

MINUTES
COMMUNITY SERVICES COMMITTEE
REGIONAL MUNICIPALITY OF OTTAWA-CARLETON
CHAMPLAIN ROOM
22 JANUARY 1998
1:30 P.M.

PRESENT

Chair: A. Munter

Members: W. Byrne, C. Doucet, D. Holmes, H. Kreling, A. Loney,
M. McGoldrick-Larsen

Regrets: L. Davis

FIRST ORDER OF BUSINESS

ELECTION OF VICE-CHAIR

Chair A. Munter called for nominations for the position of Vice-Chair of the Community Services Committee.

Moved by M. McGoldrick-Larsen

That Councillor W. Byrne be appointed as Vice-Chair for the 1997-2000 term.

Moved by D. Holmes

That nominations be closed.

CARRIED

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- Notes:
1. Underlining indicates new or amended recommendations approved by Committee
 2. Reports requiring Council consideration will be presented to Council on 11 February 1998 in the Community Services Report 1

CONFIRMATION OF MINUTES

That the Community Services Committee confirm the Minutes of the Meeting of 16 October 1997, and 10 December 1997.

CARRIED

INQUIRIES

Chair A. Munter submitted the following inquiries:

1. IMPLICATIONS OF EARLIER HOSPITAL DISCHARGES

Home care workers, nurses and others in health care have noticed a great increase in the number of patients readmitted to hospital, due to being discharged too early on a previous visit. Does the Health Department monitor this situation? If so, what changes have been noted and what must be done to correct this problem?

2. INITIATIVES REGARDING PROSTATE CANCER

The breast Cancer kits and awareness programs produced by our Health Department have been well received. Does the Health Department have similar programs or public education initiatives regarding prevention, detection or treatment of prostate cancer?

3. REGULATIONS REGARDING FIREPLACES/WOOD STOVES

Concerns have been brought to my attention regarding the burning (in fireplaces and wood stoves) of materials that might endanger public health, particularly of those with asthma or other respiratory problems. What provincial, regional or municipal regulations exist to prevent this? Are such regulations adequate? If not, how should they be improved?

REGULAR ITEMS

1. APPOINTMENT OF CHAIRS HOME ADVISORY COMMITTEES
- Commissioner, Homes for the Aged report dated 2 Dec 97

Chair A. Munter informed the committee that Councillor M. Meilleur had made a request to continue as Chair of the Advisory Committee for Centre d'Accueil Champlain. Councillor M. McGoldrick-Larsen volunteered to Chair the Advisory Committee at Carleton Lodge, noting the Home was located within her Ward.

Councillor H. Kreling agreed to serve as Chair for the Advisory Committee at Island Lodge, having previously served as Chair for the Advisory Committee at Carleton Lodge.

Councillor A Loney pointed out that the new Home for the Aged, to be built in Centrepointe, is located within his Ward, and when a Chair for the Advisory Committee is required, he would volunteer.

Moved by D. Holmes

That Community Services Committee appoint the following members to the positions of Chair of each of the three Home Advisory Committees:

Councillor H. Kreling
Councillor M. McGoldrick-Larsen
Councillor M. Meilleur

Island Lodge
Carleton Lodge
Centre d'Accueil Champlain

CARRIED, as amended

2. SOCIAL ASSISTANCE REFORM ACT 1997: REGIONAL POSITION ON REGULATIONS

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- Commissioner, Social Services Committee report dated 23 Dec 97

Commissioner D. Stewart stated this report follows a previous report to Committee (16 Oct 97). There were two directions from the Committee at that time. The first, to write to the Ministry requesting that municipalities have input into the regulation writing process in a formal way. To date, Commissioner D. Stewart is not aware of any response to the letter. The second direction was to prepare recommendations for Committee and Council regarding areas of concern with respect to the regulations.

Commissioner D. Stewart briefly outlined six areas of concern:

Benefits

It is anticipated that the new regulations will *redefine* mandatory and discretionary benefits. Current information available suggests that many of the mandatory benefits such as Winter Clothing Allowance, Back to School Allowance, Community Start-Up Benefits, and Employment Start-Up Benefits will likely continue. The first part of Recommendation 1 calls on the Ministry, in their regulation writing process, to ensure that those mandatory benefits identified and others, continue because they are fundamentally important for clients to actually succeed in leaving Social Assistance.

The second part Recommendation 1 addresses discretionary benefits. To date, Commissioner D. Stewart states he has no firm knowledge of what the direction will be within the regulations. The Provincial Government does intend to create a cap, probably expressed in an amount per client per year. Within that cap, municipalities will be able to make some discretionary expenditures on selected items and get cost sharing on an 80/20 basis. Beyond that cap, there will be no cost sharing; it will be a 100 percent municipal expense.

The remaining part of Recommendation 1 calls on Council to support the position that the determination of what should be considered discretionary expenditure be left to the municipal delivery agent; where clients' needs can best be determined. The essence, therefore, of Recommendation 1 is to request that the Province *not* impose a cap.

Personal Assets Levels

Commissioner D. Stewart highlighted a recent concern not addressed in the report. That is, current policy with respect to the General Welfare Act (GWA) allows some discretion within municipalities to set an asset limit. In Ottawa-Carleton, as in most municipalities, the asset limit for GWA is equivalent to one month's assistance. Commissioner D. Stewart noted that the Department has made an exception for sole support parents and used the higher permissible asset limits (\$3500.) that are within the Family Benefit Act (FBA). He expressed concern that sole support parents, under the new Ontario Works Act (OWA), will have the lower asset levels imposed.

The other issue identified by Commissioner D. Stewart is the uncertainty about new regulations affecting applicants for disability benefits. Recommendation 2 states that when taking applications for a case which is likely to be referred to the Ontario Disability Support Program (ODSP), it be permissible to use the asset levels which will be part of the regulations for the ODSP Act, and which will likely be higher asset levels than for OWA. Commissioner D. Stewart noted this has been the Department's policy to date with respect to flow-through cases from GWA to FBA.

Lien Against Personal Property

Commissioner D. Stewart pointed out that the Act does provide for liens against personal property. The third recommendation is that this provision *not* be acted on immediately upon application to Social Assistance. The Department is recommending a two to three year grace period before considering a lien. The rationale, he explained, is that a lien on property will, in some circumstances, make it more difficult for clients to actually leave Social Assistance by increasing their level of dependency.

Agreement to Reimburse

Social Assistance recipients in this Region, similarly across Ontario, may have other sources on income that are not operative at the time they apply for Social Assistance, for example, retroactive payments through other income support schemes. Commissioner D. Stewart identified an established practice of having clients sign Reimbursement Agreements. He emphasized the Department has been quite deliberate about acting on those Agreements to ensure reimbursement is requested for only the time period where there is a duplication. Commissioner D. Stewart stated it wasn't clear under the new regulation, that that would be case; the regulation may be stretched to include periods where recipients have not received Social Assistance. He emphasized that some specific language in the regulations is needed to limit recovery to the periods of duplication.

Third Party Payments

The new legislation permits the Welfare Administrator, without regard to a client's wishes, to make third party payments on behalf of that client. Commissioner D. Stewart opined that this is not good social policy, as it will promote dependency and may result in an increased demand from creditors to make direct payments on behalf of clients. He further opined that it is both a client's right and obligation to administer their funds and, generally, it is done very well.

Currently, the Department does administer third party payments, as permitted under the GWA, but it is exercised very cautiously and only when a client is either incapable or not willing to do so on his/her own behalf. Commissioner D. Stewart emphasized that a client's approval is sought in the process. The Department would like some of those conditions to continue to be placed on Welfare Administrators across Ontario. He stated frankly that the Department needs protection from the demand from the landlord community and other creditors to start third party payments *en masse*, which carries with it incumbent administrative costs.

Recovery of Overpayments

Commissioner D. Stewart noted that overpayments are a reality, despite attempts to minimize. The current regulation for GWA permits recovery of overpayments due to

client misrepresentation. Overpayments due to administrative errors are *not* to be recovered. He expressed concern that the OWA does not make a distinction between the two types of overpayments, stating both should be recovered. As the Act cannot be changed, there could be some insistence that within the regulations to establish a minimum or maximum limit to what is recovered on a monthly basis. The Department is suggesting between 5-10 percent of income assistance. Less than 5 percent would mean a very long recovery period and greater than 10 percent would interfere with clients' abilities to pay for necessities.

Councillor D. Holmes requested that Recommendation 1 be more specific in its wording; in requesting the Province not to cap so that local municipalities can have more discretion and determine their own needs.

Commissioner D. Stewart, responding to question from Councillor A. Loney, stated that the amount of the cap is currently being debated in the Ministry and there may be an announcement mid-to-late February. The current uncapped menu of discretionary items and the ability to attract cost sharing on an 80/20 basis under the new rules, will stay in force until April 1, 1998. Within that time frame, the Ministry will bring forth a cap. When the next part of the OWA is proclaimed, the associated regulations will be introduced.

Commissioner D. Stewart confirmed for Councillor A. Loney that the Department, for purposes of the draft 1998 Budget, was forecasting the same budget as 1997. He added that there will need to be flexibility in the budget presentation and approval process, and possibly following it, if there are delays at the provincial level.

Chair A. Munter noted that Council had already voluntarily cut, over the past number of years, a number of items from Special Assistance and Supplementary Aid. He suggested that it might be useful, especially for the new members of Council, for a list to be circulated of what is currently covered (and what was previously covered) by the program.

Commissioner D. Stewart stated that in the past 3-4 years, the Department has reduced its annual expenditure on discretionary items from approximately \$24 million to a current \$13 million. Chair A. Munter observed that \$13 million is higher than what most Regions deliver and while we might be proud, the Province might not view it as positively.

Speaker: Linda Lalonde, The Anti-Poverty Project

Ms. L. Lalonde began with a brief description of the Anti-Poverty Project; a coalition of community groups including labour, community service agencies, and others, funded by United Way and the Region, to provide public education and advocacy on low-income issues.

Ms. L. Lalonde identified the areas of concern in the report:

Agreement To Reimburse

The coalition would like Recommendation 5 to specify that this is income received while a person is on Social Assistance. Ms. L. Lalonde referred to a situation where someone might become entitled to a sum of money while on Social Assistance but does not actually receive it until after he/she has left Social Assistance. She opined that in this situation, the money should not have to be reimbursed.

Referring to Recommendation 6, Ms. L. Lalonde stressed that the coalition would like some requirement that creditors access appropriate legal remedies *before* they come to the Social Services Department for money owed to them. She used the example of a landlord and outstanding rent, stating there are legal remedies that are available although it is easier for the landlord to go to the welfare office to demand third party payment when a particular tenant is receiving Social Assistance, rather than having to go through the court system, as would be the case where a tenant is employed. She opined that this is unfair to the Social Assistance recipient. The landlord is required to provide certain proofs (of money owing) when he goes through the legal process, which is obviously not the mandate of the Department.

Regarding Recommendation 7, Ms. L. Lalonde requested that the wording of the last phrase be changed from “*agrees*” to “*requests*”. She explained that recipients feel a certain pressure to agree with the Welfare Administrator and if the recipient wants the Department to recover more than 5-10 percent, it should be at his/her request not at the suggestion of the Welfare Administrator.

Ms. L. Lalonde also suggested that in the Report, under section *Lien Against Personal Property*, (page 5), the second sentence should read, “..the Welfare Administrator must take *into account* the applicant’s interest..”

In clarifying her example of a third party payment for Councillor D. Holmes, Ms. L. Lalonde stated that in a situation where a Social Assistance recipient did not pay his/her rent, the landlord could go to the Social Services Department and request a cheque to cover the rent, without having to prove in a court of law that there was an outstanding debt. The onus is on the Department to make an assessment of whether the claim is valid or not, and why the rent has not been paid. The landlord (or other creditor) has a very quick and easy method of recovering the rent (debt), that is not available to him if a tenant is employed or has other sources of income. This places people on Social Assistance in a different economic relationship with a creditor than for other people in the community.

Therefore, within the Recommendation there should be a requirement that a creditor use all other available legal remedies before turning to the Department.

Commissioner D. Stewart clarified for Councillor D. Holmes that the Act does broadly stipulate that the Welfare Administrator can make third party payments. He predicted that the majority of requests will be made not because there is a debt outstanding, but rather as a condition of tenancy. Commissioner D. Stewart iterated that the Department does not consider this progressive social policy

Councillor M. McGoldrick-Larsen inquired as the degree to which problems exist for landlords to recover rents. Ms. L. Lalonde responded that it was irrelevant; that landlords do not have this option to recover rents from other tenants, therefore, should not have special privileges for tenants on Social Assistance. She went on to explain that this is an historic issue and from the landlord's perspective it is a much easier process than having to go through small claims court.

In response to another question by Councillor McGoldrick-Larsen, Ms. L. Lalonde stated a legal aid certificate is no longer available for Social Assistance recipients taken to court by their landlords.

Commissioner D. Stewart noted that under GWA, the Department has had the ability to make third party payments and has acted judiciously to respect clients' rights and obligations to control their financial issue. The FBA has not permitted third party payment other than to the Ontario Housing Corporation as a landlord. The changes are so third party payments are possible within the entire system. He opined that there isn't anything wrong with third party payments when people understand why, and there is permission, and it is done in a controlled manner. The Department would like the regulations to reflect a policy similar to what is currently in place in the Region.

Councillor D. Holmes proposed that Recommendation 6 be amended to add; third party payments should only be permitted once legal remedies are not/no longer available.

Councillor A. Loney stated he would not support the proposed amendment because there are times when it should not be a process that goes through the courts. He cited an example of an individual experiencing difficulty obtaining an apartment because of a long history of evictions. In this, and other exceptional circumstances, Councillor A. Loney believes there needs to be an arrangement, agreeable to the individual, that is guaranteed through the Department. He agrees that under normal circumstances, the legal process should be followed.

Commissioner D. Stewart clarified that if landlord is seeking money from the Department for overdue rent, a third party payment would not proceed if rent had already been paid to the client. Even under the new Act, there is no authority to do that. The Department takes the position that it is not party to the tenancy agreement between their client and his/her landlord and the only recourse to that landlord would be through the court system. Commissioner D. Stewart explained the process in place for payment of last months' rent: if a client does not duly inform or fulfill his/her obligation to the Landlord and Tenant Act, and that can be demonstrated by the landlord, upon presentation of a Letter of Guarantee, the Department will pay the last month's rent. The process includes documentation on the client's file, and follow-up with the client. Also, the Department would not be able to make a payment retroactively because it would be greater than the amount that the person is eligible for within that particular month, and that would be contrary to another regulation.

Commissioner D. Stewart stated he did not think an amendment was required because the Act, as it is written, would not require third party payments to would be used in lieu of court proceedings. He opined that there may be some circumstances where shortcuts may be taken, therefore consultations with the Province should aim for reasonableness within all administrations across Ontario. He assured the Committee that it wouldn't happen within the policies of this Region.

Councillor A. Loney stated he interpreted the proposed amendment as denying the Department the right to pay last month's rent, and thinks it could be a problem not to have that kind of discretion.

Commissioner D. Stewart iterated that the Department does not make a last month's rent payment based solely on the presentation of the Letter of Guarantee by a landlord, but that the information is verified with the client if possible.

Councillor A. Loney reiterated that care should be taken in terms of what the Region is specifically asking the Province to put in regulations. He stressed that maneuverability is important. Legal counsel present agreed with this opinion.

Councillor D. Holmes withdrew the amendment.

Moved by D. Holmes

That Recommendation 1 be amended by adding to the beginning, "In order to permit Regional Government to determine a reasonable level of discretionary expenditure", and added to the end, "without the imposition of a Provincial financial limit."

CARRIED

Moved by D. Holmes

That in Recommendation 7 “agrees” be amended to “requests” in the last line.

CARRIED

Moved by D. Holmes

That Community Services Committee recommend that Regional Council adopt recommendations 1 through 7 as its position on regulations to be made under the Social Assistance Reform Act (Bill 142) and authorize the Regional Clerk to forward this report to the Minister of Community and Social Services;

- 1. In order to permit Regional Government to determine a reasonable level of discretionary expenditure, that Ontario Works Act (OWA) regulations provide for the continuation of all mandatory and supplementary benefits available under General Welfare Act (GWA) including the relevant funding approval procedures and cost-sharing formula, without the imposition of a Provincial financial limit;**
- 2. That if OWA personal asset levels are set lower than those under Ontario Disability Support Program Act (ODSPA), OWA applicants claiming disability as reason for assistance be temporarily exempt from the asset level criterion of eligibility pending consideration of their case under / transfer to ODSPA.**
- 3. That any requirement that property related to personal use and/or employment be subject to the lien provisions of OWA, be conditional upon the expiration of a grace period of between 2 and 3 years during which the recipient must have received social assistance on a continuous basis.**
- 4. That the specific lien grace period applicable to each recipient’s individual situation be left to the discretion of the Welfare Administrator.**
- 5. That the reimbursement provisions of OWA apply only to periodic incomes such as pension and employment insurance incomes that are payable with respect to the period before and during which assistance is received.**

6. **That OWA regulations ensure that third party payments are used only as a last resort when recipients risk the loss of shelter or utilities; and only when the third party payment does not jeopardize the ability of recipients to feed, clothe and shelter themselves.**
7. **That the rate of recovery of overpayments be maintained within the existing GWA limits of between 5% and 10% of income assistance, as determined by the Administrator; unless the recipient requests that a greater amount be deducted.**

CARRIED, as amended

COUNCILLOR'S ITEM

3. SOCIAL HOUSING WORKING GROUP
- Councillor Alex Munter report dated 7 Jan 1998

THAT Council strike a Social Housing Working Group, as outlined in the attached report, to prepare for the transition to regional government administration of social housing in Ottawa-Carleton, and;

FURTHER THAT the Working Group will report to Council through the Community Services Committee, which will have responsibility for the policy decisions related to social housing.

CARRIED

INFORMATION PREVIOUSLY DISTRIBUTED

1. HEALTH DEPARTMENT REPORTS
- Medical Officer of Health report dated 16 Dec 97
2. SOCIAL SERVICES DEPARTMENT DISCLOSURE POLICY
- Commissioner of Social Services report dated 9 Dec 97

ADJOURNMENT

The meeting adjourned at 2:15 p.m.

NEXT MEETING

5 February 1998

CHAIR

CO-ORDINATOR