



Annual Report 2014-2015

**110-425 Bloor Street East
Toronto, ON
M4W 3R4**



Vision and Mission Statement

VISION

A world in which all people with disabilities enjoy social justice and equal participation in society and our communities

MISSION STATEMENT

ARCH Disability Law Centre, as a specialty legal clinic with a provincial mandate, undertakes to achieve this Vision by:

- Ensuring our work has Ontario wide impact
Focusing on, identifying and removing systemic barriers
- Addressing issues that have an impact on low income people with disabilities, including the root causes of poverty
- Empowering people with disabilities
- Being recognized as experts in the law as it affects people with disabilities
- Addressing the heightened disadvantage, marginalization and exclusion faced by people with disabilities by reason of factors such as gender, race, age, language, economic status and sexual orientation.

VALUES AND PRINCIPLES

ARCH is guided by the following set of core values:

- The dignity and worth of all persons with disabilities must be respected;
- Persons with disabilities have the right to life, self-determination, and full participation in a society free from barriers to their inclusion and integration;
- Persons with disabilities themselves are in the best position to determine their own priorities;
- All persons have a common responsibility to create communities accessible to all persons with disabilities.

Additionally, ARCH is guided by the following set of core organizational principles:

- ARCH operates in accordance with the above core values;
- ARCH is a community-based organization, governed by a Board of Directors composed of a majority of persons with disabilities;
- ARCH is accountable to persons with disabilities in Ontario, its members and its funders.

Adopted by the Board of Directors, November 23, 2010

ARCH Disability Law Centre Chair's Report

I am more than glad to report that this past year has been a challenging and productive year for the ARCH Board. We have focused our attention on the successful hiring of a new Executive Director, Robert Lattanzio, who has demonstrated proven leadership in carrying out the implementation of our strategic objectives including a review and update of ARCH's by-law and policy changes. These will ensure stability and support ARCH's governance and operations and help maintain a healthy organization and future direction. This work was important in determining how we will build on the organization's strengths. Through these discussions, the Board, management and staff have developed a three-year plan that will assist ARCH to successfully navigate the coming years.

ARCH Disability Law Centre continues to face unforeseen challenges created by funders, ARCH staff and board changes. We know that we must move forward in taking a proactive role to maintain and grow healthy and exciting ARCH services and initiatives ahead. We continue to support and advance the rights of persons with disabilities locally, regionally, provincially and nationally.

The Board would like to extend our sincere congratulations to ARCH staff. Under Robert Lattanzio's great leadership they have made outstanding contributions to ARCH. The hard work of our staff and management produced an effective ARCH website, articles, submissions, position papers, fact sheets, and continuing legal education materials as well as the ARCH Alert. We continue to urge each of you to look at our website and use the resources and publications to support your law reform and public education that help to enhance rights of people with disabilities.

Furthermore, we would like to recognize Sharon Twilley, Lucy Costa, and Rachelle Denny, long-time ARCH board members, for their wonderful contribution to ARCH's Board of Directors and their contribution to its effective governance. We thank them for their committed volunteer work to serve as ARCH Board members for many years. I also wish to thank Ivana Petricone for her many years of service.

In closing, I would like to extend our sincerest thanks to the management, staff, and board of directors, volunteers, funders and donors for contributing to another outstanding year. I am constantly inspired by their hard work and support and their ability to shape ARCH Disability Law Centre into a viable and healthy organization, prepared for any new changes and challenges ahead.

Gary Malkowski,
President and Chair,
ARCH Disability Law Centre

ARCH's Significant Activities Report October 2014 to September 2015

On behalf of all our staff, I am very pleased to report to our membership on the work of ARCH Disability Law Centre during this past year. ARCH staff continues to provide legal services and advocate with commitment and excellence for, and with, the communities of persons with disabilities. I thank each of them for their fine work, perseverance and dedication.

ARCH's Board of Directors continues to provide the leadership, governance and vision that maintain our organizational health and stability. Most importantly, our Board keeps us rooted and responsive to the communities we are mandated to serve. I am grateful to each of them for this guidance and for their unwavering commitment to the mission of ARCH.

ARCH has undergone significant change over this past year, and I have no doubt this transition continues to strengthen our resolve and our commitment to the work that we do.

We congratulate two of our lawyers, Kerri Joffe and Yedida Zalik, both on parental leave with new additions to their family. We also wish to congratulate Laurie Letheren who is also on leave, currently sitting as a Vice-Chair at the Human Rights Tribunal of Ontario. I also wish to congratulate Ivana Petricone for her new position at IAVGO.

Lastly, I wish to thank ARCH's committed and dedicated staff who have risen to unexpected challenges over the last year. I remain grateful for their continued support throughout my transitioning into my new position. They are truly a talented team that I am proud to work alongside.

LEGAL SERVICES FOR PERSONS WITH DISABILITIES

A cornerstone of ARCH's services is the *Summary Advice and Referral Service* for Ontarians with disabilities. ARCH's *Summary Advice and Referral Service* is provided directly by our lawyers and Disability Law Intensive (DLI) law students.

Through ARCH's *Summary Advice and Referral Service*, our staff provide summary advice, legal information, and referrals to people with disabilities across the province of Ontario. The service is provided primarily by telephone but other methods of communication, including in-person meetings and email correspondence, are provided to accommodate disability-related needs.

ARCH also provides ongoing direct legal services which are primarily focused on ARCH's priority areas (Education law, Attendant services, Capacity, and Developmental services) but as with our *Summary Advice and Referral Service*, they are not limited to those areas. This work may include providing a legal opinion on a specific matter, negotiating with service providers or opposing parties on behalf of the individual to resolve the matter and, investigating the legal merits of a matter.

SIGNIFICANT CASES

ARCH engages in test case litigation on behalf of groups and individuals in cases in which potential outcomes will have broad impact for many persons with disabilities. In pursuing these cases, ARCH strives to provide decision makers with a disability perspective, with the goal of changing existing laws and/or advancing the rights of persons with disabilities. Additionally, ARCH has taken on a

larger role representing individuals in the current four priority areas. The following is a summary of some of ARCH's litigation activities:

ARCH Coalition's Intervention in Right to Housing Charter Application

A number of individuals and the Centre for Equality Rights in Accommodation began an application claiming that the Federal and Provincial governments failed to develop a housing strategy to address the housing crisis in Canada, breaching equality rights under sections 15 and 7 of the *Canadian Charter of Rights and Freedoms*. In September 2013, the Ontario Superior Court granted the governments' request to dismiss the application. The applicants filed an appeal to the Court of Appeal, asking that the decision striking their case be reversed.

A Coalition including ARCH Disability Law Centre, Dream Team, HIV & Aids Legal Clinic Ontario and Canadian HIV/Aids Legal Network was granted the right to address the Court of Appeal as friends of the Court. The Coalition submitted that a court must take the opportunity to review the evidence in order to gain a full understanding of the context of persons with disabilities who are impacted by the governments' failure to implement an effective housing strategy. The Coalition emphasized that for many people with disabilities access to adequate housing is a right to life, liberty and security of the person. As well, the Coalition addressed the need for the Court to review the governments' obligations under the United Nations Convention on the Rights of Persons with Disabilities as part of the review of whether Charter rights have been violated.

The hearing of this case was held in May 2014. In December 2014, the Court of Appeal released a divided ruling. The majority of the court found that the case did not raise justiciable issues. In a strong dissent, Justice Kathryn Feldman, the most experienced judge on the panel, found that the application raises serious Charter claims of significant public importance. The Applicants asked the Supreme Court to hear their appeal of the Court of Appeal's decision. On June 25, 2015 the Supreme Court of Canada refused to hear the appeal.

Criminal Injuries Compensation Board

At our last AGM, we reported on a successful case in which we assisted a young man labelled with an intellectual disability at the Criminal Injuries Compensation Board. ARCH was surprised to learn that the Criminal Injuries Compensation Board ordered the money he was awarded to be paid to the Public Guardian and Trustee, without ever having met the client, or making inquiries into his capacity to manage his own finances. ARCH had met with the young man on numerous occasions and had no concerns about his capacity to manage his own finances.

The client decided to enter into a Power of Attorney with his father, because he wanted his help in deciding how to spend such a large sum. However, when the client's father took the Power of Attorney to the local office of the Public Guardian and Trustee, they refused to allow the father to manage the compensation. They took the position that they had been given the money through a court ordered process. No arguments about the Criminal Injuries Compensation Board would persuade them to release the money to the client and his father.

The matter was swiftly resolved when we spoke with the Criminal Injuries Compensation Board, and talked to them about capacity to manage one's finances, the test for making that determination, who gets to make that determination and the costs associated with a capacity assessment. The Board

varied their order, the money was given to the young man and his father, and the result was a successful one.

In response to this case, ARCH researched and drafted a law reform paper, analysing the statutory regime, and reviewing other comparable regimes across Canada, and the interactions of this regime with other Ontario laws. ARCH's DLI students were involved in this project. ARCH framed this work through a human rights lens, relying on Ontario's *Human Rights Code*, the *Canadian Charter of Rights and Freedoms*, and the *UN Convention on the Rights of Persons with Disabilities* to analyse Ontario's practice at the Criminal Injuries Compensation Board. This report sets out a series of recommendations.

Protecting Rights of Persons Subject to Guardianship

In addition to ARCH's usual work providing rights advice and assistance to persons subject to the statutory guardianship of the Office of the Public Guardian and Trustee, ARCH has taken on a number of more complex cases involving defending the rights of persons subject to a Court-Appointed Guardianship.

Persons subject to these guardianships usually approach ARCH because they are frustrated having to live under the extreme restrictions and controls their guardians place upon them. In some cases guardians search people's rooms, confiscate their private documents, read their diaries and attempt to dictate people's schedules and who they are allowed to speak to.

In fact, Guardians have an obligation to respect the privacy and autonomy of the person subject to the guardianship. They are expected to involve the person in decisions made on their behalf. Guardians have an obligation to promote the autonomy and freedom of the individual. While safety may be a concern, guardians have to balance safety issues with the equally important objectives of encouraging autonomy and participation in the community. While in some of ARCH's cases, conflicts between guardians and the 'incapable' person can be resolved through negotiation; in other cases litigation is necessary. ARCH also has helped a number of clients obtain capacity assessments to prove their capacity and allow them to terminate a statutory or Court appointed guardianship.

ARCH was also involved in a Guardianship matter as 'Section 3' (of the *Substitute Decisions Act*) counsel, representing the 'incapable' person's interests, ensuring that person's rights are respected and helping to ensure that court is aware of the individual's wishes. In many cases, when family members or others are battling in court over who should be appointed guardian for an incapable adult, that adult has no-one to speak for them and represent their wishes. The interests of the person at the centre of the proceeding can therefore be lost amid the battles of the other parties. Section 3 counsel can ensure that the voice of the purportedly "incapable" person is heard by the Court and ensure that the rights and needs of the person with a disability remain the key focus of attention during the proceedings.

Blood Donation by Persons with Intellectual Disabilities

In 2012, ARCH was retained by a young woman, labelled with an intellectual disability, who was not permitted to donate blood to make a complaint against Canadian Blood Services at the Canadian Human Rights Commission. In 2015, ARCH applied for judicial review of a decision of the

Canadian Human Rights Commission to not refer a complaint to the Canadian Human Rights Tribunal.

Education Law

ARCH continues to receive a significant amount of calls and cases in the area of education law from students with disabilities and their families. Many of the cases that ARCH takes on are negotiated either informally or through a formal process prior to matters being heard by adjudicators. These cases mostly centre on school boards' alleged failure to appropriately accommodate students with disabilities as well as denials of access to education services.

LAW REFORM INITIATIVES

ARCH staff participated in several law reform initiatives that included working with coalitions, the Law Commission of Ontario, making written and oral submissions to government committees and government officials. In many instances, we see the suggestions made in the ARCH submissions reflected in the changes to legislation and policy. Some of the initiatives undertaken this year include:

Respecting Rights and Making Rights Real

ARCH co-founded Respecting Rights three years ago and continues to support this initiative. Respecting Rights is a coalition of self-advocates (persons labelled with intellectual disabilities), and leaders from other stakeholder groups focusing on developing more tailored rights education approaches and rights enforcement and accountability mechanisms within the developmental services sector.

ARCH and Respecting Rights have delivered numerous workshops and sessions on rights and rights education, including at the Speaking Out Conference, and the Ontario Association for Developmental Disabilities annual conference. ARCH and Respecting Rights have also met with representatives of the Ministry of Community and Social Services and leaders of associations and service providers across the Province.

ARCH has also launched a law reform campaign called Making Rights Real (<http://www.makingrightsreal.ca/>), which calls for reforms to the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008*.

Call for Accessible Legislation

ARCH wrote to Premier Kathleen Wynne requesting a review of high impact legislation to identify and remove barriers within those laws. ARCH prepared submissions that outlined the barriers and recommendations found within laws that govern areas that ARCH often practices.

PUBLIC LEGAL EDUCATION ACTIVITIES

ARCH delivered a number of educational sessions to further our goal to ensure that people with disabilities, and those who represent them, are aware of their rights and are enabled in their enforcement. The following are some examples of the sessions delivered during this past year:

In May and June 2015, ARCH participated in an innovative and exciting project initiated by the Huron/Perth Community Legal Clinic and the Huron Women's Shelter: Second Stage Housing and Counselling Services. The project was designed to increase awareness of justice in rural and remote communities in the Huron and Perth catchment area. The attendees were predominantly front line workers who would use the information from the presentations to better assist or refer their clients. The focus of the initiative was the intersection of key issues in poverty law and mental health. Over a two month period four full day workshops were held in Wingham, Exeter, Seaforth and Goderich. The Huron/Perth Community Legal Clinic staff presented workshops on Housing and Social Assistance laws and their impact on low-income people. ARCH presented on Mental Health and Human Rights issues.

In June, ARCH Staff Lawyers presented at the MHLC and LSUC's conference "Practice before the Consent and Capacity Board". Tess Sheldon presented a paper entitled: *Building Blocks, Pitfalls & High Hopes: Procedural Accommodation Requests on Behalf of parties with Disabilities before the Consent and Capacity Board*.

ARCH presented to a variety of groups and service agencies outlining the rights of persons subject to a guardianship and the obligations of substitute decision makers.

ARCH also presented a series of presentations to groups such as the Mood Disorders Association of Ontario on how to employ WRAP Plans (Wellness Recovery Action Plans) and how to use Powers of Attorneys to ensure that the wishes and instructions outlined in a WRAP plan have legal force. This program is of particular importance to persons who experience fluctuating capacity or episodic periods of incapacity.

ARCH routinely presents on the topic of education law and human rights, and again this year, has delivered numerous workshops to students with disabilities and their families. ARCH was also invited to deliver a session entitled "What's the Law: Legal and Policy Implications of Service Provision and Inclusion" at the Symposium for Educators and Administrators: How to Meet the Diversity Challenge in the Classroom" held this year in Kingston, Ontario.

In March 2015, ARCH addressed the University of Toronto's Comparative Program on Health and Society at the Munk Centre on issues relevant to the involuntary detention within the psychiatric system.

ARCH ALERT

ARCH *Alert* is ARCH's quarterly newsletter. It provides timely information on proposed legislation, major cases, government consultations, community initiatives, and other disability-related initiatives and developments. ARCH *Alert* has a circulation of approximately 3700 readers. It is distributed to people with disabilities, family members, government officials, disability organizations, the media, ARCH's community partners, the community legal clinics in Ontario, lawyers and legal organizations throughout the province and beyond. After the publication of each issue and at many public legal education events, people have expressed their appreciation for the information provided and for the thorough and relevant content in the newsletter.

ARCH *Alert* articles can be read on line at: <http://www.archdisabilitylaw.ca/arch-alerts>.

HIGHLIGHTS OF SELECTED PROGRAM INITIATIVES AND SPECIAL PROGRAMS

Disability Law Intensive

ARCH Disability Law Centre continues its exciting partnership with Osgoode Hall Law School at York University called the Disability Law Intensive. The purpose of this program is to introduce second and third year law students to the complex issues faced by persons with disabilities and to help them learn the most effective ways of delivering legal services to our community. This program is the first of its kind in Canada. Ten students were selected to participate in the 2015-16 Disability Law Intensive at ARCH.

Our new group of students participated in an intense training week from August 24 – 28, 2015. During that time, ARCH staff and our Osgoode Hall Law School partners, were engaged in presenting a variety of topics that included: an orientation to our office, office practices and procedures; the substantive areas of law that form the basis of ARCH's priority work; and the basic, practical skills that will assist the students in performing their work. We were joined by guest lecturers on some topics.

ARCH lawyers will each supervise two law students for the entire academic year. One law student will focus on law reform and policy work for one semester while the other student will participate in work related to ARCH's direct client service delivery. The students will rotate through the two program sections in January. The students who begin working on client services will focus on delivering direct legal services through our Summary Advice and Referral Service, researching and writing memos of law to assist in the development of strategy for cases, and preparing for mediation or hearing. The students focusing on law reform and policy work will participate in a variety of on-going law reform initiatives that ARCH conducts. All of this will be done under the supervision of a staff lawyer.

The students are at ARCH two days each week. The 2014 – 2015 academic year was successful, and was invigorating for all of us to have the students join us in the office. Our DLI students bring a fresh perspective and keen sense of learning to the tasks they are given.

ARCH looks forward to enhancing the services that we offer to our community through this partnership with Osgoode Hall Law School.

St. Michael's Hospital Legal Services Project

2015 saw the launch of the St. Michael's Hospital Legal Services Project. ARCH in partnership with the Family Health Team (FHT) at St. Michael's Hospital in downtown Toronto, Aboriginal Legal Services of Toronto, the HIV & AIDS Legal Clinic Ontario (HALCO) and Neighbourhood Legal Services came together to establish the first medical legal partnership between community legal clinics and an inner city hospital. Together, the partnership is working to achieve improved health outcomes through interdisciplinary collaboration that includes systemic advocacy to address the social and environmental factors that negatively impact patient well-being. Legal Aid Ontario has provided financial support for this initiative. The Advocacy Centre for the Elderly (ACE), Justice for Children and Youth, the Canadian Environmental Law Association (CELA), Injured Workers Consultants, and the Centre Francophone have provided invaluable counsel and support for this project.

On December 15, 2014, operations began at the Family Health Team's 80 Bond St. Clinic site. Legal services are provided at 80 Bond by our lawyer, **Johanna MacDonald**, with the administrative support of **Rosa Tavares**. The 80 Bond Health clinic site is one of six clinic sites that comprise the St. Michael's Academic Family Health Team. Direct services will be rolled out next to the St. Jamestown site.

Johanna has provided legal education for the health team by way of one-to-one meetings, group discussions, and presentations at meetings such as the clinical staff meeting, the physicians' meeting at 80 Bond and Department-wide, and at student program orientations (psychology, chiropractic, and medical residents).

This summer, we created a series of internal Social Determinants of Health (SDOH) Legal Reference Sheets on roughly 12 areas of legal analysis. Matching the SDOH Legal Reference Sheets with CLEO and other LAO and clinic publications, we will design a 12-part workshop series for health care professionals and patients. The intention is for education to be available to the entire Department, even prior to site-specific roll-out of direct services.

Education provided for patients/clients is also already underway. We are in the midst of conducting a 4-part series on targeted legal issues (human rights and housing have been the focus to date) at the STAR Learning Institute, a recovery-oriented program for persons with mental health disabilities. We received positive feedback on the evaluation of the first presentation held in June.

In our initial phase, we gathered information on Family Health Team interest in law reform activities. Johanna has consulted with the Team on the following topics:

- 1) Access to Essential Medications and Decriminalization of Controlled Substances
- 2) Right to Housing Campaign
- 3) Precarious labour and the *Employment Standards Act* reform/revisions.

Johanna is taking a leadership role in systemic advocacy as a member of the Family Health Team's Social Determinants of Health Committee, by identifying systemic issues linked to the individual patient/clients' legal issues being referred in. We will track the issues identified and use this system as a guide and factor in taking on law reform projects.

ARCH has hosted two Access to Justice Brainstorm sessions that resulted in a draft working definition of access to justice and social determinants of health that will help guide our evaluation of the program.

We will continue to dialogue at key intervals with the leadership at St. Michael's to both monitor the project and plan for potential growth.

Law Commission of Ontario Project: Legal Capacity, Decision-Making and Guardianship

The Law Commission of Ontario (LCO) has undertaken a project to review Ontario's statutory framework related to legal capacity, decision-making and guardianship with a view to developing recommendations for reform of the law, policy and practice in this area. The project has its roots in two of the LCO's previous projects, *The Framework for the Law as It Affects Older Adults* and *The Framework for the Law as it Affects Persons with Disabilities*. ARCH has played a significant role in

many aspects of this project.

a) Project Advisory Committee

ARCH was a member of the Project Advisory Committee that has overseen and advised on all stages of the project, most recently on the draft recommendations to be included in the Interim Report.

b) LCO commissioned Research Paper

ARCH was commissioned by the LCO to prepare a major research paper examining the extent to which provisions of the *Substitute Decisions Act, 1996* are consistent with a rights-based and principled approach to capacity and offering recommendations on how to reform the law to better protect the rights and autonomy of persons subject to guardianship. ARCH's paper "*Decisions, Decisions: Promoting and Protecting the Rights of Persons with Disabilities Who are Subject to Guardianship*," can be found on the LCO website at: <http://lco-cdo.org/en/capacity-guardianship-commissioned-paper-arch>

c) Community Consultations

The LCO carried out extensive community consultations to obtain the views of persons subject to guardianships, persons with disabilities that may require assistance with decision-making and the people who work closely with them. ARCH hosted two of the LCO consultations.

We look forward to the release of the LCO's Interim Report that will be released for input and comment by the community in 2016.

Association of Human Rights Lawyers

ARCH continues to host monthly meetings of the Association of Human Rights Lawyers. Lawyers in private practice, the Human Rights Legal Support Centre and our colleagues in various legal clinics attend the meetings to discuss important decisions, Human Rights Tribunal procedures and to consult on ongoing cases. In between meetings, members share information and dialogue through email. The discussion is always very informative and the group is a great source of support and guidance for those who practice human rights law.

ARCH Staff Lawyer, Tess Sheldon, was appointed to the Human Rights Tribunal of Ontario's Practice Advisory Committee.

ARCH Public Library

The ARCH Public Library contains current and historical resources on many disability-related issues important to people with disabilities and their families. The resources, available in print, video, DVD or web formats, may also interest ARCH community partners and researchers. The resources cover topics such as: disability law and policy; programs and services for persons with disabilities; history of the disability rights movement; inclusion and equality rights in education, employment and society at large; community and independent living; advocacy and empowerment; safety and abuse prevention; accessibility and assistive technologies; practical guides for home, school, workplace and community; memoirs and experiences of persons with disabilities and their families.

Everyone is welcome to come to ARCH to browse the library and search the catalogue. We have two computers equipped with access to the Internet and screen magnification software. Library

visitors can also use the screen reader (JAWS) and alternative keyboard. Our print and video resources are for use in the ARCH Library. The library catalogue can be used remotely from home or office. Members of the public can search by subject, title, keyword or author. ARCH law reform submissions and public education resources will display in full-text online versions.

We greatly appreciate the financial support of the Law Foundation of Ontario in assisting us in making the ARCH Public Library a reality.

COLLABORATIVE WORK

ARCH staff participate in a number of collaborations on an ongoing basis throughout the year. These include committees of community groups, community legal clinics, the Association of Community Legal Clinics of Ontario, Legal Aid Ontario, the Law Society of Upper Canada and government. The work of all of these collaborations is to advance access to justice for the poor in Ontario and to ensure their voices are heard by government, policy and decision makers. Examples of the committees on which ARCH staff participated during the year include:

Law Society of Upper Canada – Equity Advisory Group (EAG)
Ontario Bar Association’s Equality Committee
Ontario Disability Support Plan Action Coalition
Clinic Human Rights Working Group
KnowledgeNow Group
Toronto Legal Clinic Management Group
Toronto Support Staff Association
Ontario Legal Clinics’ Network on Workers’ Compensation
Bancroft Institute Steering Committee
Centre for Research on Work Disability Policy – Community Partner

ARCH FUNDERS

Legal Aid Ontario

The Board of Directors of ARCH wishes to acknowledge the on-going support of Legal Aid Ontario (LAO), ARCH’s primary funder.

ARCH received a grant from LAO’s Client Service Coordination Fund to fund our Community Outreach Coordinator.

ARCH is most grateful to LAO for its agreement to fund the St. Michael’s Legal Services Project until March 31, 2017. This project is described earlier in this report.

Additional Funders

The City of Toronto has once again provided ARCH with a Community Service Partnership Grant that supports our education, information and referral program, for which we are appreciative. These funds enable ARCH to employ administrative staff not funded by Legal Aid Ontario.

ARCH is licensed by the Ontario Lottery Corporation to participate in the Break Open Ticket program. Receipts from this initiative support our information/referral services, library purchases, disability accommodation, our website and staff training.

We received funds from Service Canada's Summer Career Placement Program to hire a summer law student.

ARCH STAFF

ARCH has a staffing complement of twelve positions. As our primary funder, LAO provides our operating and on-going personnel funds. We are able to fill 11.5 positions with LAO funds: the executive director (who is also a lawyer); the office manager; five staff lawyers; an intake and referral worker; a community outreach coordinator, 1.5 litigation assistants, and a staff lawyer and program assistant for the St. Michael's Hospital Legal Project.

ARCH raises funds through various sources from year to year that fund half the cost of an administrative staff as well as a librarian.

Non-permanent staff include law students who work with us in the summer or on a pro bono basis throughout the year. ARCH also contracts individuals from time to time to work on specific projects.

CONTRIBUTORS TO ARCH'S WORK: CLINICS, COMMUNITY ORGANIZATIONS, STUDENTS, LAWYERS AND VOLUNTEERS

During 2014 and 2015 law students have expressed a great deal of interest in working with ARCH in various capacities. Pro bono law students, summer students and articling students have greatly enhanced our work. They bring talent, energy and commitment to the work of ARCH, as well as humour and fun to the office.

Additionally, ARCH is very appreciative of the support of our sister clinics, the private bar and the pro bono assistance of lawyers and law students provided to ARCH itself, and to our clients. ARCH thanks the many volunteers who have provided ongoing general support or offered us specific insight and information that has advanced our work.

ARCH gratefully acknowledges the contributions of the following students, lawyers and volunteers:

Akina Tamang, summer law student
Casandra Bruni , Disability Law Intensive student
Dylan Augruso, Disability Law Intensive student
Harjot Dosanhj, Disability Law Intensive student
Horace Josephs, Disability Law Intensive student
John Wilson, Disability Law Intensive student
Jonathan Hurter, Disability Law Intensive student
Kathryn Craner, Disability Law Intensive student
Kirk Andrews, Disability Law Intensive student
Nabila Khan, Disability Law Intensive student
Natasha John, Disability Law Intensive student
Scott Murray, Disability Law Intensive student
Stephanie Marchello, Disability Law Intensive student

Janet Lawson, ARCH social work student
Elsa Ascencio, University of Ottawa, law student
Nilofar Ahmadi, University of Ottawa, law student

I trust our membership finds this information to be informative and representative of the work we have completed throughout the year. For more information about our ongoing work, please visit our website at www.archdisabilitylaw.ca and subscribe to the ARCH *Alert* newsletter.

I wish to thank you all for your support as members.

ROBERT LATTANZIO
Executive Director

ARCH DISABILITY LAW CENTRE

FINANCIAL STATEMENTS

MARCH 31, 2015

Independent Auditor's Report

To the Board of Directors of
ARCH Disability Law Centre

We have audited the accompanying financial statements of ARCH Disability Law Centre, which comprise the statement of financial position as at March 31, 2015, and the statements of operations, funds balance and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian accounting standards for not-for-profit organizations, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the organization's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the organization's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements present fairly, in all material respects, the financial position of ARCH Disability Law Centre as at March 31, 2015, and the results of its operations and its cash flows for the year then ended in accordance with Canadian accounting standards for not-for-profit organizations.



Toronto, Ontario
August 28, 2015

Chartered Professional Accountants
Licensed Public Accountants

ARCH DISABILITY LAW CENTRE

Statement of Financial Position

March 31, 2015

	LAO General Fund \$	LAO Legal Disbursements Fund \$	LAO Capital Fund \$	General Fund (note 1(a)(iv)) \$	Break Open Ticket Fund \$	LAO Project Fund \$	Total \$
ASSETS							
Current Assets							
Cash	439,135	12,966	-	171,425	62,006	-	685,532
HST recoverable	23,317	197	-	25	5,112	-	28,651
Prepaid expenses (note 3)	55,622	-	-	-	-	-	55,622
	518,074	13,163	-	171,450	67,118	-	769,805
Capital assets (note 4)	-	-	-	-	-	-	-
Total assets	518,074	13,163	-	171,450	67,118	-	769,805
LIABILITIES							
Current Liabilities							
Accounts payable	25,590	-	-	-	298	30,000	55,888
Inter-fund payable (receivable)	351,143	-	-	8,654	2,746	(362,543)	-
	376,733	-	-	8,654	3,044	(332,543)	55,888
FUNDS BALANCE	141,341	13,163	-	162,796	64,074	332,543	713,917
Total liabilities and funds balance	518,074	13,163	-	171,450	67,118	-	769,805

Approved on behalf of the Board:

Member
ARCH Disability Law Centre

ARCH DISABILITY LAW CENTRE

Statement of Financial Position

March 31, 2014

	LAO General Fund \$	LAO Legal Disbursements Fund \$	LAO Capital Fund \$	General Fund (note 1(a)(iv)) \$	Break Open Ticket Fund \$	LAO Project Fund \$	Total \$
ASSETS							
Current Assets							
Cash	32,687	14,390	-	156,251	60,810	-	264,138
Accounts receivable	-	-	-	10,793	-	205,000	215,793
HST recoverable	28,049	234	-	885	5,256	-	34,424
Prepaid expenses (note 3)	57,870	-	-	-	-	-	57,870
	118,606	14,624	-	167,929	66,066	205,000	572,225
Capital assets (note 4)	-	-	-	-	-	-	-
Total assets	118,606	14,624	-	167,929	66,066	205,000	572,225
LIABILITIES							
Current Liabilities							
Accounts payable	15,215	-	-	-	1,011	-	16,226
Inter-fund payable (receivable)	55,282	-	-	9,617	4,815	(69,714)	-
	70,497	-	-	9,617	5,826	(69,714)	16,226
FUNDS BALANCE	48,109	14,624	-	158,312	60,240	274,714	555,999
Total liabilities and funds balance	118,606	14,624	-	167,929	66,066	205,000	572,225

ARCH DISABILITY LAW CENTRE

Statement of Operations and Funds Balance

Year ended March 31, 2015

	LAO General Fund \$	LAO Legal Disbursements Fund \$	LAO Capital Fund \$	General Fund (note 1(a)(iv)) \$	Break Open Ticket Fund \$	LAO Project Fund \$	Total \$
Revenues							
Legal Aid Ontario							
-direct receipts	1,363,694	-	-	-	-	202,914	1,566,608
-indirect receipts (note 6)	12,256	-	-	-	-	-	12,256
City of Toronto - Community Service Partnership Grant	-	-	-	30,360	-	-	30,360
Grants	-	-	-	2,349	-	-	2,349
Break Open Tickets	-	-	-	-	99,756	-	99,756
Recovered from clients	-	1,341	-	-	-	-	1,341
Other income	-	-	-	15,878	-	-	15,878
	1,375,950	1,341	-	48,587	99,756	202,914	1,728,548
Expenses							
Salaries and benefits	952,570	-	-	36,506	-	-	989,076
Accommodations	191,468	-	-	-	-	-	191,468
Supplies and services	28,985	-	-	7,297	95,922	-	132,204
Project expenses	-	-	-	-	-	145,085	145,085
Travel	33,670	-	-	-	-	-	33,670
Communications	19,011	-	-	300	-	-	19,311
Library	15,777	-	-	-	-	-	15,777
Professional dues	12,694	-	-	-	-	-	12,694
Equipment	9,739	-	-	-	-	-	9,739
Audit fees	6,548	-	-	-	-	-	6,548
Indirect payments (note 6)	12,256	-	-	-	-	-	12,256
Legal disbursements	-	2,802	-	-	-	-	2,802
	1,282,718	2,802	-	44,103	95,922	145,085	1,570,630
Excess of revenues over expenses (expenses over revenues)	93,232	(1,461)	-	4,484	3,834	57,829	157,918
Funds balance, beginning of year	48,109	14,624	-	158,312	60,240	274,714	555,999
Funds balance, end of year	141,341	13,163	-	162,796	64,074	332,543	713,917

ARCH DISABILITY LAW CENTRE

Statement of Operations and Funds Balance

Year ended March 31, 2014

	LAO General Fund \$	LAO Legal Disbursements Fund \$	LAO Capital Fund \$	General Fund (note 1(a)(iv)) \$	Break Open Ticket Fund \$	LAO Project Fund \$	Total \$
Revenues							
Legal Aid Ontario							
-direct receipts	1,237,730	-	-	-	-	220,332	1,458,062
-indirect receipts (note 6)	10,554	-	-	-	-	-	10,554
City of Toronto - Community Service Partnership Grant	-	-	-	29,705	-	-	29,705
Grants	-	-	-	17,332	-	-	17,332
Break Open Tickets	-	-	-	-	97,383	-	97,383
Recovered from clients	-	1,000	-	-	-	-	1,000
Other income	16	-	-	22,964	-	-	22,980
	1,248,300	1,000	-	70,001	97,383	220,332	1,637,016
Expenses							
Salaries and benefits	966,315	-	-	37,679	-	-	1,003,994
Accommodations	192,882	-	-	-	-	-	192,882
Supplies and services	26,495	-	-	17,640	97,637	-	141,772
Project expenses	-	-	-	-	-	111,460	111,460
Travel	18,945	-	-	-	-	-	18,945
Communications	16,017	-	-	2,971	-	-	18,988
Library	15,811	-	-	-	-	-	15,811
Professional dues	12,052	-	-	-	-	-	12,052
Equipment	8,065	-	-	-	-	-	8,065
Audit fees	6,548	-	-	-	-	-	6,548
Indirect payments (note 6)	10,554	-	-	-	-	-	10,554
Legal disbursements	-	13,794	-	-	-	-	13,794
Amortization	-	-	1,011	-	-	-	1,011
	1,273,684	13,794	1,011	58,290	97,637	111,460	1,555,876
Excess of revenues over expenses (expenses over revenues)	(25,384)	(12,794)	(1,011)	11,711	(254)	108,872	81,140
Funds balance, beginning of year	73,493	27,418	1,011	146,601	60,494	165,842	474,859
Funds balance, end of year	48,109	14,624	-	158,312	60,240	274,714	555,999

ARCH DISABILITY LAW CENTRE

Statement of Cash Flows

Year ended March 31	2015 \$	2014 \$
Cash flows from operating activities		
Excess of revenues over expenses for year	157,918	81,140
Item not affecting cash		
Amortization	-	1,011
	157,918	82,151
Changes in non-cash working capital		
Decrease (increase) in accounts receivable	215,793	(167,484)
Decrease in HST recoverable	5,773	28,417
Decrease in prepaid expenses	2,248	4,562
Increase (decrease) in accounts payable	39,662	(2,981)
Decrease in deferred revenue	-	(1,880)
	421,394	(57,215)
Net change in cash during year	421,394	(57,215)
Cash, beginning of year	264,138	321,353
Cash, end of year	685,532	264,138

ARCH DISABILITY LAW CENTRE

Notes to Financial Statements

March 31, 2015

ARCH Disability Law Centre (the "Organization"), is incorporated without share capital under the laws of the Province of Ontario. The Organization was formed to provide equal access to quality legal services for persons with disabilities and disability organizations.

The Organization qualifies as a not-for-profit organization under the Income Tax Act and is exempt from corporate income tax.

1. Significant accounting policies

a) Fund accounting

These financial statements are prepared in accordance with Canadian accounting standards for not-for-profit organizations and are in accordance with Canadian generally accepted accounting principles. The Organization follows the restricted fund method of accounting for contributions. All the funds described below, except as noted, are restricted as to use by various agreements between the Organization and Legal Aid Ontario ("LAO") and title to the Organization assets vests with the funder.

i) LAO General Fund

These funds are used to provide a range of legal and paralegal services, including public legal education, summary advice and referral, law reform, community development and test case litigation on behalf of persons with disabilities and disability organizations.

ii) LAO Legal Disbursements Fund

These funds are used to provide for certain direct expenses incurred in representing Organization clients in legal proceedings.

iii) LAO Capital Fund

This fund holds the capital assets of the Organization that have been funded by Legal Aid Ontario.

iv) General Fund

The unrestricted fund includes monies, which are used to enhance the activities of the Organization as directed by management or the board of directors.

Restricted funds are received from time to time from various sources for specific projects (see note 5).

v) Break Open Ticket Fund

These funds are received from the proceeds of break open ticket sales. The use of these funds is restricted as detailed in the Break Open Ticket Lottery License issued by the Alcohol and Gaming Commission of Ontario.

Notes to Financial Statements (continued)

March 31, 2015

1. Significant accounting policies (continued)

a) Fund accounting (continued)

vi) LAO Project Fund

These funds are used to fund specific LAO projects.

b) Capital assets

The costs of capital assets are capitalized upon meeting the criteria for recognition as capital assets, otherwise, costs are expensed as incurred. The cost of capital assets comprises its purchase price and any directly attributable cost of preparing the asset for its intended use.

Capital assets are presented at cost less accumulated amortization and accumulated impairment losses.

Capital assets are tested for impairment whenever events or changes in circumstances indicate that its carrying amount may not be recoverable. If any potential impairment is identified, then the amount of the impairment is quantified by comparing the carrying value of the capital assets to its fair value. Any impairment of capital assets is charged to operations in the period in which the impairment is determined.

An impairment loss is not reversed if the fair value of the capital assets subsequently increases.

The Organization provides for amortization using methods at rates designed to amortize the cost of the property and equipment over their estimated useful lives. Amortization is provided on a straight-line basis, over the following periods:

Computer equipment	- 3 years
Office equipment	- 5 years
Telephone equipment	- 8 years
Leasehold improvements	- over the term of the lease

c) Financial instruments

i) Measurement of financial instruments

The Organization initially measures its financial assets and financial liabilities at fair value adjusted by, in the case of a financial instrument that will not be measured subsequently at fair value, the amount of transaction costs directly attributable to the instrument.

March 31, 2015

1. **Significant accounting policies (continued)**

c) **Financial instruments (continued)**

i) **Measurement of financial instruments (continued)**

The Organization subsequently measures its financial assets and financial liabilities at amortized cost.

Financial assets measured at amortized cost include cash.

Financial liabilities measured at amortized cost include accounts payable.

ii) **Impairment**

Financial assets measured at amortized cost are tested for impairment when there are indicators of possible impairment. When a significant adverse change has occurred during the period in the expected timing or amount of future cash flows from the financial asset or group of assets, a write-down is recognized in the statement of operations and funds balance. The write down reflects the difference between the carrying amount and the higher of:

- the present value of the cash flows expected to be generated by the asset or group of assets;
- the amount that could be realized by selling the assets or group of assets;

When the events occurring after the impairment confirm that a reversal is necessary, the reversal is recognized in the statement of operations and funds balance up to the amount of the previously recognized impairment.

2. **Financial instruments risks**

The Organization may be exposed to various risks through its financial instruments including credit risk, liquidity risk and market risk (including interest rate risk, currency risk and other price risk):

Credit risk

Credit risk is the risk that the counterpart to a financial instrument will fail to discharge an obligation that is entered into with the Organization. It is management's opinion that the Organization is not exposed to significant credit risk.

Liquidity risk

Liquidity risk is the risk that the Organization will not be able to meet a demand for cash or fund its obligations as they come due. It is management's opinion that the Organization is not exposed to significant liquidity risk.

ARCH DISABILITY LAW CENTRE

Notes to Financial Statements (continued)

March 31, 2015

2. Financial instruments risks (continued)

Market risk

Interest rate risk arises from the possibility that changes in interest rates will affect the fair value of financial instruments.

Currency risk is the risk that the value of a financial instrument will fluctuate due to changes in foreign currencies.

Other price risk is the risk that the value of financial instruments will fluctuate as a result of changes in market prices, other than those arising from interest rate risk or currency risk, whether those changes are caused by factors specific to the individual financial instrument or its issuer, or factors affecting all similar financial instruments traded in a market.

It is management's opinion that the Organization is not exposed to significant market risk.

Changes in risk

There have been no changes in the Organization's risk exposures from the prior year.

3. Prepaid expenses

Included in prepaid expenses is a rent security deposit of approximately \$43,000.

4. Capital assets

	2015		
	Cost	Accumulated Amortization	Net
	\$	\$	\$
Computer equipment	89,343	89,343	-
Office equipment	113,247	113,247	-
Telephone equipment	5,300	5,300	-
Leasehold improvements	235,378	235,378	-
	443,268	443,268	-
	2014		
	Cost	Accumulated Amortization	Net
	\$	\$	\$
Computer equipment	89,343	89,343	-
Office equipment	113,247	113,247	-
Telephone equipment	5,300	5,300	-
Leasehold improvements	235,378	235,378	-
	443,268	443,268	-

ARCH DISABILITY LAW CENTRE

Notes to Financial Statements (continued)

March 31, 2015

5. General fund

The composition of the general fund balance is as follows:

	2015 \$	2014 \$
Unrestricted		
Legal Funds	30,115	30,115
Mediation Fund	3,000	3,000
Other	76,046	64,173
	<u>109,161</u>	<u>97,288</u>
Restricted		
Library Reorganization	(232)	3,094
City of Toronto - Community Service Partnership Grant	(7,739)	(4,681)
City of Toronto - Access and Equity Grant	3,849	3,849
Library Reference Centre	1,473	1,473
Industry Canada	26,182	26,182
Canadian Human Rights Commission	15,594	15,594
Law Commission of Ontario	14,350	14,350
Osgoode Hall Law School	158	1,163
	<u>53,635</u>	<u>61,024</u>
	<u>162,796</u>	<u>158,312</u>

6. Indirect payments

Legal Aid Ontario administers and makes payments on behalf of the Organization for the following expenditures:

General Fund	2015 \$	2014 \$
Supplies and services	11,708	6,246
Accommodation and equipment	-	2,993
Library expenses	263	999
Pension and group insurance	285	316
	<u>12,256</u>	<u>10,554</u>

7. Lease commitments

The Organization is committed to lease its premises until September 30, 2016. Minimum lease payments are as follows:

2016	\$ 185,007
2017	<u>92,504</u>
	<u>\$ 277,511</u>

HILBORN

LISTENERS. THINKERS. DOERS.

ARCH STAFF LIST

STAFF	POSITION
Robert Lattanzio	Executive Director
Amanda Ward	Information/Referral Worker
Dianne Wintermute	Staff Lawyer
Doreen Way	Office Manager
Ed Montigny	Staff Lawyer
Johanna MacDonald	Staff Lawyer – St. Michael’s Legal Project
Karen Spector	Staff Lawyer
Kerri Joffe	Staff Lawyer (on Leave)
Laurie Letheren	Staff Lawyer (on Leave)
Mary Hanson	Librarian
Rosa Tavares	Admin Assistant – St. Michael’s Legal Project
Tess Sheldon	Staff Lawyer
Theresa Sciberras	Program and Litigation Assistant
Yangtzee Tamang	Operations and Litigation Assistant
Yedida Zalik	Community Outreach Coordinator (on leave)

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