



Every Resident

Bill of Rights for people who live in Ontario long-term care homes

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Laurie Wonfor Nolan, Five Seven Nine Design

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Bill of Rights for people who live in Ontario long-term care homes

If you speak French, in many cases you have the right to government services and legal proceedings in French, including hearings before French-speaking decision-makers. If you have a legal problem, you can ask a lawyer or a community legal clinic about your French language rights.

Si vous parlez français, il existe de nombreuses situations où vous avez droit à des services gouvernementaux et à des procédures juridiques en français. Ainsi, vous pouvez avoir droit à ce qu'une audience à laquelle vous êtes partie soit tenue devant un décideur qui parle français. Si vous avez un problème juridique, vous pouvez demander à un avocat ou à un intervenant d'une clinique juridique communautaire de vous informer des droits linguistiques liés au fait de parler français.

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Long-term care homes are places where you can live and receive care services, such as nursing and personal assistance. They are sometimes called "long-term care facilities" or "nursing homes".

This booklet can help you understand your rights as a resident of a long-term care home.

Residents' rights are guaranteed by law

In Ontario, long-term care homes must follow a law called the Long-Term Care Homes Act. It includes a Residents' Bill of Rights. The purpose of this Bill of Rights is to make sure that long-term care homes are truly *homes* for the people who live in them. These rights are listed and explained, starting on page 1 of this booklet.

The Bill of Rights must be displayed

Every long-term care home must post the Bill of Rights where it can be easily seen. The Bill of Rights tells staff at the home that they must respect your rights while you live there. It tells them to remember that you are in your home. It reminds everyone, including residents, staff, friends, family and neighbours, that residents of long-term care homes are valued members of the community.

Making sure the Bill of Rights is followed

Every long-term care home must have a way for residents and others to complain about the Bill of Rights not being followed. Inspectors from the Ministry of Health and Long-Term Care must enforce the Bill of Rights during their yearly inspections or when someone makes a complaint. Residents can also enforce their rights by taking the long-term care home to court, or by other means. There is more information about this starting on page 29 of this booklet.



"Every resident has the right to be treated with courtesy and respect and in a way that fully recognizes the resident's individuality and respects the resident's dignity."

In other words...

You have the right to be treated with respect. The staff at your long-term care home must be polite to you. They must recognize your dignity and rights as a person.

For example, you can choose what you want to be called. If you would rather be called "Miss Lee" instead of "Angela", tell the staff. They must respect your wishes.

2 No abuse

"Every resident has the right to be protected from abuse."

In other words...

No one is allowed to abuse you physically, financially, sexually, verbally, or emotionally.

Physical abuse is when someone assaults you, handles you roughly, or slaps, pushes, or beats you. It is also physical abuse when someone refuses to give you medicine that you should take, or gives you medicine that you should not be taking.

Financial abuse is when someone takes your money or property by fraud, theft, force, or by tricking you. If anybody forces you to sell or give away your property, or takes your money or possessions without your permission, what they are doing is financial abuse.

Sexual abuse is when someone forces upon you any type of sexual activity that you do not want. It may be inappropriate touching, sexual exploitation, or comments. Sexual abuse happens if, for example, a staff member or other person in authority has a sexual relationship with you, shows you pornographic materials, or looks at your naked body when that is not part of their job.

Verbal abuse is when someone calls you names, yells at you, or speaks to you in a way that scares, belittles, or threatens you.

Emotional abuse is when someone threatens, insults, or frightens you, or says or does something that humiliates you. This kind of abuse may make you feel lonely, ignored, or as if you are being treated like a child.



"Every resident has the right not to be neglected by the licensee or staff."

In other words...

The owner and the staff at the home are not allowed to neglect you.

Neglect is when the home fails to give you the treatment, care, services, or help that you need for your health, safety, or well-being. Neglect also happens when someone, by not taking action, puts your health, safety, or well-being at risk.

For example, you have the right to get medication that is prescribed for you. If you need help getting to the toilet, you should be taken to the washroom instead of being forced to use incontinence products such as diapers, pads, or plastic pants.



"Every resident has the right to be properly sheltered, fed, clothed, groomed and cared for in a manner consistent with his or her needs."

In other words...

You have the right to receive the care you need. Your care should include:

- a proper place to live,
- · enough good food to eat,
- clean clothes to wear, and
- help with looking clean and tidy.

The staff at your long-term care home should look after any special needs you have.



"Every resident has the right to live in a safe and clean environment."

In other words...

You have the right to have a clean and safe place to live in.

The long-term care home must be safe and everything should work properly. Smoke alarms must work, fire exits must be clearly marked, and stairways must be clear.

The building must be clean. Garbage should be taken out regularly. There should be no bad smells and the building must have a good air supply.

6 Citizens' rights

"Every resident has the right to exercise the rights of a citizen."

In other words...

You keep all your rights as a citizen. These include:

- your democratic rights, including the right to vote,
- your equality rights, including the right to be protected against discrimination,
- the right to practise your religion,
- the right to express yourself,
- the right to meet with anyone you wish, or to join any organization or group, and
- the right not to have your possessions looked through or taken without your permission, except as allowed by law.

As a citizen, you also have responsibilities. For example, you are expected to:

- respect other people's rights and freedoms, and
- obey Canada's laws.



"Every resident has the right to be told who is responsible for and who is providing the resident's direct care."

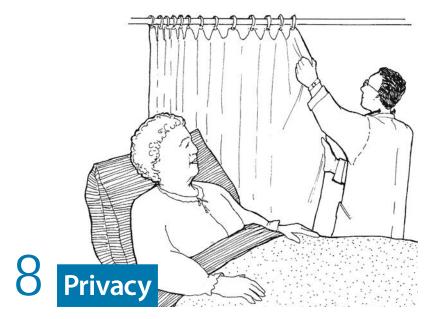
In other words...

You have the right to know who is looking after you no matter who they work for or how they are employed.

For example, they could be staff from an agency or volunteers, they might work full-time or part-time, or be permanent or temporary staff. You still have a right to be told who they are if they take care of you directly.

People who are responsible for your medical and personal care include:

- · doctors,
- the Director of Nursing and Personal Care,
- registered nurses and registered practical nurses,
- personal support workers, who are also called health care aides, and
- volunteers.



"Every resident has the right to be afforded privacy in treatment and in caring for his or her personal needs."

In other words...

You have the right to privacy.

You should feel that you are being treated with respect when you are given medical care. For example, when your doctor is examining you, the door to your room or curtain around your bed should be closed.

You should also have privacy when your personal needs are being looked after. For example, when you are being dressed or bathed, the door or privacy curtain should be closed. When you use the washroom, the door should be closed if that is what you prefer.



"Every resident has the right to have his or her participation in decision-making respected."

In other words...

You have the right to be involved in decision-making about all aspects of your life in the home.

You get to make the decisions about your treatment or care. (There is more information about this in Right 11, starting on page 11.) In other decisions about life in the home, such as what is on the menu, or what entertainment will be available at the home, you may not have the final decision. But you still have the right to express your opinion or your wishes and to be involved in the decision-making.

The home should respect your right to participate by:

- making sure you are told about any changes they are considering,
- giving you all the information you need to help you understand the issues,
- giving you a chance to speak
- · listening to what you have to say, and
- trying to make room for your wishes.

Other parts of the Residents' Bill of Rights talk about your right to make certain decisions for yourself or to take part in decision-making in other areas. Right 9 is a reminder that, in all these areas, your opinions and your right to participate must be respected.

Personal belongings

"Every resident has the right to keep and display personal possessions, pictures and furnishings in his or her room subject to safety requirements and the rights of other residents."

In other words...

You have the right to keep personal things in your room. This is your home. As in any home, it is important to have personal items around that are special to you or make you feel more comfortable.

For example, you might have a favourite guilt, cushion, or books. You might have pictures of your children or grandchildren, or other important pictures. You might also have your own furniture, computer, or television.

Talk to the staff about what you would like to have in your room. It is your choice, as long as your belongings do not interfere with the safety or rights of other people in your long-term care home.



"Every resident has the right to participate fully in the development, implementation, review and revision of his or her plan of care."

In other words...

You have the right to be fully involved in your plan of care, from the making of the plan, right through to when it is being carried out or changed.

A plan of care is a written document that says what kind of care you need and how that care will be provided. It covers not only medical and nursing care but also things like personal support, nutrition, social activities, recreation, and religious practices. Your plan of care is unique to you.

You have the right to be at meetings with your doctors and others who provide you with care to talk about the plan of care. You have the right to ask questions and to say what you want to have in your plan of care.

11b Consent to treatment

"Every resident has the right to give or refuse consent to any treatment, care or services for which his or her consent is required by law and to be informed of the consequences of giving or refusing consent."

In other words...

If your doctor suggests a way to help you, you can decide to:

- · do what the doctor recommends,
- not take the doctor's advice, or
- talk to another doctor or qualified person to get a second opinion.

You must be told what the treatment is for, its risks, benefits and side effects, and what will happen if you decide not to take it. You must also be told if there are alternatives to the recommended treatment. You need to know these things in order to make an informed decision.

No one else can make decisions about your treatment if you are mentally capable. You can have someone help you make decisions, but that too is your choice. You cannot be punished or discharged from the home for refusing to consent to a treatment, including medication.

You are **mentally capable** if you understand and appreciate both what you are doing and the consequences of your decisions.

If you are not mentally capable of making certain decisions, your substitute decision-maker must make them for you. A substitute decision-maker is a person who has the legal right to make decisions for you during times when you are not mentally capable of making them yourself.

11_C Care decisions

"Every resident has the right to participate fully in making any decision concerning any aspect of his or her care, including any decision concerning his or her admission, discharge or transfer to or from a long-term care home or a secure unit and to obtain an independent opinion with regard to any of those matters."

In other words... You have the right to take part in all decisions about moving into the long-term care home, leaving it, or moving to another room within it.

These kinds of decisions cannot be made unless you or your substitute decision-maker agree.

You have the right to talk to someone outside your long-term care home to get a second opinion about the kind of care you need.

You have the right to have a family member, friend, or advocate with you when you meet with doctors and nurses. If you like, you can ask this person to help you decide what to do.

Privacy of health information

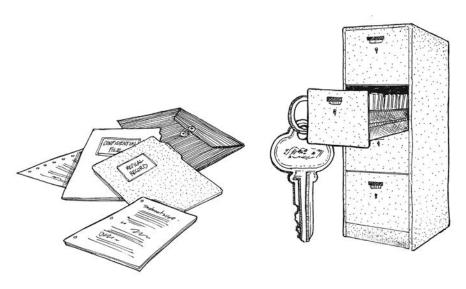
"Every resident has the right to have his or her personal health information within the meaning of the Personal Health Information Protection Act, 2004 kept confidential in accordance with that Act, and to have access to his or her records of personal health information, including his or her plan of care, in accordance with that Act."

In other words...

The law says your health and medical records must be kept private and confidential.

Only the people responsible for your care are allowed to see these records. Other people can see them only with your permission. Your records must be kept in a secure place where others cannot see them.

You have the right to see and get copies of your own records and to show them to other people, if you wish.





"Every resident has the right to receive care and assistance towards independence based on a restorative care philosophy to maximize independence to the greatest extent possible."

In other words...

You have the right to get help to become as independent as you can. For example, you have the right to get help to improve your ability to walk or go to the bathroom on your own.

You have the right to participate in programs at your long-term care home that can help you keep or improve your independence. For example, you might be able to do exercises, play games, make crafts, and take part in other activities that are available.

You have this right even if you have cognitive or other disabilities, or you are unable to leave your room.

13 Restraints

"Every resident has the right not to be restrained, except in the limited circumstances provided for under this Act and subject to the requirements provided for under this Act."

In other words...

You have the right to be free of restraints, except in the few situations where the law allows restraints to be used.

A restraint is anything that limits your movement and prevents you from doing something you might want to do. Some examples of restraints are:

- · medication or drugs,
- · wheelchairs with lap belts,
- mittens, to keep you from scratching yourself,
- bed rails, to keep you from falling out of bed, and
- · locked doors.

But there are some types of restraints that homes are never allowed to use. Examples of banned devices are:

- roller bars on wheelchairs, commodes, and toilets,
- restraints that can be released only with a separate device such as a key or magnet, and
- sheets, wraps, or other items used to wrap you to prevent you from moving.

If you are mentally capable, no one can restrain you, put you in a locked unit, or prevent you from leaving if you do not agree. You may want a friend, family member, or advocate to help you decide whether you should allow restraints to be used on you. If you are not mentally capable, your substitute decision-maker must decide for you.

Sometimes, you may need a restraint for your own safety.

Restraints should not hurt you or make you uncomfortable. If you are put in restraints, your healthcare providers must check on you frequently. And you must be assessed at regular intervals by:

- a doctor,
- a registered nurse, or
- a registered nurse in the extended class, who is sometimes called a nurse practitioner.

Your doctor must tell you about any plans to use a restraint on you and explain how it would be done. You must be told what will happen if you agree to the restraint and what will happen if you do not.

The only time you can be restrained without consent is during an emergency, if there is no other way to prevent serious bodily harm to you or someone else. Medication or drugs can be used as a restraint only during an emergency situation.



"Every resident has the right to communicate in confidence, receive visitors of his or her choice and consult in private with any person without interference."

In other words...

You have the right to meet and talk with people in private.

Because this is your home, you can invite your family, friends, or anyone else to visit you. You get to choose who visits you. Your family or substitute decision-maker might not want certain people to visit you and might even tell the home not to let them visit you. But neither they nor the home can stop anyone from visiting you if you wish to see them.

If you want to speak to someone alone, you have the right to do this. Tell the staff at the home if you do not have enough privacy in your room. They should make arrangements if you give them notice.

You have the right to keep your mail private, whether you are sending or receiving it. No one is allowed to open your mail or read it unless you want them to.



"Every resident who is dying or who is very ill has the right to have family and friends present 24 hours per day."

In other words...

You have the right to have your family and friends with you when your health is critical.

If you want them there, they can be with you day and night and can stay as long as they want.

Designated contact person

"Every resident has the right to designate a person to receive information concerning any transfer or any hospitalization of the resident and to have that person receive that information immediately."

In other words...

You have the right to choose a person your long-term care home must call right away if you ever go to a hospital or move to another home.

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Raising concerns

"Every resident has the right to raise concerns or recommend changes in policies and services on behalf of himself or herself or others to the following persons and organizations without interference and without fear of coercion, discrimination or reprisal, whether directed at the resident or anyone else,

- a. the Residents' Council,
- b. the Family Council,
- c. the licensee [the management of the home],
- d. staff members,
- e. government officials,
- f. any other person inside or outside the long-term care home."

In other words...

You have the right to speak freely. No one is allowed to punish you for speaking out or making a complaint.

You can talk about things that concern you and suggest changes to your home's rules and services. You can do this for yourself or for others.

There are many people who make decisions that affect you. You may want to give them suggestions or tell them your concerns. Some of these people are members of the Residents' Council or Family Council, staff at your long-term care home, and government officials.

Starting on page 29, you will find information about how to make a complaint and where to get help.

18 Friendships

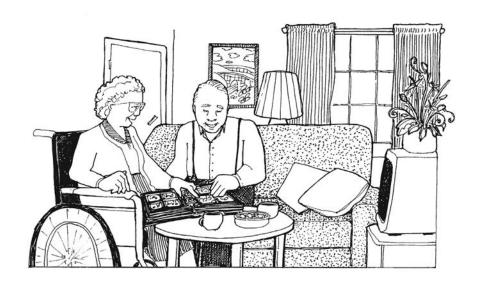
"Every resident has the right to form friendships and relationships and to participate in the life of the long-term care home."

In other words...

You have the right to make friends and to spend time with them. You have the right to be involved in any activities offered at the long-term care home, if you wish.

This can be an important part of your life at the long-term care home.

For example, you may want to participate in exercise classes, be a member of the Residents' Council, or join in other programs where you can meet other people and do things together. No one can stop you from doing these things.



Lifestyle and choices

"Every resident has the right to have his or her lifestyle and choices respected."

In other words...

You have the right to live your life in the manner you wish.

For example, no one can stop you from having a romantic or sexual relationship if that is what you want.

The home should respect your personal preferences and habits.

Residents' Council

"Every resident has the right to participate in the Residents' Council."

In other words... You have the right to participate in the Residents' Council. Every long-term care home must have one.

The law gives these councils certain powers over how the home is run. Only residents of the long-term care home can be members of the Residents' Council

Joining the Residents' Council is a good way to meet people and to have a say in the running of the home.



"Every resident has the right to meet privately with his or her spouse or another person in a room that assures privacy."

In other words...

You have the right to be alone with your spouse or a person who is important to you.

It does not matter whether you are married or not, and it does not matter whether the other person is of the same sex as you or the opposite sex. The long-term care home must have a place where you can meet in private and be intimate, if you wish.

22 Sharing a room

"Every resident has the right to share a room with another resident according to their mutual wishes, if appropriate accommodation is available."

In other words... You have the right to share a room with another resident, so long as you both agree and space is available at the home.

The person you share with could be just a friend or someone you are romantically involved with. You can choose to share your room with someone of the same or opposite sex. It does not matter whether you are married to each other or not

Personal interests

"Every resident has the right to pursue social, cultural, religious, spiritual and other interests, to develop his or her potential and to be given reasonable assistance by the licensee to pursue these interests and to develop his or her potential."

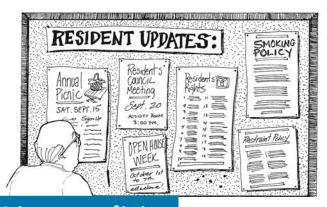
In other words...

You have the right to do things that interest you and things that are important to you, either inside or outside the home.

You do not stop being the person you were before you moved into the long-term care home. You may want to continue your hobbies, follow your religion, and do other activities.

The home should make it possible for you to do these things, within reason. For example, the home could:

- set aside a special area for prayer,
- help get you ready on time for outings, or
- contact outside organizations that may be able to help you.



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Written policies

"Every resident has the right to be informed in writing of any law, rule or policy affecting services provided to the resident and of the procedures for initiating complaints."

In other words...

You have a right to be told in writing how to make a complaint about problems in the home. If you are expected to follow a rule, the home must tell you about the rule in writing.

For example, you must be told in writing about increases in the accommodation fee for your room or in fees for extra services such as ironing, mending, and hairdressing.

All policies about vacations, visiting hours, discharge, and the use of restraints should be explained to you. The home's policies must follow the law.

Your money

25 "Every resident has the right to manage his or her own financial affairs unless the resident lacks the legal capacity to do so."

In other words...

You have the right to manage your money while you are in the long-term care home if you are mentally capable of doing so.

Being able to manage your money includes deciding how you will pay your bills at the home and whether you will have a trust account. It also means understanding what can happen if you keep large amounts of cash on you or in your room.

Even if you are not capable of making other kinds of decisions, you might still be capable of looking after your financial affairs.



"Every resident has the right to be given access to protected outdoor areas in order to enjoy outdoor activity unless the physical setting makes this impossible."

In other words...

You have the right to go outside to enjoy nature, fresh air, and outdoor activities whenever possible. If the home has a protected area, no one can stop you from using it.

You have the right to come and go from the home as you wish if you are mentally capable.

If you are not mentally capable you have the right to use the protected outdoor area if you wish, as long as the home has one.

2/ Bringing people to meetings

"Every resident has the right to have any friend, family member, or other person of importance to the resident attend any meeting with the licensee [the management] or the staff of the home."

In other words...

You have the right to bring along people who are important to you when you have meetings with the staff of the home.

You have this right whether the meeting is an admission conference, a care conference, or any other meeting with staff.

You may choose to bring friends, family members, or people who advocate for you. A lawyer is an example of an advocate.

Having people to support you at meetings can be helpful for many reasons. For example, you may want someone to ask questions or take notes to help you remember all the details. Or, you may need to meet with the staff to talk about your plan of care or about complaints, but may not be comfortable doing this by yourself.

What can I do if my rights are violated?

If you believe your rights under the Bill of Rights have been violated, you can do any of the following:

- Make a complaint to the long-term care home.
- 2. Make a complaint to the Ministry of Health and Long-Term Care.
- 3. Sue the long-term care home for breach of contract.
- 4. Consider other options.

The next four sections take a closer look at each of these options. No matter which option you choose, make sure to find out if there are **time limits**. You also need to find out if choosing one option will affect what else you can do.

1. Making a complaint to the long-term care home

The law says that you have a right to make a complaint about the care you are getting or about the long-term care home. This includes any complaints you have about the violation of your rights under the Residents' Bill of Rights. Your complaint might be about something specific that happened or about general behaviour that violates your rights.

Ask the staff of the home for a copy of the home's complaint process. You have a right to get this

information in writing. The home's complaint process must meet standards that are set out in the law.

You can make your complaint in writing or by speaking to any staff of the home. If you make your complaint in writing, the home must send a copy of it to the Ministry of Health and Long-Term Care.

The law says that the long-term care home must respond to your complaint within 10 business days from the date they receive it. The home must let you know what they have done about the problem. If they cannot find a solution in 10 business days, they must let you know when they expect to. If the home thinks that your complaint is not valid, they must tell you why.

For complaints about harm or risk of harm, the home must investigate the problem immediately. If the complaint is about abuse that the home suspects might be a criminal offence, they must call the police right away.

It is important to keep notes about your complaint. If you make your complaint by speaking to staff, write down the date you do this and the name of the person you spoke to. If you make your complaint in writing, keep a copy of it. You should also make notes about anything the home says to you about your complaint. The home does not have to give you a written response, even if you make your complaint in writing.

2. Making a complaint to the Ministry of Health and Long-Term Care

You can complain directly to the Ministry of Health and Long-Term Care if you do not want to complain to the home. Some homes might tell you that you must follow their complaint policy and not complain to the Ministry directly. This is not true. You can make your complaint to the Ministry at any time, even if you have started to follow the home's complaint process. You do not have to complete the home's complaint process before contacting the Ministry.

For minor problems, however, you may want to try to find a solution by going through the home's complaint process before you contact the Ministry.

In some cases, such as where there is suspected abuse or neglect, or where there has been a serious injury, the home is required to report the incident to the Ministry, and the Ministry must investigate. This does not mean that you should not also make a complaint to the Ministry, as the home may have failed to report it, or their view of the incident may be different from yours.

There are two ways to make a complaint directly to the Ministry — by telephone or in writing.

You may call the Long-term Care ACTION Line toll-free at **1-866-434-0144**; TTY users call **1-800-387-5559**. This is the best way for urgent problems, such as harm, neglect, or danger to residents.

You need to give as much information as you can about the issue. You should include:

- name of the home
- address of the home
- a description of what happened and whether it is an ongoing problem
- when and where it happened
- who was involved
- what you would like done to resolve the complaint

The people answering the ACTION Line are not inspectors, so they will not be able to answer detailed questions or give advice.

They will pass your information to a "triage inspector" who will call you, usually within 2 business days. If the triage inspector thinks that the home might be breaking the rules, they will get an inspector for the area where the home is located, to investigate.

If you leave your name and number, the second inspector will contact you later to let you know how the issue was handled. If you do not leave your name and number, the issue will still be looked into, but the inspector will not be able to contact you to let you know how the issue was handled.

If you prefer, and if the matter is less urgent (for example less serious complaints related to diet, activities or care), you can write the Ministry at: Director, Performance Improvement and Compliance Branch Ministry of Health and Long-Term Care 11th Floor 1075 Bay Street Toronto, ON M5S 2B1

You should keep a copy of your complaint. Written complaints go through the same process of review and inspection as complaints made by telephone.

3. Suing the long-term care home for breach of contract

By law, your long-term care home has made an agreement with you to respect your rights under the Residents' Bill of Rights. So, if these rights are violated, it means that the home has broken the agreement. A lawyer can give you advice about suing the home for "breach of contract", in other words, for breaking the contract. Or you can start a claim on your own in Small Claims Court.

If you need help to find a lawyer, you can contact the Lawyer Referral Service (LRS) for the name of a lawyer in or near your community. The lawyer will speak with you for up to 30 minutes free of charge. To contact the LRS call:

There is information about Small Claims Court at: www.attorneygeneral.jus.gov.on.ca/english/courts/scc

4. Consider other options

Depending on what your complaint is about, you may be able to take your complaint to other places.

Police

If a crime has been committed against you, you may want to report it to the police.

Professional Colleges

If your complaint is about a doctor, nurse, physiotherapist, other regulated healthcare professional, or social worker, you can make a complaint to the organization that regulates that person's profession. The names of these organizations often begin with the word "College". For example, doctors are regulated by the College of Physicians and Surgeons of Ontario.

Contact information for the colleges that govern health care professions in Ontario can be found in a few places:

You can go to the Federation of Health Regulatory Colleges of Ontario website: www.regulatedhealthprofessions.on.ca/colleges

You can also go to www.hprac.org and then click on "Useful links" at the top of the page.

Or you can call ServiceOntario at the numbers below.

To speak to someone, press 0 or stay on the line.

If your complaint is about a social worker, you can contact the Ontario College of Social Workers and Social Service Workers. For more information, go to their website at www.ocswssw.org or phone:

Human Rights

If you believe you have been discriminated against, you can take your complaint to the Human Rights Tribunal of Ontario (HRTO). This is called making an application to the HRTO. Discrimination includes being treated unfairly because of your race, age, disability, sexual orientation, ethnic background, or religious beliefs. These are just some of the kinds of discrimination.

For more information about making an application to the HRTO, visit their website at www.hrto.ca or call them:

If you would like more information about the law

against discrimination, or if you need help or advice about making an application to the HRTO, visit the website of the Human Rights Legal Support Centre at www.hrlsc.on.ca or call them:

Where can I get legal help or information?

Advocacy Centre for the Elderly 2 Carlton Street, Suite 701 Toronto ON M5B 1J3

You can also contact a community legal clinic or Legal Aid Ontario. Community legal clinics give free legal advice, but not all of them can help with problems in long-term care homes. Check with the community legal clinic in your area to see if they can help. Legal Aid's website at www.legalaid.on.ca can help you find the community legal clinic for your area. Click on "Contact" then "Community legal clinics".

For more information about Legal Aid Ontario, visit

TTY, Toronto area 416-598-8867





