



Volume 25, Issue 1; December 3, 2024

ARCH's newsletter with news and information on disability law.

Inside This Issue....

- [ARCH News and Updates](#)
- [Teresa Daw Student Internship](#)
- [ARCH at the Federal Court of Appeal Arguing for Accessible Air Travel](#)
- [Service de conseils juridiques sommaires et références d'ARCH](#)
- [ARCH's Summary Advice and Referral Service](#)
- [Fighting the Exclusions of Students with Disabilities in Schools](#)
- [ARCH's Summary Advice and Referral Service and Decision-Making Rights](#)
- [New Service for Clients: ARCH's Disability Law Intensive Program's Student Clinics](#)
- [Court Highlights Importance of Accommodating Disabled Litigants](#)
- [Update on Specialized Transportation in Ontario](#)
- [ARCH and Respecting Rights at the 17th Conference of States Parties to the Convention on the Rights of Persons with Disabilities \(CoSP17\)](#)
- [Coroner's Inquest – Sammy Yatim](#)
- [Library Corner](#)



ARCH News and Updates

What a busy year this has been! We are thrilled to be back with our latest edition of ARCH Alert in celebration of the United Nations International Day of Persons with Disabilities (IDPD)!

So much has been happening at ARCH over the last year, and we hope that this edition of the ARCH Alert provides you with some insight into our work, such as our launch of two student-led clinics, law reform efforts on specialized transit services, and one of our cases that was recently before the Federal Court of Appeal.

Please note our new release schedule for the ARCH Alert moving forward. The ARCH Alert is now an e-newsletter and will be released in June and December of each year, celebrating and commemorating both the National AccessAbility Week (NAAW), and the International Day of Persons with Disabilities.

The United Nations International Day of Persons with Disabilities

The theme for this year's IDPD is "Amplifying the leadership of persons with disabilities for an inclusive and sustainable future". So much of the work ARCH does aligns with this theme of capacity building and fostering and amplifying leadership amongst our communities, from our Respecting Rights project, to our work on the Civil Society Parallel Report to the United Nations. We encourage everyone to attend events celebrating the IDPD, and the milestones our communities have already achieved. ARCH will continue to

The Loss of a Champion for Inclusive Education

As we reported to our communities, we tragically lost a true champion for inclusion, Emily Victoria Eaton. On April 13, 2024, at only 40 years of age, Emily passed away surrounded by her loving family and friends after her battle with cancer. Emily's story of courage, bravery, and tenacity through her fight for equality and inclusion in education inspired countless of people to challenge discriminatory barriers and strive for full inclusion. ARCH was honoured and privileged to have been Emily's lawyer throughout her fight, from the Special Education Tribunal all the way to the seminal decision by the Supreme Court of Canada. We now face a future without Emily's presence, although her memory will always be a driving force in the work we do towards ensuring inclusive education for all students with disabilities across Ontario.

ARCH's New Strategic Plan, Website, and Logo

ARCH is just about ready to launch our new and improved website! In anticipation of our 45th Anniversary, ARCH has also launched a new logo, and new and updated materials. To expand our connections with our diverse communities, we have also launched new social media platforms in addition to Facebook, X, and Youtube: Instagram, TikTok, and Bluesky! ARCH has also approved its new Strategic Plan for 2024 to 2029, which will shape our work moving forward over the next five years.

We hope you enjoy this edition of ARCH Alert. We are excited to learn where our work takes us over the next 5 years with our new Strategic direction, and look forward to working with disability communities, our members, and our community partners, to dismantle barriers for persons with disabilities. We wish you all a happy holiday season, and a Happy New Year in 2025!



Teresa Daw Student Internship

By: Jessica Field, Community Outreach and Education Coordinator

Call for Applications

ARCH Disability Law Centre is excited to announce its call for applications for the inaugural Teresa Daw Student Internship for a paid, full-time, two-month summer placement from May to June 2025.

Applications are due January 31, 2025. For more information and to apply for the Internship, please use the following link: [The Teresa Daw Internship](#)

The Objectives of the Teresa Daw Student Internship

The Internship will be awarded to the student who meets the goals and requirements set out as part of the Internship, and demonstrates a strong commitment to social justice and in particular, to an important issue in their community that raises legal concerns to be addressed.

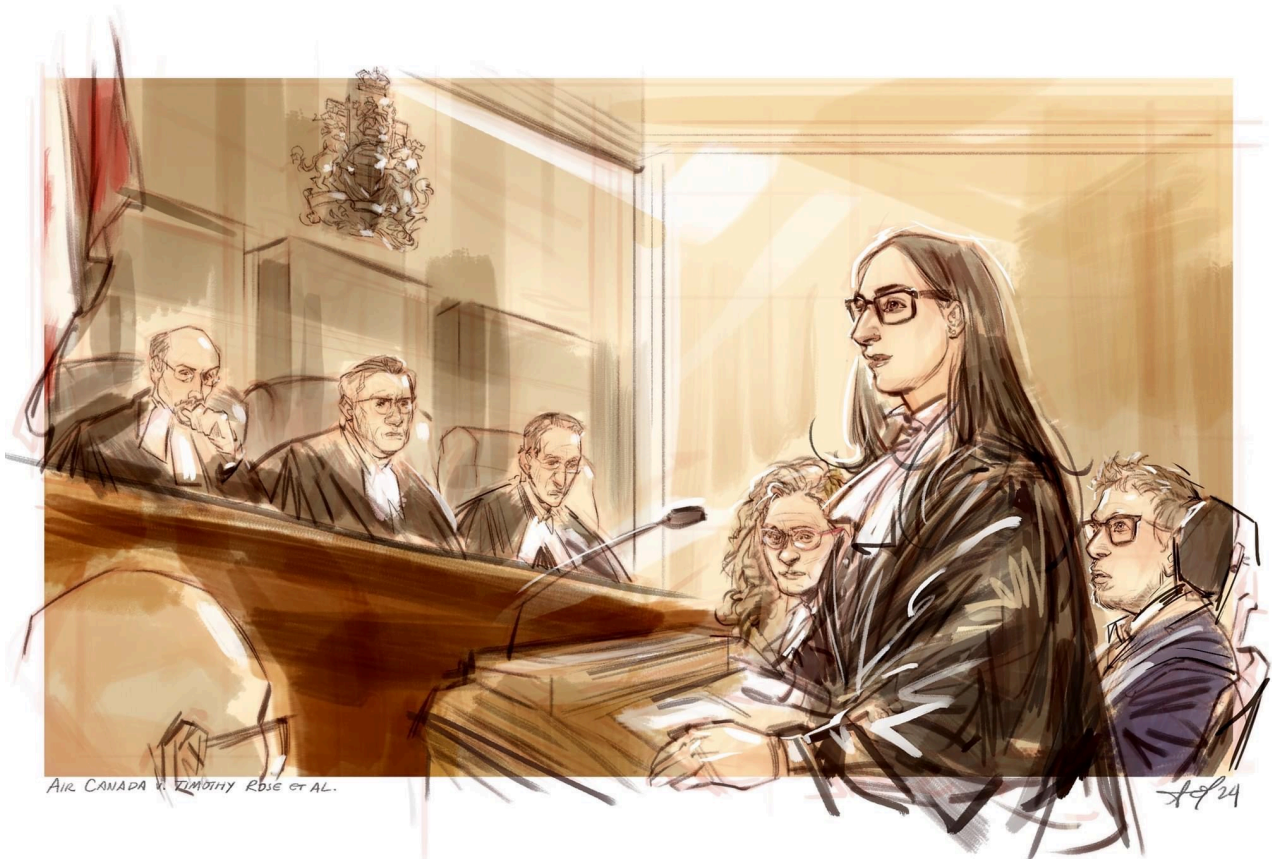


Image by: Susan Bin

ARCH at the Federal Court of Appeal Arguing for Accessible Air Travel

By: Ilinca Stefan, Staff Lawyer

On November 26 2024, ARCH argued a case at the Federal Court of Appeal against Air Canada, about accessible air travel transportation. ARCH represented Tim Rose in this important appeal hearing, which will decide Air Canada's duty to accommodate persons with disabilities using mobility devices. ARCH's legal team included Lesli Bisgould, Barrister at Legal Aid Ontario's Clinic Resource Office.

The hearing was an appeal of the 2023 decision of the Canadian Transportation Agency ("the Agency"), *Rose v Air Canada*. ARCH argued that Air Canada, who had denied Mr. Rose access to

remedies that address situations where passengers who use power wheelchairs that cannot be collapsed to fit through an aircraft's cargo door. The Agency ordered that Air Canada must find an accessible flight or an accessible aircraft for that route. Air Canada must also specifically address accessibility for persons who use power wheelchairs in its updated accessibility plan under the Accessible Canada Act. This decision is available in the Agency's online database at: (<https://otc-cta.gc.ca/eng/ruling/123-AT-A-2023>).

Continue to Access the Full Article



Service de conseils juridiques sommaires et références d'ARCH

By: Lila Refaie, Bilingual Staff Lawyer

dans certains domaines de droits? ARCH offre ce service directement aux personnes handicapées en Ontario. Ce service est offert en anglais et en français.

Nous offrons des conseils juridiques sommaires dans les domaines suivants :

- Accessibilité
- Services aux personnes ayant une déficience intellectuelle
- Soins à domicile/services auxiliaires
- Transport/transport adapté
- Droits de la personne (certains domaines)
- Mesures d'adaptation en milieu de travail (non syndiqués)
- Éducation primaire/secondaire
- Études postsecondaires
- Chiens-guides/animaux d'assistance
- Prise de décision assistée
- Tuteur et curateur public
- Suppression de la tutelle
- Révocation des procurations

Si vous êtes une personne handicapée en Ontario et avez besoin d'un conseil juridique dans un des domaines cités ci-haut, vous pouvez nous contacter du mardi au vendredi, entre 9h00 et 17h00 :

Téléphone : 416-482-8255/ 1-866-482-2724 ex 0

ATS : 416-482-1254 / 1-866-482-2728

Si vous ne pouvez pas nous contacter par téléphone en raison de votre handicap, vous pouvez nous envoyer un courriel à : intake@arch.clcj.ca. S'il-vous-plait inclure votre prénom et nom de famille dans votre courriel.

ARCH's Summary Advice and Referral Service

By: Lila Refaie, Bilingual Staff Lawyer

Did you know that we offer free and confidential summary legal advice in some disability-related areas of law? ARCH offers this service directly to persons with disabilities in Ontario.

This service is offered in English and in French.

We provide summary legal advice in the following areas of law:

- Accessibility

- Transportation/para-transit
- Human rights (select areas)
- Accommodation in the workplace (non-unionized)
- Primary/secondary education
- Post-secondary education
- Guide dogs/service animals
- Supported decision-making
- Public Guardian and Trustee
- Removing guardianship
- Revoking powers of attorney

If you are a person with a disability in Ontario and need legal advice in any of the above areas of law, please contact us on Tuesday, Wednesday, Thursday, or Friday, between 9:00AM and 5:00PM:

Telephone: 416-482-8255 /1-866-482-2724 ex 0

TTY: 416-482-1254 / 1-866-482-2728

If you cannot contact us by telephone due to disability-related reasons, you can email us at: intake@arch.clcj.ca. Please include your first and last name in your email.



By: Lila Refaie, Bilingual Staff Lawyer

Amongst the most significant issues ARCH has been addressing in recent years, is the unlawful use of the Education Act, and section 265(1)(m) in particular, to exclude students with disabilities from school. School boards across Ontario have been using this section of the Education Act to exclude students, for disability-related reasons and behaviours.

[Continue to Access the Full Article](#)



ARCH's Summary Advice and Referral Service and Decision-Making Rights

The right to make decisions about our life is often taken for granted by many adults. We make decisions—both big and small—every day. As soon as we become adults, it is generally understood that we are free to decide things like where we live, how we spend our money, the type of relationships we keep, and when we seek medical treatment. This idea is also upheld in law. In Ontario, people over the age of eighteen (18) are presumed to have the mental capacity to enter into a contract and are similarly presumed to have the capacity to make decisions about their personal care at the age of sixteen (16).¹ But what happens when your decision-making rights are threatened or removed due to your disability?

ARCH provides advice to individuals who have been determined to be incapable after a capacity assessment, and have been placed under a “guardianship of property” or a “guardianship of the person” and wish to know how to get out of it. A “guardian of property” is a person or trust corporation that makes financial decisions on behalf of another adult after being appointed by either a court, or by the Office of the Public Guardian and Trustee.

[Continue to Access the Full Article](#)



New Service for Clients: ARCH's Disability Law Intensive Program's

Student Clinics

By: Lila Refaie, Bilingual Staff Lawyer

In partnership with Osgoode Hall Law School, ARCH runs a student program called the Disability Law Intensive. Through this program, Osgoode Hall Law School students work at ARCH with our lawyers on various cases and projects, from September to March each year. This year, we launched two student-led clinics to provide direct legal services to persons with disabilities in two specific areas of law. For both clinics, our law students are supervised by an ARCH lawyer and assist eligible clients with their legal issue within the area of law.

The first student-led clinic is the Human Rights Clinic. The focus of this clinic is on human rights cases at the Human Rights Tribunal of Ontario. Our law students can assist eligible clients with either drafting their human rights application, or with drafting their Reply form. The service from this clinic is limited only to drafting either an Application or a Reply for the client, and does not include legal representation in the case. Among other eligibility criteria,

The second student-led clinic is the Education Exclusion Clinic. This clinic is focused on assisting students with disabilities who have been excluded from primary or secondary school under section 265(1)(m) of the Education Act. Our law students can assist eligible students in appealing a decision that excludes them from school. Contact us for more information about eligibility.

For more information about these clinics, or to access our legal services, please contact ARCH at:

Tel: (416) 482-8255 or toll-free 1-866-482-2724ext. 0

TTY: 416-482-1254 and TTY toll-free: 1-866-482-2728

If you cannot contact us via telephone, and require disability-related communication accommodations, you can email ARCH at: intake@arch.clcj.ca



Court Highlights Importance of Accommodating Disabled Litigants

By: Devin Glim, Articling Student

On July 7, 2023, the Federal Court of Appeal (FCA) released a decision which highlighted the importance of procedural accommodations, and accommodating litigants with

appellant, Mr. Haynes, also claimed that his accommodation requests throughout the case were denied by the Federal Court, leading to an unfair proceeding.

Mr. Haynes is a software developer for Employment and Social Development Canada (ESDC) and is also a person with Autism. In 2016, Mr. Haynes approached his supervisors and disclosed that he had a disability and required workplace accommodations. Several months passed with no response to Mr. Haynes' accommodation request, which led Mr. Haynes to file multiple complaints under ESDC's harassment policy for discrimination due to a failure to accommodate. An independent investigation took place but failed to substantiate Mr. Haynes' complaints, leading to the Designated Official at ESDC to dismiss his claims. Mr. Haynes then filed an application for a judicial review of this finding at the Federal Court.

[Continue to Access the Full Article](#)



[Update on Specialized Transportation in Ontario](#)

Ontario has undergone a transformation of its transportation system over the past few years. This transformation was triggered by the passage of the *Accessibility for Ontarians With Disabilities Act* (AODA)¹ in 2005, and the implementation of the Integrated Accessibility Standards relating to transportation in 2017.² The Standards introduced several changes to the conventional transportation system and the specialized transportation system. The purpose of these standards was to make transportation services in Ontario more accessible to persons with disabilities, ensuring equal access to transportation.

Changes introduced following the AODA Standards

The Integrated Standards changed both the conventional and specialized transportation system. The Standards specify that conventional transportation vehicles must undergo modifications to make them accessible. These modifications include having lifting devices, ramps, or portable bridge plates to ensure persons with mobility devices can access conventional buses.³ Despite modifications being made to conventional transportation vehicles, the system continues to be inaccessible. For example, there remains a number of subway stations in Toronto that do not have an elevator. In addition, transfers between modes of transportation, for example a bus to a subway, can be challenging for people. Because of the inaccessible aspects of conventional transit, specialized transportation is still a necessary service.

[Continue to Access the Full Article](#)



ARCH and Respecting Rights at the 17th Conference of States Parties to the Convention on the Rights of Persons with Disabilities (CoSP17)

By: Jessica Field, Community Outreach and Education Coordinator

Respecting Rights is a project at ARCH that is led by self-advocates labelled with intellectual disabilities. Since 2011, Respecting Rights has provided innovative, accessible rights education to persons labelled with intellectual disabilities and their support networks across Ontario. Respecting Rights also works on accessible law reform projects. Our work builds the capacity of persons labelled with intellectual disabilities and their support networks through education and support for self-advocacy.

This year, from June 10th to 14th, Respecting Rights member Judy Noonan, and ARCH's Community Outreach and Education Coordinator Jessica Field, represented ARCH at the 17TH Conference of States Parties to the Convention on the Rights of Persons with Disabilities (CoSP17), at the United Nations in New York.

[Continue to Access the Full Article](#)



Coroner's Inquest – Sammy Yatim; Recommendations to improve interactions between Police Force and Persons with Disabilities

By: Gabriel Reznick, Staff Lawyer

In 2013, Sammy Yatim, an 18-year-old from Toronto, was shot and killed by Toronto Police Service's Officer James Forcillo, while onboard a Toronto streetcar. This incident caught public attention after a video was released which showed the entire event.¹

The legal case against Officer Forcillo was highly publicized, due to the rarity of a police officer being tried for second degree murder. ARCH has written three separate articles, which focused on the hearing and the sentence, in the [ARCH Alert](#). (<https://archdisabilitylaw.ca/resources/arch-alerts/>).² After hearing submissions, the jury issued their verdict on January 26, 2016. The jury found that Officer Forcillo was not guilty of second-degree murder or manslaughter, however, he was found guilty of attempted murder. The rationale for the finding of attempted murder, was the decision to fire an additional second round of gun shots. Forcillo was sentenced to six years in prison, with Justice Then stating that Officer Forcillo's conduct was a "fundamental failure to understand his duty to preserve all life, not just his own."³ After serving 21 months of his sentence, Officer Forcillo was granted parole on January 17, 2020. ⁴



Library Corner

By: Mary Hanson, Librarian

This issue of ARCH Alert notes contributions by ARCH authors to two major recent publications - Handbook of Disability and Medical Assistance in Dying (MAID) in Canada. We also invite you to explore the following selected new additions to our print and multimedia collection now available in the Resource Centre on the 15th floor:

[Continue to Access the Full Article](#)



The Parallel Report to the UN Committee on the Convention on the Rights of Persons with Disabilities

By: Elsie Tellier, Staff Lawyer

What is a Parallel Report?

Countries that ratify the Convention on the Rights of Persons with Disabilities (CRPD) have their compliance with the CRPD monitored by the United Nations Committee on the Rights of Persons with Disabilities (the “Committee”). As part of the monitoring process, countries are reviewed on a regular basis and federal governments are asked to submit a report detailing information about what has been done to implement CRPD rights in their country. In addition to country reports, the Committee also allows for organizations of persons with disabilities, disability organizations, and civil society organizations to submit their own reports. These additional reports have been given colloquial titles like “shadow report” and “alternate report.” ARCH has helped to prepare one of these additional reports and it is referred to as the “CRPD Civil Society Parallel Report” or the “Parallel Report” for short.

ARCH’s work on the Parallel Report

implementation in Canada to the Committee on the CRPD.

ARCH has spent the last few years working to provide expertise, guidance, and administrative support to over seventy organizations of persons with disabilities, disability organizations, and civil society organizations who have participated in drafting the Parallel Report.

[Continue to Access the Full Article](#)



Editors: Amanda Ward and Robert Lattanzio

Production and Distribution: Jessica Field and Theresa Sciberras

Copyright (C) 2024 ARCH Disability Law Centre. All rights reserved.

Want to change how you receive these emails?
You can update your preferences or unsubscribe.

[View in browser](#)