claire’s leave. Our work was enriched by the valuable contributions of our Community Legal Workers, Fiona Traynor (2008) and Cole Webber (2007). Our support staff continues to be dedicated to the work of the clinic. Our Office Manager is Reena Davis (2008). Cathy Leiper (1976) and Lynette Colley (2005) share Reception duties, Melinda Shaw (1984) and Susan Jones (1999) are Legal Assistants.

*Welfare Rights Guide*

*Did you know we launched our Welfare Rights Guide in 2009?*

We used a community based approach to its production. We conducted consultation sessions with Income Assistance recipients; we drew on feedback from focus groups and incorporated advocacy tips in the guide that had worked in practice. Our focus for the guide was to distribute it to advocacy organizations throughout the province such as women’s shelters, homeless shelters, food-banks, single parent centers and the like. You can also access the Guide on line from our website. We have had to do a second print run and are still fielding requests for more!

*In the Guide you can find information such as:*

- The basics of the law about Income assistance
- How to advocate for yourself
- Who is eligible for income assistance
- What to do if your application is denied
- What is Pharmacare
- What happens if you are charged with an overpayment
- How to appeal a decision

*Dalhousie Legal Aid Service represents low income clients in a number of ways:*

- Deal with family law problems such as custody, access, support and child protection
- Provide advice and advocacy to clients regarding Family Benefits or Social Assistance matters
- Represent tenants in Residential Tenancies complaints
- Represent young people in criminal matters where Nova Scotia Legal Aid cannot because of a conflict of interest
- Provide advice to people with debt problems, like student loans and Nova Scotia Power cut-offs