



2018 ANNUAL REPORT
 Providing advocacy, education, community building



“It is justice, not charity, that is wanting in the world.”
 —MARY WOLLSTONECRAFT

WHO WE ARE

Together Against Poverty Society (TAPS) is the largest anti-poverty organization on Vancouver Island. We have a positive impact on people's lives in ways that honour and promote human rights, justice, and a healthy, sustainable community. TAPS is a recognized leader and resource for citizens, community groups, and social agencies attempting to reduce poverty. Our education and advocacy services touch over 6,000 people per year – and we are not yet meeting the needs of all who approach us. We provide services to residents of the Greater Victoria area and adjacent municipalities including the Western Communities, Saanich Peninsula, and the Southern Gulf Islands.

TAPS was established and registered as a Society in 1989, receiving charitable tax status in 1994. TAPS is a non-profit society whose membership is open to individuals or groups concerned with the preservation of civil society, social justice, the eradication of poverty, as well as the continuing moral progress of those ideals.

WHAT WE DO

- Advocacy services in the areas of income assistance, federal and provincial disabilities benefits, employment standards, tenancy, and income tax preparation. Our work includes providing information and giving summary advice, negotiation and/or representation to persons of no, low or fixed income;
- Training for low income persons and other interested community groups and organizations, which then enables them to advocate for themselves or for their members;
- Identifying, researching and addressing issues relating to poverty with particular emphasis on those that affect our local community and;
- Working in cooperation with other community groups and social service providers in advancing poverty issues.

ON THE COVER:

LEFT: *Tenant Advocate Yuka Kurokawa and Supervising Lawyer Lisa Cowan prepare for a hearing on the ferry ride over to Vancouver*

CENTRE: *The Times Colonist covers our victory for tenant's rights in social housing*

RIGHT: *Income Assistance Advocate Isabelle Dehler-Hyde helps unload belongings of the residents of Camp Namegans tent city after police evicted them from Regina Park.* PHOTO BY TRAVIS PATERSON, GOLDSTREAM NEWS GAZETTE

President's Report 2018

On behalf of the TAPS Board of Directors, it is my pleasure to share this Report for 2018. The TAPS Board is made up of a diverse group of dedicated volunteers, and we are all very proud to be able to make a contribution to this outstanding organization.

One important change that has taken place at TAPS in 2018 is our arrival in new, better and brighter office space. In many ways this has been a formative year for TAPS, and fittingly it ends with this move away from our old building on the corner of Fort and Quadra, to a new and larger space at 828 View Street. As a Board, we are pleased about this increased capacity to provide services to clients and hold community events in an open and functional space. At the same time, we understand that ongoing demand for our services reflects profound unmet needs in our communities, and we are committed to supporting systemic advocacy that works towards preventing those needs from arising in the first place.

During this year of growth and change, we have benefitted from the first full year of service from Douglas King in the role of Executive Director, where he has led our very strong team of advocates. We have also welcomed the return of Thea McDonagh and Stephen Portman to the TAPS office from their educational leaves, which have made them even stronger advocates for low-income workers and people on disability.

At the board level we have experienced some change, and we are grateful to Sarah Cunningham for stepping in to the role of President after Marika Albert resigned to pursue career opportunities outside of Victoria.

The values that are at the heart of the TAPS constitution continue to be critical in our communities, and in our work to advance justice for those communities. In particular, TAPS' commitment to working with and for people living in poverty and in collaboration with other community groups and service providers are important values that we continue to work by. For example, in the context of the ongoing housing crisis on Vancouver Island and the presence of tent cities in our communities, TAPS' contributions to both individual and systemic advocacy has been important and impactful. TAPS staff and volunteers continue to excel in educating other on law, poverty and social justice by their activity in the media, participation in community forums, guest instruction at post-secondary institutions, and supervision of students in professional degree programs who have internships at TAPS. And during 2018, TAPS successfully increased the amount of funding we receive to provide legal advocacy services and to support plans to increase our capacity to be able to participate in court proceedings including judicial reviews and systemic advocacy.

As members of the Board of Directors, our work this year has also been guided by the values in our constitution, and our commitment to building our capacity to support the work of TAPS. In this, we are guided by a Strategic Plan developed in 2017 that extends until the end of 2020. In 2018 the Board has taken steps to make our own processes more clear and transparent, including by developing policies, committee terms of reference, and written materials for recruiting and supporting new Directors who would like to join us. In 2018, Board fundraising work included another successful Tapas for TAPS event, and we can't thank all of our members, donors and

foundation funders enough for their financial contributions. We have also devoted time to doing some of the preparatory work that will enable us to rise to the challenge of better serving Indigenous clients and communities, and developing stronger relationships with Indigenous organizations. We currently have four working subcommittees, and each Director serves on at least one. They are: Fundraising Committee, Indigenous Initiatives Committee, Human Resources Committee, and the Executive Committee. These working committees reflect the means we have chosen to pursue the objectives in the Strategic Plan, and provide a sense of our vision for the TAPS Board as we head into 2019.

The Board of Directors always welcomes conversations with members and volunteers, so please do be in touch. We are incredibly grateful for all of your contributions, and look forward to the challenges of the next year!

Patricia Cochran

PATRICIA COCHRAN

*Vice-President
Board of Directors
Together Against Poverty Society*



Members of Together Against Poverty Society's Board of Directors gather for the 2017 AGM. From left to right – Secretary Ryan Tonkin, Felicity Smith, Vice-President Patricia Cochran, Treasurer Nathan Cartwright, Former President Marika Albert, Hilary Marks, Linda Doctoroff, and Amy Bayliss. Not pictured: President Sarah Cunningham, Bernice Kamano, and Jeff McEown.

Executive Director's Report

Writing to you from our new office at 828 View Street, after a couple of chaotic weeks moving our infrastructure to its new home, it feels like we are definitely embarking on a new and exciting chapter in TAPS' long and storied history. TAPS has experienced significant growth in the last five years, and we undeniably needed to start expanding our space to meet the expansion of our services. In some respects, when we received notice that the building we used to reside in at 895 Fort Street was going to be demolished, it came at just the right time.

But finding a new spot for us has not been an easy task by any means, and there were real concerns that the ever-increasing cost of rent in the downtown core would prevent us from finding a place to operate where our clients need us most. Thankfully, and in large part due to the exhaustive work of our previous executive director Kelly Newhook, we were able to strike an arrangement with our non-profit friends at the Society of St. Vincent De Paul, who were looking to make some changes to their operations on View Street. Renovations were made to convert the old Social Concern space to make it ready for our arrival, and at the end of October TAPS began settling in to its new home.

Our new space gives us the room we need to not only accommodate our current operations, but also the flexibility to increase our staff. In addition to increasing the number of offices we have to 12, we also have a larger open space (complete with full kitchen), which makes it easier for us to hold community events and will make the TAPS office an even more welcoming place for our clients and friends.



TAPS' new office at 828 View Street in Victoria

And believe it or not, TAPS continues to grow. This year we teamed up with the Pro Bono Students of Canada at UVic Law to start administering the Victoria ID Clinics, created a coordinator position for our tax programs through a grant from the Disability Alliance of BC, and this summer we even received word from the Law Foundation that they would generously be providing funding to hire TAPS' first ever staff lawyer, which is an incredible commitment from an organization that has continued to support TAPS and its mandate from the very early days of its inception. All of this on top of our ongoing programs, which as you will see from the pages ahead continue to operate at incredible capacity.

All of this growth has certainly changed TAPS as an organization, but the most exciting change to our identity and affirmation of our principles comes from the fact that this summer the TAPS staff voted to become members of the Canadian Union of Public Employees (CUPE), local 374. In October we struck our first collective bargaining agreement, and I think you will find that it solidifies our ongoing commitment to increase wages, improve employee benefits (like the creation of a parental leave top-up fund), and create a strong environment for our workers to ensure that our dedicated staff can see a long future within the organization.

It's certainly been a wild ride this year, but our team has done well to take so much of that change in stride, and I couldn't be prouder to work alongside the staff and volunteers who give so much day in and day out to fulfill TAPS' mandate.



DOUGLAS KING

Executive Director, Together Against Poverty Society



TAPS staff gather to say thank you and goodbye to David Huxtable, who along with board president Marika Albert moved to Vancouver in the Spring of 2018.

Legal Supervisor's Report

In my rewarding job as legal supervisor at TAPS, my primary role is to provide legal advice, supervision and training to the TAPS Advocates to support them in representing individual clients. As well, I am responsible for ensuring that the practice of advocacy is carried out professionally, ethically and with accountability to our clients. TAPS also ensures that students working at TAPS meet these same standards.

This past year has been enriched by having the most senior and experienced cadre of advocates ever. They have dealt with increasing numbers of complex, multiple client, residential tenancy cases while working with the implementation of significant changes to the Residential Tenancy Act. Another tent city has benefited from TAPS advocates' advice and support. Disability and Income assistance recipients who faced claims of overpayment of benefits have had those amounts reduced by skillful advocates, knowledgeable of the law. And we have our first articulated student, which allows TAPS to take on cases we could not otherwise handle. TAPS is also participating in the Pro Bono Student Canada Program assisting clients to obtain much needed identification and supervising students doing research in poverty law related matters. All this work is done with commitment, respect for TAPS clients, and support for each other. And the quality of legal advice is consistently excellent, free and accessible, and a critical part of legal services for the lower Vancouver and Gulf Islands.



LISA COWAN

Supervising Lawyer, Together Against Poverty Society



Employment Standards Advocate Stephen Portman walks with members of the Camp Namegans tent city after their eviction by police from Regina Park.

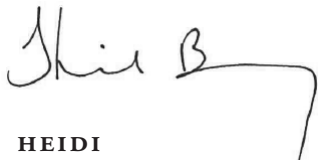
PHOTO: GLOBAL NEWS

Volunteer Coordinator's Report

TAPS relies on the hard work and dedication of its 50 or so volunteers, who do everything from helping people prepare their tax returns to disability advocacy to front desk reception to data entry. People volunteer at TAPS for many reasons—to join the fight against poverty, to be involved in the community, to help others. Our volunteers are people who have experienced poverty firsthand, people with a commitment to social justice, students, retirees, and people with disabilities. Some have specific skills they want to use, such as writing or drawing; some come to gain skills and experience—in legal advocacy or office reception, for example. Many simply want to be involved in an organization that helps people.

TAPS has an all-volunteer front desk reception. We generally need to have about 14 to 16 front desk volunteers on our roster—10 volunteers with permanent shifts and 4 to 6 volunteers who can fill in when any of the regular volunteers is away. Over the past year, we have had a core of long-term front desk volunteers, plus a steady stream of people coming onto the front desk. As one volunteer has left, to return to school or to take full time work, we have had someone ready to step into that person's shift. We have generally had no problems keeping the front desk covered over the past year.

Our other volunteer positions include a database volunteer, as well as several office volunteers who help us with such things as mail outs and photocopying jobs. We have a long-term volunteer who has kept our kitchen clean and our plants alive. Volunteers on the newsletter team produce artwork, proofread, and prepare the mail out. We also benefit from the help of volunteers from the Garth Homer Society who deliver the newsletters to organizations around Victoria.



HEIDI

Volunteer Coordinator, Together Against Poverty Society

Income Assistance Legal Advocacy Project

ISABELLE DEHLER-HYDE, LEILA GEGGIE-HURST, DANIEL JACKSON,
JEN MATTHEWS, THEA MCDONAGH

PROJECT DESCRIPTION

TAPS' Income Assistance Legal Advocacy Project provides legal advocacy services to people who have been economically disenfranchised by our political and economic systems and institutions, and are accessing entitlements from the Ministry of Social Development & Poverty Reduction (MSDPR).

OBJECTIVES

- Ensure people receiving provincial income and disability assistance have full knowledge of their legal entitlements and responsibilities, and receive the benefits they are entitled to
- Provide reliable, high quality legal advocacy services that include basic information and advice, support during MSDPR investigations, and representation through MSDPR appeal processes
- Provide public legal education presentations which expand community knowledge of the benefits available to people through MSDPR programs, systemic barriers to accessing these benefits, and potential remedies
- Drive system reforms to improve peoples' experience with and access to MSDPR through legal advocacy work and direct consultation, as well as mobilization and collaboration with community organizations

3394
individuals
served

CASE TRENDS

Accessibility at the Ministry

The inadequacies of MSDPR's centralized service delivery model continues to be the overarching issue for people receiving assistance as well as TAPS advocates. People receiving assistance struggle daily to access basic services due to over-reliance on telephones and computers for service delivery, and the inability to receive in-person services at local offices (despite repeated assurances from head office to the contrary).

While many MSDPR workers are compassionate and committed to assisting clients, hostility and dismissiveness towards clients, and the overuse of punitive statutory powers remain far too common.

Of particular concern is MSDPR's failure to provide adequate services to clients with significant barriers, including differing physical abilities, mental health challenges, and cognitive differences. While MSDPR has strong policy on the duty to accommodate which outlines ministry staff's obligation to proactively provide accommodation to the point of undue hardship, this policy is not proactively or consistently applied, and few clients are aware of their right to accommodation.

Advocates continue to work with people to ensure their service needs are known and addressed. Advocates have written several formal accommodation requests, insisting on the provision of individual, customized services that fall outside of the MSDPR's typical service delivery model to

address client needs, and support clients in their negotiations to develop an appropriate service delivery plan. Advocates also continue to make the inadequacies of the current system apparent to MSDPR through consultation with the Minister and MSDPR staff and formal complaints to MSDPR and the Ombudsperson.

CASE PROFILE

Casey receives PWD assistance from the Ministry. He also works once a week, and has had ongoing difficulties reporting his income to the Ministry because of his disabilities. Casey has asked Ministry staff for help with his reports on many occasions, but rarely receives the assistance he needs and therefore has not been consistently reporting.

Last spring, the Ministry initiated a review of Casey's file under s. 10 of the *Employment and Assistance for Persons with Disabilities Act*, requesting that he provide approximately 6 months' worth of pay stubs, bank statements, and updated monthly reports. Casey made significant efforts to comply with the Ministry's request, but because of his employer's poor reporting practices and his significant cognitive difficulties, he was only able to provide bank statements in a timely fashion. Casey explained the reasons he was having difficulties fulfilling with the Ministry's request, but ultimately the Ministry withheld three months of his PWD assistance for failing to comply with the request.

TAPS Advocate, Daniel Jackson, supported Casey in his appeal of this decision at the Employment & Assistance Appeals Tribunal (EAAT). During the hearing, it was argued that (1) Casey had complied, and provided all *available* records to the best of his abilities, (2) the Ministry failed to accommodate Casey on the basis of his disability as necessitated by the *BC Human Rights Code* by failing to act on his repeated requests for help and (3) the Ministry's request for information was unreasonable, as they already had sufficient information to determine Casey's eligibility as his most recent pay stub submitted made clear that he was nowhere near exceeding his earnings exemption for the year.

The EAAT was persuaded by all three of arguments, and determined that Casey should not have been denied assistance. Despite having robust policy on the requirement to provide accommodation in service provision where the need arises from a protected ground in the Code, TAPS advocates frequently witness situations like Casey's where the Ministry has clearly failed to fulfill this obligation. Similarly, while the Ministry has sweeping powers to request information to determine eligibility under s. 10 of the Act, this statute does not authorize the collection of information unrelated to eligibility, or where eligibility can be established on the basis of information already provided, as found by the tribunal.

Decisions like this can be a useful tool for advocates to push back in circumstances where the Ministry fails to correctly apply their own policies and procedures. TAPS has also participated in improving processes related to s. 10 information requests through a Ministry sub-committee with the Director of Prevent and Loss Management Services. While TAPS, along with other members of the subcommittee, have been successful in pushing for intermediary improvements, we ultimately believe there needs to be a fundamental shift away from policing recipients through an over-resourced investigative branch to a focus on providing compassionate, dignifying and accessible services to clients.

Tenant Legal Advocacy Project

YUKA KUROKAWA, EMILY ROGERS, AND DANIEL JACKSON

PROJECT DESCRIPTION

The TAPS Tenant Legal Advocacy Project (TLAP) aims to enhance access to justice by providing unique legal advocacy services to the tenant community of Greater Victoria and the surrounding region.

OBJECTIVES

- Provide legal information and advice to low-income and vulnerable tenants regarding their rights and responsibilities under the British Columbia *Residential Tenancy Act (RTA)* and *Manufactured Home Park Tenancy Act (MHPTA)*
- Engage in negotiation on behalf of tenants with their landlords toward the resolution of disputes
- Represent tenants at Residential Tenancy Branch (RTB) Dispute Resolution hearings
- Assist tenants with navigating the complex residential tenancy system
- Provide engaging and informative public workshops for tenants and other stakeholders regarding tenancy issues, rights and responsibilities
- Facilitate the creation and operation of a community tenants' rights group
- Advocate for systemic change by acting as tenancy and housing consultants to local stakeholders and engaging in policy initiatives



VTAG volunteer Gavin Torvik runs the information table at a community event

CASE TRENDS

Bad faith eviction notices

TAPS Tenant Advocates welcome the changes that the new government has made to residential tenancy legislation, including limiting vacate clauses on fixed-term tenancy agreements, and introducing the right to first refusal measures when tenants are evicted for renovations.

These changes, however, have resulted in an upward trend of landlord's using other mechanisms to get tenants out of their units. For example, we are seeing more and more tenants receiving eviction notices with landlords claiming that a family member needs to use the unit, or that they themselves intend to occupy it. Many of these evictions are in bad faith. In our current system it remains the responsibility of the tenant to challenge an eviction, and for ultimately proving that a landlord has acted in bad faith. Not surprisingly, this has placed a heavy burden on tenants, especially those who are most vulnerable to bad faith eviction.

Stronger Residential Tenancy Branch procedures would serve to better protect tenants from bad faith evictions. When serving an eviction notice, a landlord should be required to provide proof of the reasons for eviction, such as sworn statements and renovation permits. The landlord should then be required to apply for an order of eviction, with a mandatory Residential Tenancy Branch hearing issued in each case. The landlord should bear the burden of serving that notice of hearing on the tenant, and proving at the hearing that all legal prerequisites have been met for the eviction to occur.

Renovictions and renovation disruptions

This past year has seen an influx in TAPS Tenant Advocates supporting tenants experiencing renovictions and demolitions, and significant disruptions due to large-scale renovations on their buildings. Many factors are contributing to this trend, including a large quantity of aging rental stock that has not been adequately maintained, and an active housing market that is attracting developers to buy and flip units in order to increase profit. Many of the cases we have handled involve complaints from numerous affected tenants from the same building, or in several cases, multiple buildings owned by the same developer. Unreasonable disruptions and displacement are having serious impacts on the health, safety, and security of tenure of our clients.

While it is imperative that a landlord conducts repairs and upgrades, this must be balanced with a tenant's right to quiet enjoyment and protection from unreasonable displacement. Stronger local and provincial policies that aim to protect the quality of existing housing stock, and increased renter protection policies would help to mitigate the harms associated with renovations and demolitions.

Lack of accountability at the Residential Tenancy Branch

TAPS Tenant Advocates continue to witness inconsistency and procedural unfairness at the Residential Tenancy Branch. While the current government has increased some of the Branch's resources, there have been little improvements to access to justice for our clients. Absence of in-person services continue to cause issues for tenants as they are often unable to obtain the information that they need to successfully navigate the Residential Tenancy system. Additionally, the use of telephone conference calls to conduct hearings disadvantage tenants who do not speak English fluently. These issues disproportionately affect marginalized individuals, including those living in poverty and/or living with a disability.

TAPS continues to push for systemic change to address access to justice. We consistently call on the government to establish an in-person Residential Tenancy Branch where information officers can meet directly with tenants and landlords. Additionally, we urge the RTB to record hearings to promote fair treatment of the parties by arbitrators and to assist with judicial review processes. Finally, we advocate for the RTB to expand the eligible grounds for review consideration to include breaches of procedural fairness, allowing tenants to address procedure issues without needing to escalate the case to a higher level of court.

CASE PROFILE

Mr. Martin Twocock approached TAPS after receiving a 4-month Eviction notice for Landlord Use of Property. TAPS advocates assisted Mr. Twocock in completing the application for dispute resolution within the allowed timeframe and evaluated his case to determine that the landlord had not adequately demonstrated the need to evict Mr. Twocock from the unit in order to do the renovations. Mr. Twocock received first right of refusal to re-rent the unit after the renovations

2359
individuals
served

were complete, but was told by the Landlord that his rent would be around \$1400 for the renovated unit. Mr. Twocock is a senior on a fixed-income pension and currently pays \$750 for rent. He would be unable to re-rent the unit at the new rate.

TAPS advocates assisted Mr. Twocock in preparing for his case. Mr. Twocock offered to negotiate with the Landlord at various points before the hearing and did not receive a reply. The Landlord, Headwater Projects, is a Vancouver-based property management company that has bought at least four apartment buildings in Victoria in the past two years, and had already evicted everyone from one of the buildings in order to do renovations and re-rent the units at significantly higher rents.

With the assistance of TAPS, Mr. Twocock decided he wanted to tell his story to the media. Mr. Twocock was interviewed by the Times Colonist. The reporter for the Times Colonist also contacted the Landlord for comment. In this interview, the Landlord said that Mr. Twocock's eviction notice had been served "in error". TAPS advocates followed up with the Landlord immediately and were told that the Landlord was unprepared to comment further. Mr. Twocock and his advocate attended the Dispute Resolution hearing, where the Landlord rescinded the eviction notice. Mr. Twocock was then interviewed by both the Times Colonist and CFAX, offering his story as an inspirational message to other tenants who may be facing similar circumstances.

This case exemplifies the importance of tenant empowerment. Without the assistance of TAPS, it is possible that Mr. Twocock would have accepted the eviction notice and moved out without question. This not only would have had profoundly harmful impacts on Mr. Twocock's wellbeing, but would have contributed to the rapid loss of affordable housing stock from our community. Local media interest in this story demonstrates the widespread community interest in the housing crisis and a growing understanding of tenant issues in general public discourse. Importantly, this case also demonstrates why first right of refusal after renovations must be at the same rent as was previously paid under the tenancy agreement, with the ability of the landlord to apply to the Residential Tenancy Branch for additional increases in specific circumstances.

Victoria Tenant Action Group

TAPS Tenant Advocates have continued to support the Victoria Tenant Action Group (VTAG) this year. VTAG is a peer support group for tenants that was formed in 2016 by TAPS advocates in an effort to empower the tenant community in Greater Victoria and expand community capacity to advocate for tenant rights. In the past year, VTAG incorporated as a non-profit society while continuing to receive assistance from TAPS advocates. Notably, VTAG organized a very successful Municipal Election Renters Mobilization campaign that educated and empowered tenants to vote in the November 2018 election.



Martin Twocock, the TAPS client who with the help of our tenant legal advocates successfully fought off one of the many renovictions plaguing Victoria.

PHOTO BY DARREN STONE, TIMES COLONIST

Volunteer Disability Advocacy Project

THEA MCDONAGH AND ISABELLE DEHLER-HYDE

PROJECT DESCRIPTION

The Volunteer Disability Advocacy Project (VDAP) provides legal advocacy and support to economically disadvantaged people who are applying for Persons with Disability (PWD) status with the Ministry of Social Development and Poverty Reduction.

OBJECTIVES

- To assist people with disabilities with applying and qualifying for provincial Persons with Disabilities (PWD) status.
- To help people with understand and maintain their PWD benefits.
- To recruit, train and supervise a diverse network of volunteer advocates to support clients with the complex and lengthy PWD application process.
- To encourage individuals living with disabilities to become VDAP volunteers.
- To update and refine training materials and resources used by the VDAP volunteers.
- To provide ongoing training opportunities for volunteer advocates.
- To provide opportunities for public legal education on disability issues to the community.

UPDATES AND ACTIVITIES

During the reporting period, the VDAP coordinator recruited, trained and supervised 27 new VDAP volunteers. The coordinator also continued to provide support to volunteers who are able to fill out the assessor portion of the PWD application. The role of the coordinator also included providing VDAP clients with referrals to community resources and information about their rights and benefits under the Employment and Assistance for Persons with Disabilities Act.



Some of the many VDAP volunteers who give their time to TAPS

The VDAP project assisted 807 individuals in the Greater Victoria area to understand, apply for, and maintaining PWD benefits. In addition to the face-to-face services offered by volunteers, the project also provides services to any VDAP clients whose applications are denied which often results in an appeal. The VDAP coordinator represented 34 clients in appeals.

Volunteer Advocates

VDAP continues to attract a great deal of interest from volunteers who want to be involved in the project. Volunteers come from diverse backgrounds including many students from the School of Social Work and Law School at the University of Victoria's Faculty of Law, social service providers who wish to expand their skills, and community members with lived experience.

VDAP focuses on encouraging and supporting individuals who are living with disabilities to become volunteer advocates. These volunteers have a unique ability to empathize with applicants and, having been through the application process themselves, have personal experience that is invaluable.

Our advocates show a great deal of dedication and compassion for the people they work with and many clients are unaccustomed to being treated with this level of care. Often clients are sharing very painful and private information regarding the nature of their disabilities and the support of a skilled and caring volunteer can make all the difference.



CASE PROFILE

John Smith worked with a VDAP volunteer in the fall of 2017 to complete the Self Report section of his PWD application. Without access to a family physician to fill out the Physician's Report, Mr. Smith was left with no option other than having it completed by a physician at the hospital during a two-week stay for a surgery. Unfortunately, the physician was unfamiliar with the application and Mr. Smith's multiple health conditions and as a result, the Physician's Report did not reflect Mr. Smith's disabilities or the restriction he faced to daily living activities.

Mr. Smith was able to access an Assessor through VDAP to complete the third and final section of his application. The Assessor spent several hours interviewing Mr. Smith, assessing the impact of his disabilities on his daily life, and compiling a detailed report of his medical conditions and restrictions. Unfortunately, Mr. Smith's application was denied three months after submission.

During this time, Mr. Smith was unable to cover expenses for his basic needs and medication while collecting income assistance. That, combined with the stress of the application and the reconsideration process, took a major toll on his already precarious mental health, leaving him at risk of suicide.

In June 2018, the VDAP Coordinator represented Mr. Smith at an Employment and Assistance Appeal Tribunal (EAAT) where she successfully argued that the evidence of the Assessor should be given equal or more weight than the physician. The decision to deny Mr. Smith was overturned by the Tribunal and Mr. Smith now receives PWD benefits.

This success was particularly exciting for TAPS due to the long history of EAAT confirming the decisions of the Ministry of Social Development and Poverty Reduction. In 2014/2015, EAAT confirmed 94% of the Ministry's decisions and this continued to be the case in subsequent years. Since this successful appeal, Mr. Smith is receiving increased financial and medical benefits and, as a result, both his mental and physical health has improved significantly.

Employment Standards Legal Advocacy Project (ESLAP)

STEPHEN PORTMAN AND DAVID HUXTABLE

PROJECT DESCRIPTION

ESLAP provides public education, as well as individual advice and advocacy support to low-income, non-union workers who feel that their rights under the BC Employment Standards Act have been violated. Our public legal education efforts are focused on providing accessible information to those most likely to be vulnerable in the labour market: youth, First Nations People, and new Canadians. In addition to providing information and summary advice to individual workers on Employment Standards, we also provide referrals to other organizations for workers who have had their human rights violated at work, or who have been injured on the job. The bulk of our time, however, is providing individual support to workers who need to access the Employment Standards Branch complaint process to have their rights protected. This work involves helping workers identify which sections of the Act have been violated, approaching their employers on their behalf, preparing workers for mediation and helping them through the arbitration process, when necessary.

182
individuals
served

OBJECTIVES

- To educate workers about their basic employment rights.
- To help workers access their employment rights through the Employment Standards complaint process
- To advance legislation in the interest of growing worker power
- To increase worker access to the collective strength and protections of a union

UPDATES AND ACTIVITIES

This year was a productive year in getting wins for workers on a case-by-case basis and in using worker driven experiences of injustice to advocate for systemic change. Over the past year, ESLAP advocates completed three separate submissions to the provincial government on: fair wages, enforcement of the Act, and on tipping and the server minimum wage. ESLAP was instrumental in a far reaching Freedom of Information request that brought to light the fact that millions of wages determined by the Branch to be owed to workers went uncollected. Between 2013 and 2017 alone, the Branch failed to collect nearly \$15 million in stolen wages. ESLAP brought this information to our wider work in advocating for increased enforcement of the Act through the Ministry of Labour. ESLAP advocates were also engaged in working with community partners advocating for an end to unfair recruitment practises that target temporary foreign workers. This past fall legislation was tabled that will better protect some of the most at risk workers in the province.

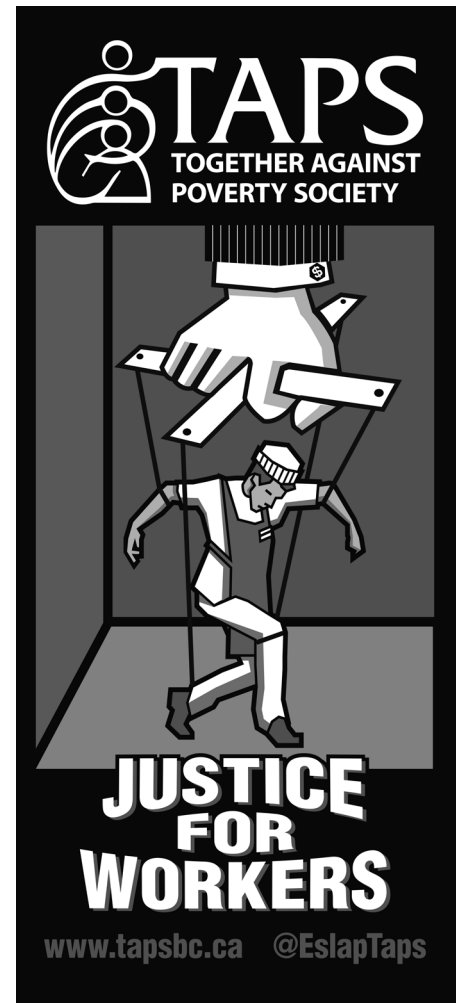
CASE TRENDS

- 1) *Wage theft:* Wage theft continues to be a significant problem. Wage theft occurs when employers simply refuse to pay wages they owe. This act of theft results in significant hardship to clientele, and often leads to ESLAP staff working with other Advocacy staff to deal with emergency access to Income Assistance and evictions. Many wage theft cases are solved outside of the formal dispute resolution through negotiated settlement before a complaint with the Employment Standards Branch is even filed.
- 2) *Independent contractor v. employee:* This year saw an increase of intakes to the project where employers have sought to avoid paying legislated worker entitlements on the basis that the worker is an independent contractor. This has been a longstanding problem for workers that access the program and it appears to be growing in step with an increase in precarious work arrangements. ESLAP advocates have been successful in every single case that we have brought to hearing in demonstrating that the worker was in fact an employee and not an independent contractor.
- 3) *Tips and Commissions:* There have been multiple case files this year where employers have used tips and commissions in ways that have deprived workers of their lawfully entitled wages. While Tips are not regulated as wages, employers in some instances use tip to pay workers less than the minimum wage and server wage. This year we also witnessed multiple cases where employer used commission payments to step around paying a basic minimum wage.

CASE PROFILE

Ruth, worked as a tile installer for over 4 years for an employer who refused to pay over time hours, vacation pay, or statutory holiday pay. Throughout her employment, Ruth would bring up the fact that she was not being paid properly and the boss would always shrug it off and tell her that, "if she didn't like how he ran his business, she could quit". One day after working back-to-back 12 hour shifts, Ruth asked to be paid her overtime and the boss fired her and refused to give her a final pay cheque. As she was fired just before the first of the month, Ruth ended up homeless.

This is when she came into TAPS and met with an ESLAP Advocate who assisted her to file a complaint. Her former boss hired a lawyer and claimed that she was not entitled to her final pay cheque or any other wages as she was an independent contractor. ESLAP advocated on Ruth's behalf and won over \$10,000 in unpaid wages as a final determination. Ruth has now found a new home and is working for a union employer doing interior finishing.



Outreach Legal Advocacy Project

KHALELA BELL

PROJECT DESCRIPTION

The Outreach Legal Advocacy Project (OLA) provides flexible outreach legal advocacy to individuals who identify as chronically and episodically homeless through working with partnering Service Organizations in the community. OLA offers information, summary advice and full representation for matters that fall under the legislative purview of the Employment and Assistance Act and the Employment and Assistance for Persons with Disabilities Act.

OBJECTIVES

- Enhance existing case management services and client identification tools through a flexible outreach approach that seeks to meet individuals experiencing homelessness ‘where they are at’.
- Provide legal information and summary advice to applicants and recipients of income assistance and provincial disability benefits concerning their rights, responsibilities and entitlements under the relevant legislation.
- Organize flexible intake procedures at and with participating organization partners. Develop relationships through outreach services, informal meetings, and ongoing casework.
- Provide public legal education presentations to community organizations concerning income assistance rights, responsibilities and entitlements.

CASE TRENDS

1) Systemic and Cultural Barriers

Many clients experiencing homelessness are negatively impacted by more than simply the housing crisis. In addition to a shortage of housing, many clients’ lives are complicated by the shortage of doctors, daily displacement due to laws regarding public space, criminalization, and discrimination. Clients are forced to carry their belongings at all times and are subsequently vulnerable to theft and confiscation of belongings by police and bylaw officers, including identification documents. First Nations clients are particularly impacted, and experience overt racism at the government offices, walk-in clinics, and banks. Discrimination is one of the greatest barriers clients face, as the desire to seek support is severely impacted by repeated negative experiences in formal office environments.

2) Effective Support Requires a Network

Forming relationships within partnering organizations eases the burden on clients to coordinate the multiple services that they access. Homelessness is complicated – individuals must be at service organizations at certain times to access food, shelter beds, health services, and to communicate with one another. The ability to coordinate with other outreach workers, social

workers, and advocates enables more efficient communication and navigation of services. Additionally, ongoing working relationships with other service providers creates a sense of community, as clients feel that they have a team of support, rather than several disjointed workers who may be unfamiliar with each other.

CASE PROFILE

John was staying in and out of various shelters and needed to secure income assistance in order to further the housing application process. He required a number of documents he was unfamiliar with, had no laptop, and was not always able to purchase minutes for his phone. Income assistance applications are closed after 5 days of no contact which resulted in his three previously failed attempts. OLA was able to maintain contact with the eligibility assessor and schedule an intake interview with John at my office within the week. He was also able to engage with the healthcare system for the first time in many years, despite chronic pain, as he was able to have a stable contact for follow up. His Doctor encouraged him to apply for the Persons with Disabilities designation. After navigating him through the application process, he was ultimately approved and this financial stability allowed him to later secure supportive housing.

487
individuals
served



Residents of Camp Namegans gather to speak to the media about their tent city at Regina Park in Saanich.

Federal Disability Legal Advocacy Project

DANIEL JACKSON & CAITLIN WRIGHT

PROJECT DESCRIPTION

TAPS' Federal Disability Legal Advocacy Project provides legal advocacy services to people, primarily those who are unable to sustain full-time employment, who are appealing federal government decisions regarding their Canada Pension Plan Disability and the Disability Tax Credit eligibility.

OBJECTIVES

- Ensure people seeking federal disability assistance have full knowledge of their legal entitlements and responsibilities, and receive the benefits they are entitled to
- Provide reliable, high quality legal advocacy services, including basic information, assisting clients in pursuing their entitlements and interacting with the medical community, and representing clients in reconsiderations and before appeal tribunals
- Provide public legal education presentations to enhance knowledge of available benefits, and the best strategies for accessing those benefits.

CASE TRENDS

Disability Tax Credit Re-application denials

Disability Tax Credit applications are typically approved on a 10-year basis. For clients who live with life-long disabilities and restrictions, it appears to have been common practice for the CRA to have routinely approved re-applications with minimal supporting evidence. In the last 18 months, though, FDAP advocates have seen many re-applications denied. While the process is no different than an initial application, the repercussions and timelines are much more punishing.

The Disability Tax Credit enables recipients to open a Registered Disability Savings Plan; for people under 49, this can be a very powerful investment vehicle, providing large amount of government grants for every personal contribution. Unfortunately, these grants are subject to a 10-year hold before they can be accessed. If DTC eligibility is lost, there is a brief window during which clients can attempt to re-establish eligibility through appeal or reapplication, or be forced to close their RDSP, and therefore lose any grants that were secured less than 10 years ago.

CASE PROFILE

Lee first came to TAPS for assistance with a provincial PWD assistance investigation matter. She and her partner have had a long history of difficulty with the Ministry, who consistently misapplies its own policy regarding their educational funding and expenses. While both Lee and her partner face significant barriers in their personal and professional lives, they are focused on completing

higher education. Shortly after their PWD issue was resolved, Lee received a revocation letter from the CRA, stating her DTC designation had not been renewed. As described above, Lee and her partner had an RDSP with significant contributions, which they had opened as a long-term savings vehicle.

Lee was now faced with losing significant savings which they had been planning to rely on in either retirement or in purchasing a home. The letter that they received from the CRA did not provide any explanation of what funds they may be able to save, or how. The letter also provided no detail regarding the reason for denial. Over the course of 14 months, advocate Daniel assisted Lee in a re-application, filing additional evidence, requesting reasons, and then filing a formal notice of objection. Daniel also worked with Lee and her financial institution to safeguard her existing RDSP investments and grants while the appeal process completed.

Ultimately, Lee's appeal was successful, and she was not forced to forfeit any funds. The re-instatement preserves many thousands of dollars in government grants that she was in danger of forfeiting, and gives her at least another 10 years with an investment vehicle which is safe from MSDPR interference.

347
individuals
served



Federal Disability Advocate Caitlin Wright and Tenant Legal Advocate Yuka Kurokawa represented TAPS at BC Hydro's Low Income Advisory Council this year, where BC Hydro announced a new program to provide relief for low income customers at risk of losing their service

TAPS' Tax Project

ISABELLE DEHLER-HYDE

PROJECT DESCRIPTION

TAPS provides free income tax preparation for low-income people through the Canada Revenue Agency's Community Volunteer Income Tax Project (CVITP) and Disability Alliance BC's (DABC) Tax AID Program. Each week throughout the year, the Tax Advocate and volunteers provide free, face-to-face income tax preparation for eligible individuals on a walk-in basis. Over the past year, TAPS has had up to ten volunteers working together to serve people in the Capital Regional District in response to a persistent demand. TAPS volunteers may prepare up to 10 years of income tax returns for clients who are in arrears with their tax filings. This is a much-needed service in our community as Canada Revenue Agency no longer provides counter service to clients, and other agencies that provide this service do not provide face-to-face service, do not provide service beyond April 30, or do not prepare previous years returns.

**1552
individuals
served**

OBJECTIVES

- Complete simple tax returns for low-income individuals in the Capital Regional District.
- Complete tax returns for PPMB and PWD recipients on Vancouver Island.
- Assist clients with accessing additional tax credits and benefits such as the Child Tax Credit, Medical Services Plan Premium Assistance, and the Disability Tax Credit.
- Answer basic tax questions.
- Provide additional accommodations for Persons with Disabilities who experience barriers to accessing the weekly tax clinic.
- Make partnerships with other local agencies serving low-income people to offer clinics on an outreach basis.
- Promote the TAPS' Tax Project in the community.

STATISTICS

During the year our volunteers saw 1,552 clients and prepared 2,301 tax returns, which generated over \$2.7 million in refunds and credits. Demands for our services have increased by nearly 25% since last year.

Since joining the DABC Tax AID Program, we saw a total of 259 clients on PWD and PPMB and filed 410 returns between May 1st and August 31st, 2018. The total benefits provided to these clients were \$480,389.

UPDATES AND ACTIVITIES

Since May 2018, we have had the pleasure of joining the DABC Tax Aid team. TAPS already had a fulsome tax program providing services to all low-income people in the Capital Regional District; however, the expansion of the DABC program has allowed us to improve and expand our services to meet the needs of people living with disabilities. TAPS also hired a Tax Coordinator and Advocate in June. In addition to overseeing the weekly tax clinic and the volunteers, the Tax Advocate provides additional tax support to clients on provincial disability assistance (PWD/PPMB). While the weekly tax clinic models allow volunteers to process many tax returns efficiently, it is not accessible for all clients, especially those with mobility restrictions, unpredictable medical conditions, or who work on Thursdays. As such, the Tax Advocate files tax returns for PWD/PPMB recipients with special accommodation requests. These tax returns are typically done during appointments outside of the tax clinic, dropped off, or done over the phone. The Tax Advocate also answers all phone calls related to tax matters and oversees all the complicated tax files. These changes were possible due to additional funding from the DABC.

**\$2.7
million in
benefits
and
refunds**

CASE STUDY

Terry is a recipient of PWD benefits from SDPR. She had not filed her taxes for nine years due to fear and mistrust of the government. After liaising with both her and her outreach worker, a tax volunteer was able to build rapport with Terry and convince her to file her 2009-2017 taxes. Terry acknowledges how much easier the process was when she felt comfortable asking questions and having things explained in layman's terms and repeatedly: an experience she had not had when interacting with the CRA or other tax organizations in the past. As such, her and the volunteer were able to process all nine years in one sitting, and she was able to walk away with a substantial tax return. With these additional finances, she was able to arrange the proper support and structure to go attend a month-long treatment program for her substance use while being able to maintain her housing.



Tax Coordinator Isabelle Dehler-Hyde and Executive Director Douglas King show Myung Lee, the Tax AID coordinator at DABC, around the TAPS office on her site visit to the new program

ID Clinic

DOUGLAS KING

202
individuals
served

PROJECT DESCRIPTION

The Victoria ID Clinic is a partnership between TAPS, the office of MLA Carole James, and the University of Victoria chapter of Pro Bono Students of Canada. Clients who need their primary identification but can't afford the fees, or need help navigating the often complicated applications can attend clinics hosted by Our Place Society and the Greater Victoria Public Library. The applications are then processed, follow-up work is conducted, and upon their arrival clients can pick up their ID at the TAPS office.

OBJECTIVES

- Obtain primary identifications for low-income clients in need
- Help clients fulfill the identification requirements to obtain income assistance or disability benefits
- Assist clients in acquiring secondary identification which can ultimately lead to picture ID
- Answer basic questions and help clients gather the information needed to have their identification applications accepted

STATISTICS

During the year the ID clinicians held over 20 clinics and helped 202 clients to obtain both primary and secondary identification, which helped many of those individuals access income supports and government benefits. Demand for the clinics were steady and we consistently had to turn people away when we reached capacity.

UPDATES AND ACTIVITIES

The ID Project is the newest addition to our areas of service, and this year has certainly been a process of building and learning. One of the remarkable things about the ID Project is the number of service providers we partner with to provide this help, and also the number of service providers we connect and communicate with as we help their clients obtain their ID. After identifying a clear need for these clinics in the community, we owe a lot to the office of Carole James for taking the initiative to establish this resource, and for coordinating many aspects of its operations. Through grants by the Victoria Public Interest Research Group and the Victoria Foundation the ID Project was able to not only help with applications, but help with the costs associated. For many on income assistance, disability, or working poor, this project has been key in removing barriers to obtaining ID. As the project continues and grows we hope to make these clinics a mainstay in Victoria for many years to come.



ID Clinic volunteers Fiona Wong (left), Leila Gaiind (right), and Shayli Robertson, constituency assistant at the office MLA Carole James, process applications from one of the ID Clinics held at the downtown public library

Together Against Poverty Society

TAPROOT

Newsletter

Taproot is published six times a year. We have an e-mail version of the newsletter which we send to about 840 people. We send the newsletter by post to some 90 people and organizations. We print about 500 copies of each issue, and deliver to over 35 organizations around Victoria, including the Disability Resource Centre, John Howard Society, and the Victoria Native Friendship Centre. We also mail the Taproot to organizations around the province such as the Upper Skeena Counselling and Legal Assistance Society in Hazelton, the Vernon Legal Advocacy Program, and the Prince Rupert Unemployed Action Centre, among others.

The Taproot presents articles by staff, board, volunteers and members of the community. In the past year, we have had articles on how to determine whether you are an employee, an independent contractor, or a manager, on how people with mental health disabilities can apply for the disability tax credit, and on the BC Hydro Customer Crisis Fund, among other topics.

This year we also gave our online version of Taproot a new look, with updated graphics and logos, like the one you see above.

TAPROOT


TOGETHER AGAINST POVERTY SOCIETY

Issue 119
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2018

BREAKING DOWN THE BRICK WALL

OVERCOMING BUREAUCRATIC BARRIERS
TO INCOME ASSISTANCE


By Khalela Bell
I enter the welfare office, past the ever present "Washrooms Out of Order" sign, and am immediately greeted by a security guard offering a wait number ticket. He is disgruntled when I do not oblige, and questions what I need and where I am going. I walk past the waiting area, filled with silent faces that would clearly rather be anywhere but here, and by another security guard who sizes me up with clear irritation at my disrupting of the human conveyor belt. Elementary-school style signs requesting respect are posted



above the two intake workers at the front, and a "Floor Warden" sign hangs above a desk behind them. To the right, As I approach an outreach worker at the back, she lowers her platform, which feels like the final touch to the Ministry's many barriers and sums up their approach to customer service.

TAPS' Outreach Legal Advocacy project (OLA) provides outreach services to people who are experiencing homelessness and who need help accessing income assistance and disability benefits. OLA works in partnership with several local organizations that

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(See Outreach, page 6)

Public Legal Education

An important aspect of TAPS mandate is to increase awareness and capacity in our community regarding the rights of people experiencing poverty. The following is a list of just some of the organizations and individuals TAPS Legal Advocates have presented to over the last year.

- Vancouver Island Public Interest Research Group
- Community Social Planning Council
- Our Place, Project Connect
- Victoria Tenant Action Group
- Glenlyon Norfolk School Social Justice Club
- Beacon Springboard to Success Program
- Victoria Immigrant and Refugee Centre Society
- The Law Centre
- Island Métis Family & Community Services Society
- Mt. Douglas Secondary
- Reynolds Secondary
- CÉLÁSET (Moving Forward) Program – Eyē? Sqâ’lewen: The Centre for Indigenous Education & Community Connections at Camosun College in partnership with the Songhees and Pauquachin First Nations
- Worklink Employment Society
- Penticton & Area Access Society
- University of Victoria Faculty of Law
- University of Victoria Faculty of Social Work
- Society of Living Illicit Drug Users – “SOLID”
- Seniors entitlement Service
- 1UP Single Parent Resource Centre
- Burnside Gorge Community Association
- Daily Dose Society
- PEERS Victoria Resource Society
- Camp Namegans and the SuperIntent City Society

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