

Community Legal Assistance Services for Saskatoon Inner City Inc.



**2020 -
2021**

ANNUAL REPORT

**COMMUNITY LEGAL ASSISTANCE SERVICES
FOR SASKATOON INNER CITY INC.
(CLASSIC)**

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CLASSIC Land Acknowledgement



We would like to acknowledge that the land on which we gather is Treaty 6 Territory, the territory of many First Nations, and the Homeland of the Métis.

Land acknowledgments are part of CLASSIC’s intentional, mandated work, which is:

With a commitment to social justice, decolonization, and the dignity of all people, CLASSIC provides:

- Free legal service, programming and supports for people who experience and poverty and injustice, and
- Internationally recognized clinical legal education to law and interdisciplinary students.

CLASSIC teaches new students about Canada’s colonial history, reconciliation, and decolonization each semester. This work includes explanation around land acknowledgments.

As part of our education and work to promote ongoing growth, CLASSIC acknowledges that we all enter spaces, places and gatherings with different experiences, knowledge, understanding and confidence. We will take time to honour our work and will reflect, share and openly discuss our work, on our ongoing journey of learning. We are all lifelong learners.

CLASSIC knows this statement applies to all our work, and not only our work as teachers, as we are all learners.



Mushum Mike

Mushum Mike Maurice passed into the spirit world in November of 2020.

Mushum provided guidance as an Elder to CLASSIC over the years.

Mushum taught CLASSIC that kindness, acceptance and living without judgment make for a good life.






A Message from the Board Chair, Natasha Steinback and Executive Director, Chantelle Johnson



A Year of Change

The winds of change rolled into CLASSIC with COVID-19 this year. Change, of any kind, is tough. It comes with a lot of discomfort, missteps, and what can seem like endless unknowns. Despite this, CLASSIC leaned into this change, harnessing it as an opportunity to grow in new directions.

During the pandemic, CLASSIC remained committed to our client-centered Philosophy of Practice. Despite significant shifts to our service delivery model over the last 12 months, there were no pauses to our ongoing legal client files served through our Walk-in Advocacy Clinic, which is our primary program area. Since the pandemic, CLASSIC has served over 1100 clients through our programs, a true testament to our commitment to providing free legal services, programming, and supports for people who experience poverty and injustice.

So What Changed this Year?

What didn't change would be the easier question to answer! We've outlined the main changes below:

1. Staff only model - CLASSIC pivoted to a staff-only model overnight due to the pandemic. When the University of Saskatchewan mandated that all students move to online learning, CLASSIC quickly shifted to an online learning model to allow students in the intensive clinical program to successfully close out their student learning experience. Recognizing the limitations of online student training, CLASSIC decided to pause the delivery of student training until it is safe to resume in-person programming. Instead, we maintained our focus on our clients and moved to a staff-only model, which helped us to reduce service disruptions to client files.

2. COVID-19 protocols and practices – like everyone else, we had to meld our operations to COVID-19. We explored different options to figure out what worked but were quick to realize it was not possible to close our shop and have everyone work from home. Instead, we figured out how to serve our clients on our full representation files, provide clients support through our summary advice clinics, and keep ourselves and our clients safe. This meant renovations to our space, constantly changing and updating health and safety policies, and ensuring we had strong communication practices to keep everyone up-to-date.

3. Farewell - We said good-bye to people who had been with CLASSIC for a long time – Cultural Advisor Maria Campbell, Clinic Coordinator Kim Pidskalny, Executive Assistant Joilene Whitehead, and casual Administrative Assistant Lorraine Pura.

4. Welcome - We welcomed new staff and expanded our services – Chief Financial Officer Marshall Henley, Community Support Worker Robin Schmidt, Community Justice Liaison Worker/Front-Line Worker Beverly Fullerton, Legal Services Administrator Susan Saville, and Front-Line Worker (casual) Laura Marshall, all started with CLASSIC in 2020-21.

5. Strategic Planning – when COVID-19 hit CLASSIC was well into planning in-person strategic planning retreats. Initially, we postponed strategic planning, but when COVID-19 seemed to be here for the long haul, we decided “the show must go on”. We are very excited to present to you our new Mission, Vision and Values and Priorities and Objectives, contained within this report.





A Message from the Board Chair, Natasha Steinback and Executive Director, Chantelle Johnson



Reflecting on this Year

Reflective practice is part of CLASSIC’s culture. Reflections on this past year are intense. COVID-19 magnified the realities of the communities we work with. People who experience poverty were further impacted by the pandemic – community resources suddenly closed overnight. The assumption that everyone has access to a phone, electronic devices and the internet didn’t consider their lived reality. COVID-19 relief money seemed to flow to everyone but those who needed it most. Ultimately, people who experience the most difficulty in non-pandemic times, were given the least consideration during the pandemic. CLASSIC advocated with our clients and the community in many ways over the course of this year. This advocacy occurred through the courts and legal systems, and through community dialogue and meetings with decision makers. CLASSIC is in a unique position as Saskatchewan’s only community legal clinic, to flag systemic issues faced by people who experience poverty. Clinics like CLASSIC are part of a healthy democracy.

CLASSIC also had time to reflect on our nationally and internationally recognized student model. When we pivoted overnight to a staff-only model, CLASSIC was provided with the opportunity to reflect on the student model and how it lends to our vision, mission, value and priorities. Flowing from our strategic planning efforts, we have integrated our lessons learned during the pandemic and have prioritized the need to redesign our student learning model. Through these efforts, we hope to design a new experiential education model that provides quality learning opportunities for students and is also financially sustainable. Our goal is to have a proposed new student model by the end of September 2021.



Natasha Steinback - Board Chair



Chantelle Johnson - Executive Director



CLASSIC 2021-2024 Strategic Plan



Mission

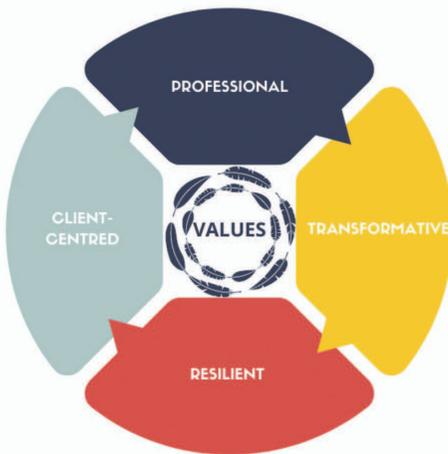
With a commitment to social justice, decolonization, and the dignity of all people, CLASSIC provides:

- Free legal services, programming and supports for people who experience poverty and injustice, and
- Internationally recognized clinical legal education to law and interdisciplinary students.

Vision

A better future where people are supported by fair and equitable laws and systems, which allow them to thrive.

Values



PROFESSIONAL

We are committed to the highest standards of competence and ethical practice.

This requires us to be good listeners and engage in self-reflective practice and evaluation. It also means that we live in tension – acknowledging that as a legal clinic we are part of a system that causes suffering and inequity. Our approach to professionalism informs how we educate our students as well as our commitment to take care of ourselves and each other as we work towards a more just community.

RESILIENT

CLASSIC makes a difference in our clients' lives.

The courage and resilience of our clients inspires us – and underscores our commitment to ensuring that CLASSIC's model, and its ability to meet our clients' needs, is viable, even as it grows and evolves.

TRANSFORMATIVE

Everything about how we approach the law challenges the system.

We teach, research and engage in social-justice, anti-racist and trauma-informed lawyering. By definition, this requires that we acknowledge and challenge the role that we, along with certain laws, policies and legal institutions, have played in reinforcing colonialism and other forms of inequality and oppression.

CLIENT-CENTRED

We recognize that our clients, from a diversity of backgrounds and communities, are experts in their own lived experiences.

We work with and in community to ensure that our clients' voices are heard, and to approach the challenges faced by our clients holistically, and in context. We are committed to learning from our clients and stakeholders, through reciprocity and respect.



CLASSIC 2021-2024 Strategic Plan



Overview of Priorities & Objectives

Priority 1

EXCELLENCE IN COMMUNITY-BASED, CLIENT-CENTRED LEGAL PRACTICE

- a** Develop a common understanding of the vital role for a Cultural Advisor or Elder at CLASSIC
- b** Deepen our listening, advance our professionalism, and contribute to knowledge sharing
- c** Review CLASSIC's scope of service to ensure it is well supported by our values

Priority 2

RESILIENCE THROUGH STRENGTHENED GOVERNANCE AND OPERATIONS

- a** Develop a multi-step approach to long-term operational and financial planning, including fund development, budgeting, evaluation and reporting
- b** Integrate risk management, including succession planning and mitigation, into operations and decision-making

Priority 3

THRIVE ON CHANGE: RE-VISION THE MODEL FOR CLINICAL LEGAL EDUCATION

- a** Reflect on lessons learned from the pandemic towards rethinking the structure for student learning
- b** Formalize relationship with the College of Law or transition out of the current student placement model

Priority 4

INTENTIONAL RELATIONSHIP- BUILDING USING OUR PROFESSIONAL AND PEOPLE SKILLS

- a** Tell CLASSIC's story and celebrate our successes
- b** Measure our impact and strategically focus our community engagement
- c** Use social and print media thoughtfully, as a critical component of client-centred advocacy

CLASSIC | Community Legal Assistance Services for Saskatoon Inner City INC.
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CLASSIC BOARD



Executive
Chair - Natasha Steinback
Vice Chair - Blaine Beaven
Treasurer - Jared Lindgren
Secretary - Michael MacDonald
Cultural Advisor
Maria Campbell *stepped down 2020

Directors
Louise Oelke
Benjamin Ralston
Christine Goodwin-Sagassige
Trish St. Onge



*Kinanâskomitinan
Maria Campbell*



Maria Campbell has been involved with CLASSIC since our early years. This year, Maria stepped away from CLASSIC. We have missed her guidance and will use her teachings to lead us into CLASSIC’s future.

CLASSIC’s founders were intentional about ensuring CLASSIC uses a decolonized approach, as much as possible, given that we work within settler systems. They knew they wanted to have an Elder guide the work of CLASSIC. Maria was CLASSIC’s first Elder, and her journey at CLASSIC had her provide guidance to CLASSIC as an Elder, Board member and Cultural Advisor. Maria’s teachings and guidance are woven into the fabric of CLASSIC. Some examples of Maria’s work with CLASSIC over the last 15 years include:

- guidance to the Board of Directors and agency overall,
- leading a community-based justice course titled “Reclaiming History, Justice and Social Change in Community Context”,
- support and guidance to the Executive Director,
- providing circle teachings, guidance and supports to student groups, and so much more.

It would also behoove us not to mention her popular tea leaf readings at the “Cirque de CLASSIC” fundraisers. Maria likes to have fun and constantly reminded us to enjoy life and take care of ourselves. Maria also encouraged us to tell the story of CLASSIC and what we do in our community. Stories are always the best way to convey our message. Maria is a people person – she can read a room and provide a teaching to set the course in such a beautiful way. It is this reading and teaching that CLASSIC will continue to miss the most. But we also know that our journeys lead us in difference directions at different junctures, and we wish Maria joy and happiness wherever the journey takes her. Kinanâskomitinan Maria.





CLASSIC STAFF



Chantelle Johnson - Executive Director

Nicholas Blenkinsop - Supervising Lawyer

Cara Merasty - Supervising Lawyer

Tom Baldry - supervising Lawyer

Robin Schmidt - Community Support Worker

Susan Saville - Legal Services Administrator

Beverly Fullerton - Community Justice Liaison/ Front Line Worker

Laura Marshall - Casual Front Line Worker

Marshall Henley - Chief Financial Officer

Kim Pidskalny - Clinic Coordinator until October 2021

Lorraine Pura - Administrative Assisatant until February 2021

Joilene Whitehead - Executive Assistant/Indigenous Coordinator until April 2020

Shane Varjassy - Student Manager until March 2021

Alexandria Studer - Student Manager until March 2021

Shane Morrison - Student Manager until March 2021

CLASSIC staff work to meet the rising demand for Access to Justice services as evidenced by our many points of contact

We are thankful to our retired, volunteer lawyers who put in over 70 hours of work for the Walk-in Advocacy Clinic (WAC) every week to advocate for our clients. This in-kind donation of support helps to bolster CLASSIC's ability to achieve greater progress above and beyond our daily work.

Janice Gingell, Volunteer Lawyer

Pat Tondevold, Volunteer Lawyer

Deb Hopkins, Volunteer Lawyer



Robin Schmidt



Laura Marshall



Kim Pidskalny



Marshall Henley



Joilene Whitehead



Beverly Fullerton & Susan Saville



CLASSIC's Reconciliation Journey



As demonstrated throughout this report, CLASSIC is committed to reconciliation. We acknowledge that reconciliation is a journey, and we are committed to working on the Truth and Reconciliation Commission's Calls to Action, the MMIWG Commission's Calls to Justice, and our own personal goal of decolonization of settler systems. There are many examples of our commitment contained in this report. Below are two more.



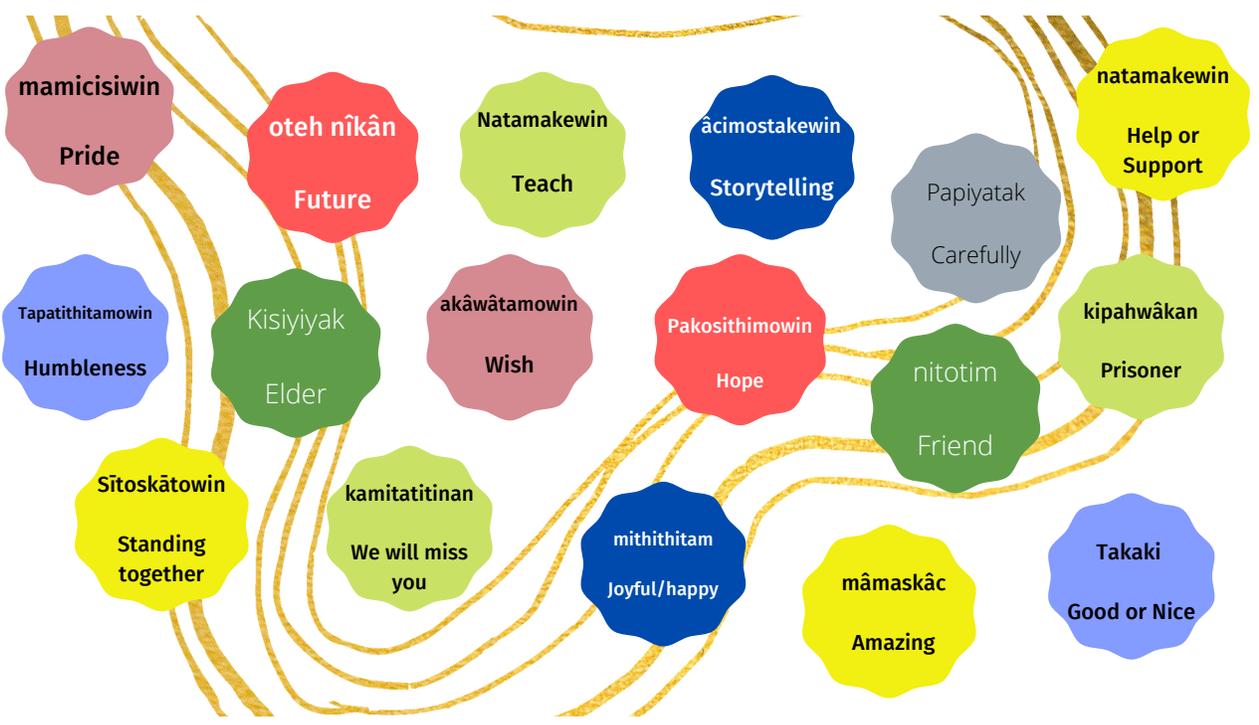
Working with the Truth and Reconciliation Advisory Group for the Law Society of Saskatchewan

"The group works to implement the Truth and Reconciliation Commission Calls to Action through meaningful conversations and change. We build relationships within the group and with the staff of the law society. We hope to bring forward recommendations for the law society to improve the relationship with Indigenous peoples in our communities.

As a Cree woman and a member of the TRC Advisory Group I have shared my lived experience as a Cree woman and Cree lawyer. I share my stories with the hopes that it will help others understand the importance of recognizing and addressing systemic racism. I believe that when people are open to learn and are honest about their own unconscious bias that things can only get better for all of us as a community."
- Supervising Lawyer Cara Merasty

Cree Word of the Week

Every week at CLASSIC's staff meetings, as part of CLASSIC's commitment to reconciliation, Supervising lawyer, Cara Merasty, teaches us a Cree word. Here are a few words Cara taught the team during the pandemic:





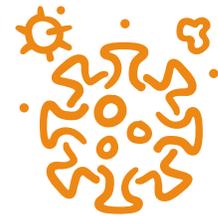
RESPONSE TO COVID



This year was dictated by COVID-19 while working to maintain client-centred services insofar as possible. Responding to the ever-changing reality with COVID-19 protocols and making decisions about how best to maintain our services and keep our clients and staff safe was a large undertaking. CLASSIC has ongoing legal files that could not be put on hold due to a pandemic. Further, the community we work with was hit particularly hard during the pandemic, so we knew we had to continue to do applications for new clients. Highlights of CLASSIC’s 2020-21 COVID-19 response include:

Revenue Outlay

- Renovations to the building to install plexi-glass barriers at the front and in interview rooms.
- Purchase of personal protective equipment and cleaning supplies.
- Purchase new laptops for remote working.
- Purchase and installing a new phone system, for remote working.
- Hiring a staff member to do client applications over the phone.
- Purchase of air purifiers.
- Thank you to the Emergency Community Support Fund offered by the Federal Government and administered by the Saskatoon Community Foundation, that allowed for our phone upgrades and COVID-19 renovations



Program Shifts

- Maintaining a staff-only model of service provision for our Walk-in Advocacy Clinic, which is CLASSIC’s full legal representation clinic (usually operates in tandem with the Intensive Clinical Program, for law students).
- Coordinating and providing services remotely and/or by phone, where possible.
- Changing office protocol to match public health orders or advice and mandatory steps. Major changes included:
 - Conducting applications by phone at any time, rather than in-person on Monday and Wednesday afternoons.
 - Having our office closed to the public for general walk-ins, but available by appointment or for hearings, etc. as necessary, with COVID-19 pre-screening and proper COVID-19 protocols in place.
 - Developing policies and protocols around in-office attendance, working with clients, and cleaning after being in the office or meeting with clients.
 - Coordinating and offering the Legal Advice Clinic (summary advice clinics offered by volunteer lawyers) by phone instead of in person
- Through the Emergency Community Support Funds offered by the Federal Government and administered by the United Way of Saskatoon & Area, CLASSIC was able to hire a .5 Community Support Worker to work with CLASSIC’s clients on some of their non-legal needs. The Community Support Work is highlighted on page 15 of this report.

COVID-19 Policies and Procedures

- Throughout the course of the year CLASSIC pivoted its office protocols based on the state of COVID-19 and the public health orders at any point in time. We also decided to be more stringent than the public health orders in many instances because CLASSIC must ensure that we are able to attend to our file and corporate obligations, and we have little back-fill capacity in case of emergency.
- This work required dedicated staff time.
- File work continued throughout.



Saskatoon Inter-Agency Response to COVID-19

- CLASSIC is a member agency of the Saskatoon Inter-Agency Response to COVID-19.





CLASSIC TURNS 15 !



CLASSIC was founded 15 years ago by three University of Saskatchewan College of Law students who identified a gap in legal services for individuals who did not qualify for legal aid but could not afford a private lawyer. Today, CLASSIC is Saskatchewan's only community legal clinic, and is an essential service in Saskatoon.

Access to Justice Programs and Projects



For students:

CLASSIC provides clinical learning and training through the Student Training and Education Program (STEP). Training is provided to law students, social work practicum students, and interdisciplinary students

- International Award Winning
- Received over 6500 Phone Calls in 2020-21
- 15,000+ Hours of Student Education
- 900+ Students Trained
- Over 11,000 Clients Served

For clients:

CLASSIC provides access to justice programming for clients through two programs: The Walk-in Advocacy Clinic (WAC), and the Legal Advice Clinic (LAC) CLASSIC also provides services through special systemic projects: Project ID, and Community Legal Education (CLE).

Student Education and Training



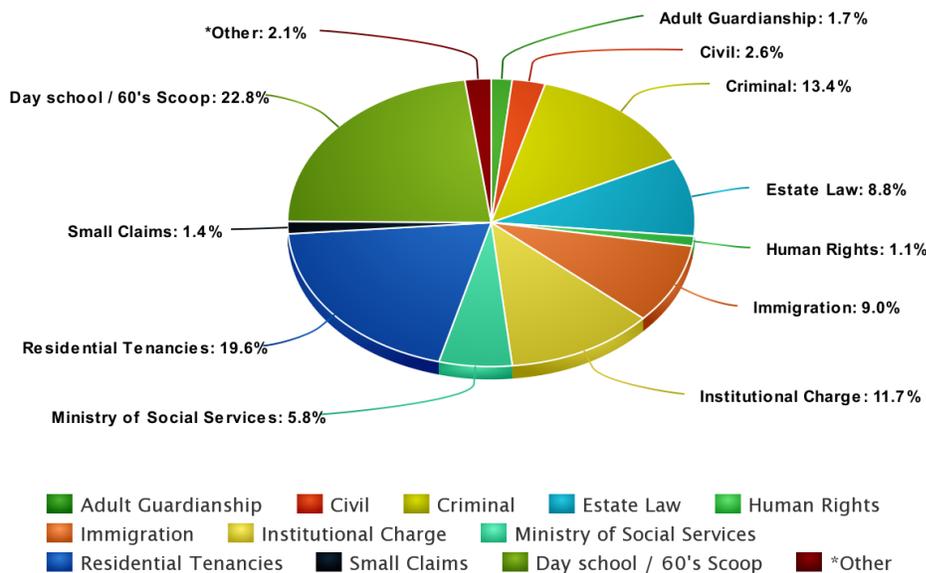


WALK-IN ADVOCACY CLINIC (WAC)

CLASSIC’s Walk-in Advocacy Clinic (WAC) provides full legal representation to people who experience poverty and injustice in approximately 20 areas of law. This program usually works in tandem with the Student Training and Education Program (STEP), with students working on client files under the direct supervision of staff lawyers.



A breakdown of the areas of law for the 749 clients served is below.



*Other areas of law include: Debt Issues, SGI and Employment Law

Our 3 main practice areas in the 2020 - 2021 fiscal year are:

-  Residential Tenancies
-  Criminal Law
-  Day School / 60's Scoop

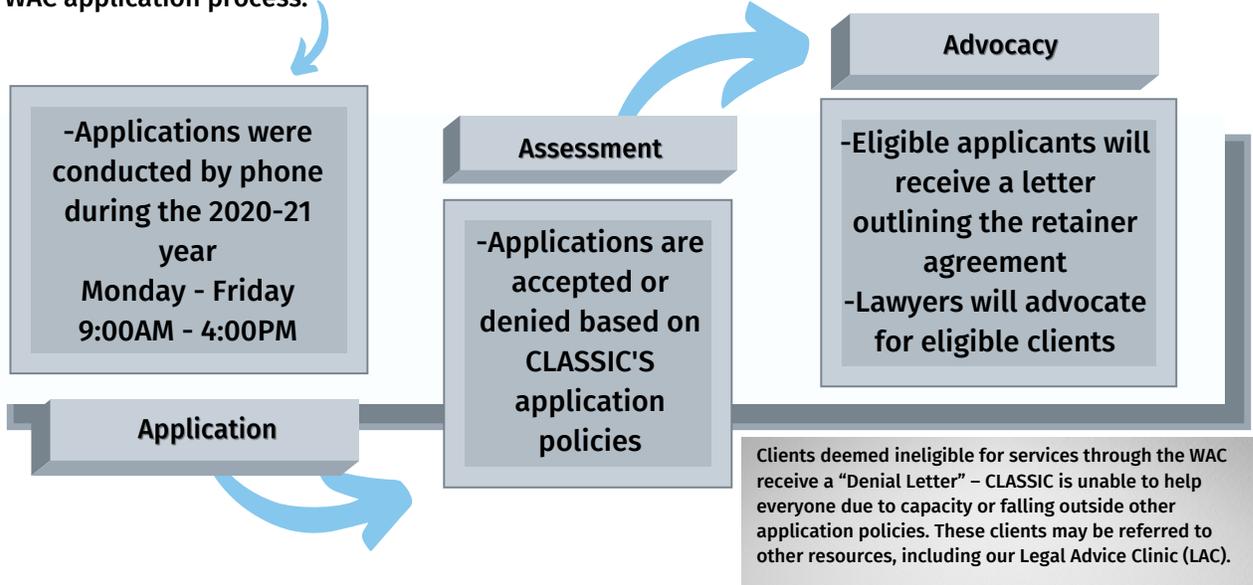




WALK-IN ADVOCACY CLINIC (WAC)

In 2020-2021 CLASSIC removed the Project ID and Social Work file stats from the WAC stats. Those numbers can now be found in their own program sections in this report. This shift represents the decline in clients served from 2019-2020, as they are reported elsewhere in their own sections.

WAC application process:

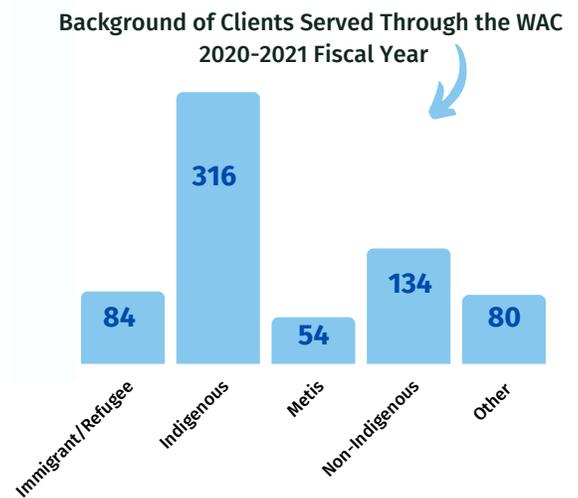


62% of our clients identified as Indigenous

52% of our clients are under the age of 40

51% of our clients identified as male
 47% of our clients identified as female
 2% of our clients did not identify as male or female

Over \$120,000 is the amount of money CLASSIC services obtained/retained for clients



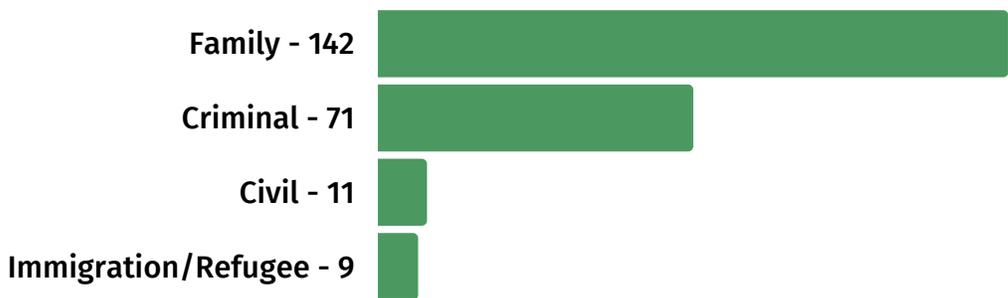


LEGAL ADVICE CLINIC (LAC)

CLASSIC’s Legal Advice Clinic (LAC) works in partnership with Pro Bono Law Saskatchewan (PBLs) to provide unrepresented or self-represented individuals with free summary legal advice from practicing lawyers in the areas of criminal, family and civil law. This clinic is for low-income individuals who do not qualify for our services through the WAC, do not qualify for Legal Aid services, and cannot afford to retain a private lawyer.

The LAC does not provide full representation. LAC clients are generally representing themselves in their legal matters and they receive advice through this clinic. Without the LAC, these individuals are completely on their own through their legal matter. This is particularly important with respect to family law, which represents a major portion of our LAC appointments.

Advice by appointment only	For self-represented or unrepresented individuals	Family Law, Criminal Law, Civil Law, Immigration/Refugee Law	233 individuals served in 2020-2021
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Thank you to the lawyers who volunteered with the Legal Advice Clinic in 2020-21:
 Rochelle Wempe, Jordan Graham, Jonathon Adams, Beau Atkins, Don McIver, Daniel Katzman, Brad Mitchell, Davida Bentham, Deb Hopkins, Lorne Fagnan, Anna Singer, Mark Galambos, Ammy Murray, Elke Churchman, Cara Haaf





STUDENT TRAINING AND EDUCATION PROGRAM (STEP)

In non-pandemic years CLASSIC, in partnership with the University of Saskatchewan’s College of Law, offers the Intensive Clinical Law Program. Historically, this has been a full-time credit-hour course provided in 3 terms throughout the year. This means that CLASSIC, through this course, has taught 36 credit units per year, to College of Law students. The Intensive Clinical Law students advocate for clients through CLASSIC’s Walk-in Advocacy Clinic, where clients receive full legal representation on their matters, in accordance with CLASSIC’s Philosophy of Practice. Students are directly supervised and provided with experiential clinical legal education by CLASSIC’s staff. Every step of the students’ file work must be approved by a staff Supervising Lawyer.

During the 2020-21 fiscal year CLASSIC did not provide the Intensive Clinical Law program, because University of Saskatchewan students were mandated to on-line learning. CLASSIC decided to run a staff only model and focus on our clients. The specialness of our Intensive Clinical Law Program, we decided, could not be replicated online. Further, we did not have the capacity, from a human resources, financial resources or technology resources perspective to administer an online clinical program well. Student training and education was not put on hold altogether. Over the 2020-21 year CLASSIC provided student training and oversight in the following ways:

- **Independent Directed Research Projects** – CLASSIC partnered with Professor Sarah Buhler to oversee three students on IDRs related to housing law and clinical legal education.
- **Pro Bono Students Canada** volunteers for CLASSIC’s Community Legal Education offerings.
- **Partnered with Law 433.3 Sallows Seminar in Human Rights** as a community partner with research projects.
 - Project One: Investigating Gender Transition Policies Through the Government of Saskatchewan - Rory Erickson & Haley Stearns*
 - Project Two: MMIWG2S Community Collaboration Project - Leah Bykowsy, Ramses Miki-Hanson, & Taylor Roufosse*
- **3 paid, part-time students** – CLASSIC employed three law students, on a part-time basis, to assist on file work, with operations at the office, and research projects. They are listed in the staff list.
- **Social work practicum student** – CLASSIC hosted one social work Practicum II student in the fall 2020 term, Natasha Boehm.

As CLASSIC is a site of reflective practice, we have recognized the opportunities provided to us by COVID-19. Through strategic planning, we recognized the need to learn from the pandemic. CLASSIC will reflect on lessons learned through the pandemic to re-design the student model of the future.

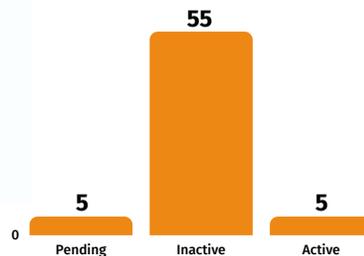




During this year CLASSIC finally achieved a goal to provide an interprofessional service of legal and community support through our clinic. In August of 2020, through the Federal ECSF, CLASSIC expanded to provide clients with wrap-around and referral support services for their non-legal concerns by creating a .5 Community Support Worker position. This position has been on CLASSIC's strategic plan for years & was finally achieved through COVID-19 emergency funds.

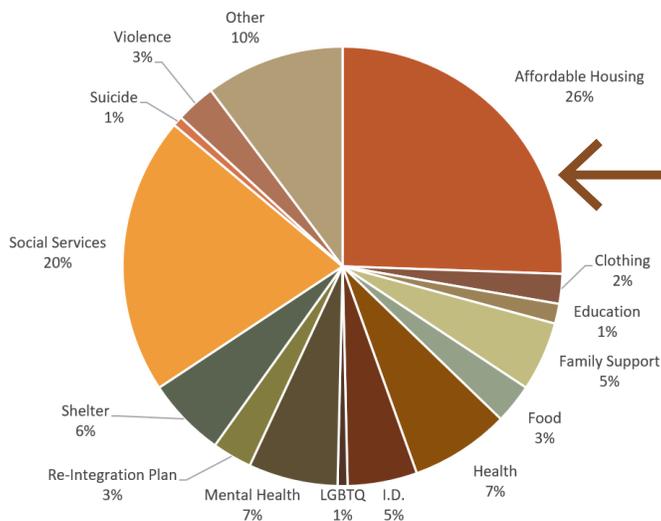
"We understand our clients' legal issues are not always the central challenges that they face. We will seek to understand and approach the challenges faced by our clients holistically, and in context."
CLASSIC's Philosophy of Practice – article 3

Overview of Community Support Clients



63 total primary clients represented in fiscal 2020 with a total of 65 case files

Presenting Issues



- Presenting issues represents the non-legal concerns self identified by the primary client.
- Several clients had multiple concerns. There were 137 presenting issues in total that we worked with on behalf of the 63 primary clients.
- Trends represented:
 - Affordable Housing 26%
 - Social Services 20%

The Pandemic

- Intermittent accessibility for support services - the unavailability of services our community regularly rely on has been difficult for many.
- Clients have found it difficult to find affordable housing, or to access Office of Residential Tenancy hearings, shelters, clothing and food depots due to the COVID-19 restrictions and intermittent hours of service provided. Many services changed to providing services online or over the phone; however, many clients do not own a computer, printer, or phone. For the few that have paid for minutes on a cell, waiting for long periods of time in the cue on the phone to speak with a government representative regarding their CRA account or Social Services account was not possible.





COMMUNITY ENGAGEMENT



CLASSIC engages in many community groups and events. Here are some examples of CLASSIC's community work. These examples are not exhaustive, rather demonstrative.



SOCIAL MEDIA & NEWS ARTICLES

Contributed to
9
News Articles

Made over
200 Posts on
Social Media

Almost 3000
Followers on
Social Media

Here are a few links to some of CLASSIC's news worthy work this year:

Advocates concerned about eviction hearing fairness:

<https://thestarphoenix.com/news/local-news/decision-ruling-eviction-not-just-and-equitable>

Experts question urgent evictions during pandemic:

<https://thestarphoenix.com/news/local-news/experts-question-urgent-evictions-during-pandemic>

72 new COVID-19 cases at Saskatoon jail:

<https://thestarphoenix.com/news/local-news/72-new-covid-19-cases-at-saskatoon-jail-union-representing-staff-calls-for-temporary-accommodations-for-workers-in-isolation>

Life on the Streets:

<https://www.pressreader.com/canada/saskatoon-starphoenix/20200822/281539408331601>

Access to justice more than just representation:

<https://www.pressreader.com/canada/saskatoon-starphoenix/20201030/281663962513663>





PROJECT ID

Project ID experienced a shift in services throughout the pandemic. The program, which typically hosts several large (50+ people) clinics throughout the year to provide in-person assistance with obtaining identification for adults and children, saw a dramatic change in services to maintain public safety in compliance with public health orders.

The last large ID clinic was held in February 2020, in advance of the pandemic.

On September 29, CLASSIC hosted the first in-person ID clinic at the Hub, operating out of White Buffalo Youth Lodge. To maintain safety, the ID clinic was limited to serve 15 people by appointment only. While the idea to partner with the Hub to provide ID clinics seemed like an opportunity, limiting the program to appointments only was a barrier to many folks who were not able to arrive for their appointment.

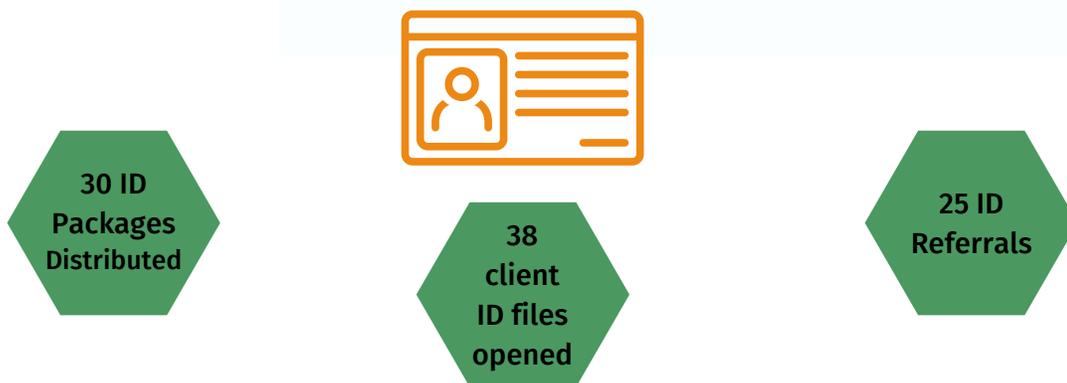
Unfortunately, only 27% of the appointments booked were able to attend. This trial was an unsustainable use of resources for both CLASSIC and the Hub as space for services and staffing throughout the pandemic was a challenge.

In the Fall/Winter of 2020, CLASSIC distributed around 30 ID packages to the Hub for distribution. ID packages included a list of required documents, an instruction sheet, an application form for a Saskatchewan Birth Certificate, and a mailing envelope.

CLASSIC continues to provide assistance with ID by referral or through an application to the Walk-in Advocacy Clinic (WAC). In total, we received 12 individual referrals from community partners, 6 referrals from social workers, and 7 referrals through the WAC. We also continue to work on active ID files with a bit more complexity through the WAC which currently have 13 open ID files.

CLASSIC would like to thank our community partners who helped us provide assistance with ID throughout the pandemic, and our funders, Affinity Credit Union, for providing the fees for ID applications.

We hope to resume regular clinics in the near future as deemed safe by public health orders.





COMMUNITY LEGAL EDUCATION PROGRAM (CLE)



The CLE works with community groups and organizations to provide legal education in various areas of law including: Tenant Rights, Newcomer Rights, Employment Law, Rights vis-à-vis the Police, HIV and the Law, and Estates.

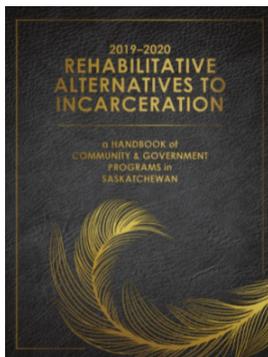
In 2020-21 CLASSIC had five students volunteers through Pro Bono Students Canada, Diana Koutrouliotis, Nathan Metivier, Carter Moe, Caileigh Rendek and Sam Rezazadeh.

The students developed Zoom Etiquette Standards and standardized five Powerpoint Presentations to be reviewed by supervising lawyers. The presentations included a General introduction to CLASSIC presentation, Rights of Residents – Newcomers, Tenants Rights, Police Interactions, and Bed Bugs.

This was a very odd year as pandemic had a huge impact on the program. Most agencies were operating behind closed doors with a restricted number of staff which certainly contributed to a lack of requests for presentations. The students provided two presentations to Saskatoon Food Bank on Employment Law.



ALTERNATIVES TO INCARCERATION HANDBOOK



CLASSIC updated our Rehabilitative Alternatives to Incarceration Handbook which was created and released in 2016. The purpose of the Handbook is to increase awareness about community and government resources that provide alternatives to custodial sentences, particularly for Indigenous peoples. CLASSIC partnered with the Indigenous Law Centre on this project for editing, formatting and web accessibility. The Indigenous Law Centre also covered the costs of printing copies of the handbook. The roll-out took place in January 2021. The electronic version can also be downloaded from our website. We still have hard copies available. Phone (306) 657-6100 or email info@classiclaw.ca to request one.



FUNDRAISING

HOLIDAY GIVING CAMPAIGN

CLASSIC held its first Holiday Giving Campaign, "Give the Gift of Fair Representation", which ran in December 2020 with a goal of \$10,000. Thanks to all the generous donors who supported this campaign, CLASSIC raised almost \$15,000.





ADDRESSING SYSTEMIC BARRIERS AND ISSUES



This section contains some reflections on systemic work that CLASSIC did from 2020-21.

These reflections are provided by CLASSIC's Supervising Lawyers and Community Support Worker.

Claw backs to a Treaty Land Claim Settlement

CLASSIC represented an Indigenous mother of four on a social services matter. The Ministry of Social Services issued the client an overpayment because of compensation she received from her First Nation that was the result of a settlement agreement for an outstanding land claim with the federal government. The compensation was for past historical wrongs which included a forced surrender of the First Nation's lands.

CLASSIC appealed the decision to the Regional Appeal Committee. We argued that the decision to claw back her compensation infringed upon her section 35 constitutional rights and violated her equality rights under the Charter. Further, we submitted a federalism argument where the provincial action to not exempt her compensation frustrated federal legislation and a federal program which rendered it invalid. We also submitted it was not in keeping with the honour of the crown for compensation paid by the federal government to benefit the provincial government by allowing it to spend less and was now charging an overpayment because of the limits imposed in the Regulations. We also requested that Minister use his discretionary power to exclude any amount from the calculation of income assets. Our appeal was denied.

CLASSIC appealed to the Social Services Appeal Board. Prior to the matter being heard we received communication from the Minister's office indicating that they would consider a request from the Chief of the client's First Nation to exempt the compensation. We contacted the First Nation, and the Chief wrote a letter to the Minister. The matter was resolved with the client having her compensation repaid back to her. We believe that the appropriate resolution of this matter was achieved because of the strength of our case.

Prison Law

It was a slower year in relation to prison law than has occurred in the past. Early in the period of the pandemic and possibly in the previous reporting year, a decision was rendered by the Court of Queen's Bench as a result of advocacy carried out by former CLASSIC supervising lawyer, Leif Jensen which clarified and extended the disclosure requirements which attach to disciplinary hearings.

CLASSIC has continued to be active on a systemic level in working with different organizations around provincial issues of concern in prisons. This has included discussions with these groups and some systemic advocacy, particularly in relation to the handling of COVID-19 in provincial correctional centres. In addition, there has been some assistance and support in relation to systemic litigation either being undertaken or contemplated by these other organizations.

More recently some issues have arisen in relation to the adequacy of disclosure being provided to inmates whose "privileges" and in particular phone privileges are being taken away. This relates to some previous advocacy done by Mr. Jensen in relation to phone privileges. Currently this systemic work is in the beginning stages.





ADDRESSING SYSTEMIC BARRIERS AND ISSUES



Human Rights

CLASSIC has made significant progress on some human rights files. CLASSIC was successful with in assisting a few different clients in processes that resulted in systemic changes which assisted people in relation to disability issues (3 different files and 2 different issues), gender identity issues, and Immigration status (place of origin/nationality).

Due to confidentiality issues as a result of the process, CLASSIC is not at liberty to discuss the terms of settlement.

During the course of some of the claims being handled by the Saskatchewan Human Rights Commission it brought into place a new policy in relation to Emotional Support animals. While this policy did not change the law in Saskatchewan, it clarified an area of the law that had been unclear and which had been improperly understood. Despite the law being relatively well settled that emotional support animals must be accommodated, particularly when dealing with housing situations, a lack of clarity was caused or contributed to by the Commission's Policy on Service Animals which specifically set out that the policy did not apply to emotional support of therapeutic animals. This was interpreted, incorrectly, in a number of different situations as meaning that such animals did not need to be accommodated at all rather than being interpreted as meaning that different policy considerations apply to emotional support or therapeutic animals. This misunderstanding of the law had been embraced by the Saskatchewan Landlord's Association and then found its way into Office of Residential Tenancy decisions. CLASSIC's involvement with matters relating to accommodation of emotional support and/or service animals by landlords helped in causing the implementation of the new policy.

Immigration

Recently the government of Canada brought in changes to *Immigration and Refugee Protection Act (IRPA)* in relation to certain refugees. The changes effectively deny to people wishing to make a refugee claim in Canada the opportunity to do so if they have already made a refugee claim in one of a few other countries. While the section of the IRPA is written broadly, in its implementation, Canada has made the decision to deny potential refugee claimants the opportunity to make a claim if they did so in one of the Five Eyes Countries – that being the English speaking democracies (as the countries have chosen to designate themselves) that being Canada, Australia, New Zealand, the United Kingdom and the United States. In the place of the full refugee hearing process, the government of Canada has implemented a more robust Pre-Removal Risk Assessment process involving the potential for an oral hearing in relation to some elements of a refugee related claim. CLASSIC has made two applications challenging the legality of the denial. We are awaiting a response from the Federal Court.

Different groups in Canada have identified Immigration Detention as an issue of concern. As part of researching and then working to challenge the current process, CLASSIC was approached because of our experience that it had in relation to the issue. Consultations are ongoing but it appears as though some systemic litigation is likely to arise from these consultations around issues relating to the lack of procedural fairness which attaches to the relative loss of liberty suffered by people in immigration detention. This is particularly significant for immigration detainees in Saskatchewan where there is no special immigration detention centre and as such, immigration detainees are housed in provincial prisons through an agreement of questionable legal basis between the different levels of government.





Housing Law

Prior to the pandemic, the Office of Residential Tenancy began moving to having hearings happen over the phone. Once the pandemic began, they shifted completely over to that process. The ORT’s process requires people who receive a hearing notice to contact the ORT at least 2 days prior to the hearing to register their number, and then the ORT hearing officer will contact that number at the time of the hearing.

Under the *Residential Tenancies Act*, when someone misses a hearing, they are permitted to request a re-hearing, and the hearing officer assigned to their file is required to make a decision. However, at some point, the ORT put in place a “policy” that re-hearings would not be granted unless the person missed the hearing as a result of an emergency – for example, an accident putting them in the hospital.

In one case, the clients had underpaid their July rent by \$34. On August 3rd, the landlord applied to have them evicted for rental arrears as a result of that underpayment. The clients had a valid defence to the eviction – the amount they owed the landlord was very small, and the rental unit was flooded with sewage. The ORT scheduled a hearing, and the clients registered their number with the ORT. However, when the hearing was held, the clients did not receive a phone call from the hearing officer. As it turns out, their phone was set up to block calls from private numbers, and the hearing officer had called from a private or blocked number.

The day after they missed the hearing, they retained CLASSIC, and we sent in a request for a re-hearing. That request was denied – an ORT employee contacted me and told me that under the ORT’s policies, a party’s “mistake” is not a sufficient basis to grant a re-hearing. The next day, a decision was issued evicting the clients.

We successfully appealed both the initial decision and the denial of the re-hearing. The Court held that the ORT’s policy regarding re-hearing requests was not procedurally fair or statutorily authorized. Re-hearing requests cannot simply be denied as a matter of policy and, further, these requests have to actually be considered by the hearing officers, not by frontline ORT workers. The ORT has since changed its policies to implement a procedure that meets the Court’s direction. The ORT has also changed its policies to now require hearing officers to call from unblocked numbers.

We had hoped to get a ruling from the Court regarding the ORT’s policies for telephone hearings, and whether the policies they had implemented were procedurally fair. Unfortunately, the Court decided this file on very narrow grounds.

As a side-note, this appeal brought up an interesting procedural change. In May 2020, the Government of Saskatchewan changed the rules for appealing eviction decisions, so that tenants who are been evicted for rental arrears now need to pay the ORT one full month’s rent, and receive a “Certificate of Payment”, before they can file their appeal with the Court. Some of CLASSIC’s clients were the first tenants in the province to appeal a rental arrears eviction, as there was an eviction moratorium from April until August. When we attempted to file the appeal, we discovered that the ORT had no mechanism to actually process payments, or to grant Certificates of Payment. As a result of this appeal, the ORT had to develop a process for this legislative change. However, we are still struggling with the ORT’s processes – for eviction appeals, you sometimes only have 1-2 days notice of a decision before an appeal has to be filed. The ORT requires tenants to attend in person to obtain a certificate of payment. However, they also keep their physical offices closed, and often don’t have anyone available on a given day to issue a certificate. It’s also unclear how this process might work for a tenant outside of Saskatoon or Regina.





Social Services

As an initial note, this file is not a success story. This file resulted in the Government of Saskatchewan making changes to its legislation and its processes that hinder access to justice for the most vulnerable people in the province.

The background of the file is fairly complicated. CLASSIC represented two separate clients in similar appeals. Both clients were single parents who relied on the Saskatchewan Assured Income for Disability Program for their basic living expenses. Both clients also received, on behalf of their children, the CPP children’s disability benefit. This is a federal benefit paid to the children of parents with disabilities in the amount of approximately \$250 per month.

Both clients reported the CPP disability income to their SAID workers. In one case, the client was told by her initial worker that the CPP children’s benefit was exempt income. Three years later, when one of her children aged out of the CPP disability program, the client reported the change to her worker. Her worker told her that the CPP benefit should never have been exempted, and the client was assessed an overpayment of over \$10,000. The other client received a retroactive lump sum payment from the CPP disability program, and was assessed as having excess benefits and was deemed ineligible for SAID for a period of 6 months.

The SAID program began clawing back the CPP children’s benefit dollar-for-dollar from each clients’ monthly SAID basic living benefits. CLASSIC appealed the Ministry’s decision on both files. We argued that the Ministry’s policy was unconstitutional under the doctrine of paramountcy. We argued that the purpose of the federal program was to provide additional income to children who experience disadvantage as a result of their parents’ disability. We argued that, outside of a small shelter stipend, the SAID program does not provide money for the basic living expenses of children, and that the “basic living income” it provides for non-parents is identical to the income it provides to parents. As the money provided by the CPP program was intended for their children, clawing the CPP money back from the parents’ own basic living income rendered the federal program irrelevant, “frustrating the purpose” of the federal program, and thereby violating the doctrine of paramountcy.

We were successful in our appeal. They agreed that the SAID program doesn’t provide any money for the children’s basic expenses, and that clawing the children’s CPP benefit back from the parents’ own living benefits “frustrated the purpose” of the CPP program. They also agreed that the Ministry had failed to properly recognize that it may have previously agreed to exempt that income for the first client.

The Ministry appealed to the Social Services Appeal Board. The SSAB overruled the RAC, and said that the SAID program does provide funds for children’s basic needs (notwithstanding all of the evidence to the contrary), and that because it provides funds for children, it can’t frustrate the purpose of the federal program. They also disagreed with the RAC’s conclusion on the discretion issue.

The most interesting thing is what the Government of Saskatchewan did in response to this file. The Government amended both the Saskatchewan Income Support Regulations and the Saskatchewan Assured Income for Disability Regulations to remove the ability of both the RAC and the SSAB to hear any ground of appeal that may implicate the constitutional validity of a regulation, that may involve a breach of a person’s Charter rights, or that may result in a review of an exercise of ministerial discretion. The Government also released a new Order in Council that specifically removed the discretion of lower-level Ministry employees to exempt income, and reserved that right specifically for the Minister him/herself.





Community Support

A young client is couch surfing as a temporary solution to her housing issue. She was cut off her social assistance program due to receiving Canada Emergency Response Benefit for a few months. She was evicted at the end of August for late payment of rent. She survived the month of September by doing odd jobs such as house cleaning services and selling jewelry. Allegedly, there was a hearing with the Office of Residential Tenancies (ORT); however, she did not know about it and as such, did not attend. The ruling went in favour of her landlord and she did not appeal the decision as she was not sure of the process to do so. The client attempted to re-apply for income assistance and was informed that she would have to apply for the new Saskatchewan Income Support (SIS) program. She was overwhelmed at the multiple requests for documentation and disappointed with the inadequacy of the new SIS program for her to find housing security. The client ended up in the hospital with a high-risk pregnancy. The Community Support worker assisted the client in successfully applying for the Saskatchewan Assured Income for Disability (SAID) program and the client found new housing upon her release from the hospital.





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Thanks for
your
Support!

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- National Indian Brotherhood Trust
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