

Eeek! A Spouse!

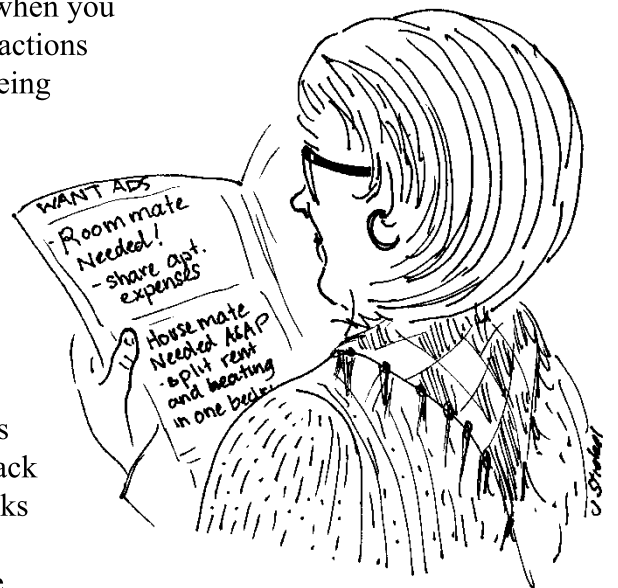
Roommate or Romance: The MSD Wants to Know

By Candace Witkowskyj, *Income Assistance Advocate*

Looking through the personals in the newspaper or tuning in to Jerry Springer on the television will demonstrate that there are many different types of relationships. For most of us, being in a relationship is fun yet extremely complicated, difficult to describe with words, and even more difficult to characterize to others. Unfortunately, if you are on income assistance or provincial disability, there may come a time when you must describe your

relationship in detail, or when you have to defend your interactions with your roommate as being less than personal.

Recently, we at TAPS have come across a number of “spouse-in-the-house” cases, which is when the Ministry of Social Development denies a person assistance or holds their assistance cheque back because the Ministry thinks the person’s roommate is actually their spouse. The Ministry determines that you are in a spousal-like relationship if you: a) say that you are, or b) demonstrate social, familial, or financial dependence or interdependence consistent with a marriage-like relationship, and if you have lived together for at least the past 3 months or 9 of the past 12 months. Given that most individuals who are living on a



low income need a roommate in order to survive and often have friends that they count on for social, financial or family-like support, you could be considered to be in *many* spousal-like relationships by those standards. Now, although it has been said that “the state has no business in the bedrooms of the nation,”

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unfortunately, if you want to protect yourself from being accused of having a spouse-in-the-house and having to explain the business in your bedroom, there are a few things you should know.

If you move in with a roommate, the things that will make it look to the Ministry like you and your roommate are in a

A Few Farewells

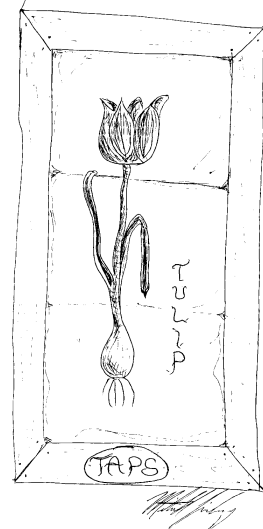
TAPS would like to say a warm good-bye to our practicum students Katelyn Elder, who has worked with great dedication during her term at TAPS, helping people with income assistance issues, and Pam Sangha, who came to us from UVic's Social Justice program and who has been busy working in the tenant advocacy project. We also say good-bye to Rebecca Farnell, who has been working in TAPS' volunteer disability advocacy project since September, and who oversaw the project for two months while Stephen Portman was away. Rebecca has been an extraordinary asset to the organization over the past eight months.

TAPS has been very lucky to have had such enthusiastic and committed practicum students, and we wish Katelyn, Pam and Rebecca the best in the future.

All of Us at TAPS

spousal-like relationship are: sharing finances, interacting socially like a couple, or acting like a family in the community. To help avoid any accusations, pay your bills and rent separately and keep separate receipts. Don't have any joint finances if you can help it. Try not to have you and your roommate's names together on anything like bank accounts, bills, loans, or car insurance. Don't transfer money back and forth to each other's accounts, even if you lend each other money sometimes. If you do lend each other money, keep a written record of the loan and that you paid back what you owed, just as you would to a friend.

The social and familial part of the "spouse-in-the-house" definition is a bit more difficult to prove. In most cases we see, the roommates have presented themselves to the Ministry as a couple (for example, they come into the office together all the time, call each other "hon" or another affectionate name, or one gives the other permission to go in and pick up their cheque). Sometimes the Ministry has suspicions and phones the landlord to ask if you look like a couple. Of course, we at TAPS understand that just because you call someone "hon" does not mean you are in a relationship, and that if you have health conditions you may ask a friend to go and run an errand for you, but be aware that this may be used against you. Inform your landlord that you and your roommate are not a couple, and request that the landlord come and talk to you first before



Cracks in the Concrete:

Building networks of resistance to poverty in Victoria, Coast Salish Territories

Come join us for a weekend-long event of teach-in/learn-in workshops, skill-sharing, discussion and strategizing that aims to inspire, strengthen and connect groups and individuals working on poverty issues in Victoria, on Lekwungen, Esquimalt and WSANEC territories. May 13 to 15, 2011 BCGEU, 2994 Douglas Street, Victoria, Coast Salish Territories, BC.

responding to Ministry questions. Don't go to the foodbank as a couple or sign up for community services as a couple.

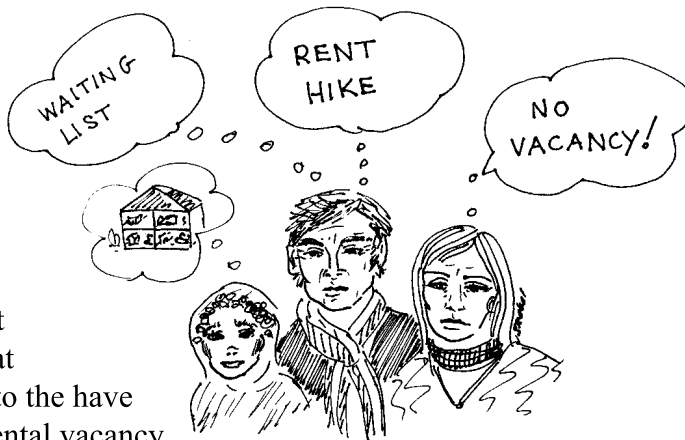
When someone is accused by the Ministry of being in a

(See Spouse-in-the-house, page 6)

Where is the Affordable Rental Accomodation in Victoria?

By Kelly Newhook,
Executive Director

As many of us are aware, it is extremely difficult to find a safe, clean, affordable place to live in Victoria. This is not surprising given that Victoria continues to have one of the lowest rental vacancy rates in the country at 1.5%, and BC's second highest average monthly rent for a one bedroom apartment at \$806.00. This is the second highest average rent in BC. (Canada Mortgage and Housing Corporation. Rental Market Statistics. Ottawa:



CMHC, 2010)

It is only logical then that, in order to survive and make ends meet, people living in poverty are often forced to find roommates and share their living space so they can share the cost of housing.

Unfortunately, as our feature article indicates, the Ministry of Social Development often views a person living with a roommate as living in a "marriage-like" relationship, and may conduct a highly invasive investigation that threatens the person's already low assistance amount and their insecure housing. Over the past year TAPS has seen a noticeable increase in the number of clients being investigated for living in a "marriage-like" relationship, even though we hear from our clients that they are living with another person purely due to economic circumstances, i.e. poverty. We are working hard on behalf of our clients to bring these realities to bear during reconsiderations and tribunals, and ask that if you find yourself in this situation, please do not hesitate to call our office at 250-361-3521. ■

Federal Election Day May 2, 2011

Exercise your democratic right! For information on voter ID requirements, contact Elections Canada at 1-800-463-6868 or visit their website:
www.electionscanada.ca

Earth Walk Peace Earth Justice

Saturday, April 16th, 12 noon
at the Legislature, 1 pm at
Centennial Square.
Information Tables.
Speakers: Cindy Sheehan,
Rose Henry.

Together Against Poverty Society

TAPROOT

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Taproot is published bi-monthly by
Together Against Poverty Society.

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We Who Eat, They Who Feed

By G.R. Tomblin

What?

Bob Nobuks couldn't believe it. The little price-sliders on the bread shelf must be wrong! A growing rage gripped him as he stood there in the bread and baked goods section of the Save-a-Buck supermarket—a half-hour trek from where he lived, the outermost limit of walking distance for him—and he had to restrain himself from screaming like a stubborn victim being stretched on the rack.

Shaking his steaming head while grinding his teeth, he made his way out of that particular aisle with the intention of locating some cheaper sort of nutrition. But would any be found?

He set down his thus-far empty handbasket and checked his ragged little wallet again, even though he damn well knew how much was in it. Let's see...four dollars and ninety-five cents? Which had to last till next payday—five whole days. And he was right out of bread, right out of pasta—right out of just about everything. He picked up his handbasket and, simmering mad, headed towards the bulk foods section.

Everyone else in the place seemed curiously unconcerned—at least in Bob's estimation—about how much the cost of food, especially staples like bread and pasta and rice, had soared lately. One woman at the



Persons With Disabilities

TAPS has advocates who can help you apply for Person With Disability status (PWD) through the Ministry of Housing and Social Development. TAPS can also help you with an appeal if you have applied and been denied. Call TAPS at 250-361-3521 for more information. If you are at the appeal stage, be sure to get in touch with us as soon as possible after receiving your letter of denial and tell the receptionist you are calling about a disability appeal.

meat counter nonchalantly pointed out which cuts of beef, veal and pork she wanted, while a man in a business suit, farther down the counter, did the same, except that his preferences were halibut, smoked salmon and prawns.

Anger still hissing like steam out his mental ears, Bob, like a good brave boy, put on an amiable smile as he strode purposefully to the bulk foods section. There, trying not to make too much of a show of it, he painstakingly measured out a few hundred grams of green lentils. Okay. Now at least he could have a nice thick green lentil soup for a few days. Next to him, a young couple, neo-hippie types, were downloading cascades of macadamia nuts.

Finally, when Bob managed to get out of the place with his

(See Eat, page 5)

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measly provisions, he found himself outside in one of those spooky sort of misty drizzles that some call scotch mist. Fog and drizzle at the same time. You almost need a compass to tell which direction you're going. Jack the Ripper weather. No problem though, Bob knew the way home. His cold and crummy little room, with its cracked walls and windows, in some strange way was like a beacon.

Bob's two-sizes-too-big running shoes made splopping sounds as he hurried down the drizzle-puddled sidewalk. Clutching his little bag of green lentils, he splopped past a restaurant he couldn't recall having seen before. Condensation

TAPS' Volunteer Advocacy Program

TAPS is looking for volunteers to help clients apply for disability benefits through the Ministry of Social Development. Volunteer advocates may also help clients with appeals. This is an opportunity to develop legal advocacy skills and to provide tangible, sustained support and assistance to people with disabilities. TAPS will be holding training sessions for new volunteer advocates in early May. If you are interested in volunteering at TAPS as a disability advocate, please contact Stephen at 250-361-3521 or at legaladvocate@tapsbc.ca.

Good-bye, Susan Welcome, Jonathan

We are very sad to have to say good-bye to our fantastic income assistance advocate, Susan Rasmussen. Susan has worked tirelessly over the past year to help people in poverty exercise their rights to benefits. We will miss her, and we wish her all the best in her new endeavours. We welcome Jonathan Blair, who is taking over from Susan.

Jonathan is a student at the UVic Law School and he will be with TAPS until the end of August. We look forward to working with him.

from the inside warmth of the window formed a sort of oval-shaped view screen. And Bob caught a glimpse of a man sitting at a table by the window, wearing an immaculate white suit, with black eyes cold as the depths of space between the galaxies, mouth opened impossibly wide, teeth just a bit too long and sharp to be human, about to take a bite out of a huge slice of pizza. Just for a split second their eyes met: Bob with the hot and angry eyes of a working man who needs to eat, the man in the immaculate white suit with the cold and soulless eyes of a creature that merely needs to feed.

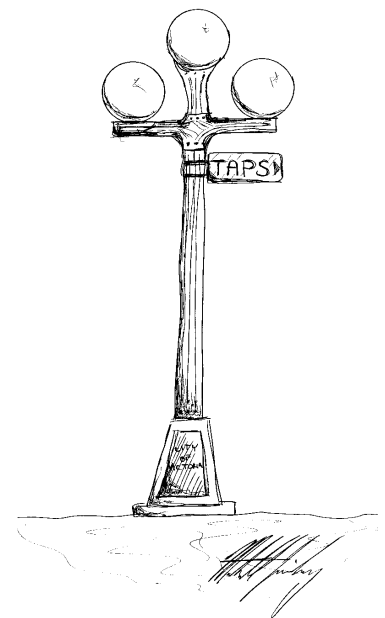
Later, as green lentils bubbled in a pan on his one-burner hotplate, and the plastic curtains were drawn tight across the cracked window of his tiny room, Bob sat on his saggy little cot—and was afraid. ■

Taxes

TAPS is offering tax prep services to people on low incomes on Thursday mornings from 9:00 to 11:00, and Thursday afternoons from 1:30 to 4:00. No appointments. First come, first served.

The Residential Tenancy Branch Has Moved

Here is the new address:
Suite #101 - 3350 Douglas Street, Victoria, BC, V8Z 3L1 (Near the new Uptown Mall)
Phone: 250-387-1602 to speak directly with an information officer. Office hours are 8:30 am to 4:30 pm, Monday through Friday.



(From Spouse-in-the-house, page 2)

relationship with their roommate, we at TAPS have to find evidence to prove otherwise. The more evidence we can find that demonstrates you and your roommate are not dependent on each other, the better. It is especially helpful if we can provide documented evidence, like paper records or letters written by people who see you in the community. Letters of support from people who are considered objective, such as your doctor or another community professional, are better than letters from, say,

Silent Witness Program

Many of our clients find that appointments with the Ministry of Social Development (MSD) can be stressful. Some find that having another person at their appointment lessens their stress and helps the appointment proceed smoothly. At TAPS, we have Silent Witness volunteers who can accompany individuals to Ministry appointments. These volunteers provide a supportive presence during the meetings, and afterward they write a short report to give to the income assistant advocate at TAPS. If you would like to have a Silent Witness accompany you to your appointment with the MSD, please call TAPS at 250-361-3521.

your friends. We may win a case because we can show that you each have separate doctors, you pay your bills separately, and you are not on the same "Life Pass" at the recreation centre, and because the janitor in your building writes a letter stating that you rarely leave the apartment together, and your landlord states that you don't appear to be in a relationship. Because the criteria used to determine if roommates are in a spousal-like relationship are subjective, the evidence we have to find to disprove the Ministry's claims is often just as subjective. This means you must be prepared to supply unusual and often personal information to disprove the Ministry's claims. Advocates at TAPS will support you through this process.

Finally, although the legislation states that people of the same gender can be accused of being in a spousal-like relationship, more often than not the Ministry accuses male-female roommates of being in a relationship. Unfortunately, you may have to talk about your sexual preferences with a Ministry worker or an advocate. However, this does not mean that you should be mistreated in any way because of your sexual preference, and you shouldn't have to talk about it with a worker if you are not comfortable doing so. If you think a Ministry worker is discriminating against you because of your sexual preference, come and see an advocate at TAPS, and in the meantime try to bring a friend with you to the Ministry to record what is being said. ■



Remembrances of Lynne Eversole

We at TAPS were saddened by the news of the passing, in February, of Lynne Eversole, legal advisor to TAPS advocates in the 1990's and early 2000's. Below are several remembrances of Lynne written by past TAPS advocates.

~I worked at TAPS from 1995 to 2000 as the tenant advocacy co-ordinator. I always considered it a privilege to be supervised by Lynne, who was then working at the Law Centre. Lynne was always interested in the cases I took to her, and her razor sharp mind quickly clarified the legal issues and arguments. Her respect for the work of TAPS was evident in the seriousness with which she wanted our legal work to be of good quality. We were so lucky to have her.

Every once in a while Lynne would digress and tell me about past cases she had acted on. That's when I came to understand the sheer delight she experienced whenever she enabled someone with modest means to triumph over a well-heeled adversary. She could chuckle over the strangeness of some of her cases,

(See Remembrances, page 7)

(From Remembrances page 6)

but always took very seriously the principles at stake and the right of her client to have the law work for them. She believed in what she was doing.

I have been living on Prince Edward Island since I left TAPS in 2000. I was saddened when I received an email from Tim Richards saying that Lynne had passed away. Memories of the ways she helped me in my work at TAPS resurfaced immediately and I felt that we had lost a force for good in this world.

Rosalind Waters, Former TAPS Advocate, Prince Edward Island

~Lynne Eversole provided legal supervision to me at TAPS when our organization was dealing with the crisis of the elimination of legal aid, the province-wide review of “persons with disabilities” status, and the consequent strain on our ability to assist those urgently needing help.

Lynne believed strongly in a fair system and that poor people should have the same quality of legal representation as the wealthy. That is why she contributed her astounding legal experience to TAPS as a legal supervisor and mentor. She wanted people walking in the door at TAPS not to have substandard advice, and therefore she was a rigorous supervisor, with straight ahead advice, who was generous with her time and knowledge.

Lynne was uniquely gifted in her ability to see the possibilities in complicated overlapping statutes and enjoyed helping us develop air-tight cases on behalf

of our clients. Though small of stature, Lynne would have been a fearsome legal opponent in her years as a legal aid lawyer. She was empathic, real, and downright funny. Learning under Lynne’s tutelage was a great privilege.

Alix Hotsenpiller, Former TAPS Advocate

~Lynne was a staff lawyer at the Law Centre while I was a legal advocate at TAPS. She did an immense amount of very good and important work with her legal knowledge and skills. The legal system amplifies the disparities of wealth and power that exist in our society, and Lynne was a colleague who in her heart was committed to redressing this. Lynne was a lawyer of great ability and skill, with the opportunity to pursue law of any sort for any purpose she chose. And she chose to dedicate her energies and skills to the service of people with little money, pursuing their rights and well-being rather than those of clients who would confer status and money.

In my current work I teach law students, many of whom are studying law for the very best reasons, to further the work of social and economic justice in our society. At a certain point many confront the realities that law reflects the interests and priorities of those with power, and the opportunities for doing social justice work through law are far too limited. Lynne is one of the people who always comes to mind when I need to reassure my students that law can be a

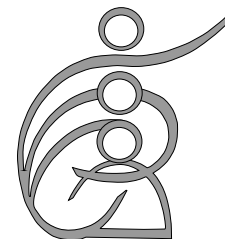
Write for the Taproot

Taproot welcomes articles from readers. Share your ideas, experiences, opinions or outrage with Taproot's vast readership. Articles should be 600 words or less. Please include your name and a way we can reach you (phone, e-mail, or mailing address). The next submission deadline is May 16th, 2011. Send submissions to TAPS (Attn: Heidi) at #302 - 895 Fort Street, Victoria, BC, V8W 1H7, or by e-mail to volunteers@tapsbc.ca.

means to social justice. And Lynne fulfilled this role through her legal supervision of law students doing poverty law work in the Law School’s Law Centre term.

It was always a great pleasure and privilege to work with Lynne, in part because of the generosity with which she shared her time and expertise, in part because of shared values, but also because of the irrepressible good humour she brought to our work.

Tim Richards, Former TAPS Advocate



Together Against Poverty Society

TAPS was established and registered as a society in 1989 and serves the Greater Victoria area. We provide legal information and representation on issues relating to income assistance, provincial disability benefits, and residential tenancy. We also provide public education in these areas and on broader poverty issues.

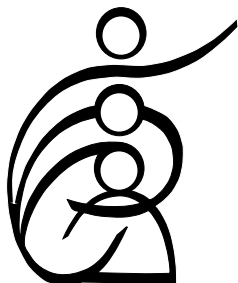
You can reach us between 9:30 am and 4:30 pm, Monday to Friday, by phone at 250-361-3521 or in person at #302 - 895 Fort Street. The office is closed daily for lunch between 12:00 and 1:00 and is closed to walk-in clients on Monday and Friday mornings.

Volunteer at TAPS

Front Desk Receptionist

TAPS is looking for a few people to volunteer on our busy front desk. One half-day shift per week. No experience necessary. Training is provided.

Call TAPS at 250-361-3521, contact us by e-mail at volunteers@tapsbc.ca, or drop by the office at #302 - 895 Fort Street.



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TAPS is funded by:

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and

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We also appreciate the support that our members give.

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\$5.00 unwaged (may be waived)

\$20.00 waged

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Donations are appreciated.

Charitable tax receipts provided.

Taproot is mailed to members.

TAPS mugs for sale

White coffee mugs with the TAPS crest on one side and a quote from Mary Wollstonecraft on the other: "It is justice, not charity, that is wanting in the world. (1792)" \$9, or two for \$15.