

STEPS TO JUSTICE

Tribunals and Courts Workshop

An OJEN facilitator's guide demonstrating a CLEO public legal information resource.



ONTARIO JUSTICE EDUCATION NETWORK
RÉSEAU ONTARIEN D'ÉDUCATION JURIDIQUE



CLEO

Community Legal Education Ontario
Éducation juridique communautaire Ontario



About this workshop guide

This workshop guide is a collaboration between the **Ontario Justice Education Network (OJEN)** and **Community Legal Education Ontario (CLEO)**. OJEN's Steps to Justice workshops introduce audiences to common legal problems and familiarize them with a specific area of law. Using hypothetical scenarios, workshop participants explore a legal topic by navigating the practical step-by-step information on CLEO's Steps to Justice website. They learn how to use the website to find legal information, including the forms, self-help guides and referral information for legal and social services which may be helpful in working through a future legal problem.

This workshop guide was written for use in Ontario high school classrooms, but can be used (or modified) for other audiences. For more information on how to use this workshop guide, please check out our short training video available on the OJEN website ojen.ca/steps-to-justice-workshops-training-video.

OJEN is a charitable, non-profit, public legal education organization. We develop innovative educational tools that introduce young people to the justice system, help them understand the law, and build their legal capability. We partner with schools and community organizations across Ontario to prepare young people to manage the legal problems that will arise in their lives. For more information on OJEN, please visit ojen.ca.

We gratefully acknowledge the support of law students who have contributed to this workshop guide through the Osgoode Public Interest Requirement (OPIR) at Osgoode Hall Law School and through placements with Pro Bono Students Canada (PBSC). We would also like to thank the high school students who provide us with their perspectives and feedback on this resource as OJEN summer interns through the Law in Action Within Schools (LAWS) Summer Job Program.

Any legal information in this resource is intended for general educational purposes and should not form the basis of legal advice of any kind. Individuals seeking specific information about their legal problem should always consult a lawyer.

For over 45 years, **CLEO** has developed clear, accurate, and practical legal rights education and information to help people understand and exercise their legal rights. We produce print and online resources, including the Steps to Justice website, the Family Law Guided Pathways, and CLEO Connect which has information and supports for community organizations. For more information on CLEO, please visit cleo.on.ca.

STEPS TO JUSTICE TRIBUNALS AND COURTS OVERVIEW

Activity (minutes)	Content
Warm-up (5)	<ul style="list-style-type: none"> • Clarify differences between criminal and civil law. • Group quiz on courts and tribunals (Slides 2-6). • What are the major areas covered by the law dealing with courts and tribunals? (Slide 7).
Hook (5)	<ul style="list-style-type: none"> • Advance to Slide 8 and read the demonstration scenario out loud. • Encourage participants to identify potential legal issues in the scenario. • Switch to Slide 9. Explain that the Steps to Justice website is a tool that can help people understand what they need to do when they have legal problems like this one. The group will next use the website to answer questions related to this scenario.
Introduce Steps to Justice (10)	<ul style="list-style-type: none"> • Distribute the participant handout, "Scenario 1: Demonstration". • Advance to Slide 10. Read the questions about the scenario out loud. • Pull up the Steps to Justice website on the display screen. • As a group, use Steps to Justice to find answers to the questions about the demonstration scenario on the slide. • Use different searching options (sub-topics, front page keyword search and header menu) and introduce the actual "steps" to follow. Use the presenter's notes on where to find the information included in this guide for support. • Ask if anyone has questions.
Group work (25)	<ul style="list-style-type: none"> • Advance to Slide 11. • Divide participants into groups and cue them to pull up Steps to Justice on their phones/computer and to start on the courts and tribunals topic. • Give each group a scenario worksheet (Scenarios 2-5). • Each group needs at least one device with internet to complete their worksheet. • Circulate and support groups as needed.
Discussion (15)	<ul style="list-style-type: none"> • Each group has 3-5 minutes to explain their scenario and what they have learned through their investigations. Participants should refer to the completed worksheet for support. • Address questions and issues arising from their reporting.
Application (Optional)	<ul style="list-style-type: none"> • Advance to slide 12. • Since the group has practiced using the Steps to Justice website, the presenter may introduce a more complex scenario. • Participants should comment on it reflecting what they have just learned. • As a group, use the website to answer the scenario questions. • Facilitator's notes are included in this guide to support discussion.



Tribunals and Courts Workshop

TRUE OR FALSE

1. My boss has been treating me pretty unfairly, and I'm starting to feel unsafe at work. Since I can't afford a lawyer, I guess there's not much I can do about it.

F – There are many services offered in Ontario that can provide legal help to individuals who can't afford to hire a lawyer. These services can help connect people with lawyers or legal workers who can provide legal advice, consultations, or representation for a reduced fee, or for free. Some such organizations include JusticeNet, Pro Bono Ontario, and the Law Society of Ontario Referral Service.

2. I hired a lawyer to handle a dispute with my landlord. She was very helpful, but after the dispute was resolved, I received a bill for her services. I knew lawyers' fees could be pricey, but hers are insanely high! She is blatantly ripping me off! I'd better complain to whoever regulates lawyers in Ontario.

F – Lawyers are regulated by the Law Society of Ontario. While the LSO does handle complaints about legal practitioners in Ontario, they are not involved in determining pricing or billing for legal services. Unless your lawyer has done something that you think is illegal, unethical, or otherwise unprofessional, the LSO is probably not the best avenue to voice your concerns about the cost of legal services. Instead, have a discussion with your lawyer or their firm to see if you can come to a billing arrangement that you are better able to manage.

3. I found my lawyer on Twitter. I thought it was cool until I started scrolling and saw him posting about his "stupid clients" – it was about me! And, there were some personal details of the case there too! I can't believe how unprofessional this was; I felt humiliated. I should definitely complain.

T – This lawyer shared privileged information with third parties, which is a breach of his professional responsibilities as a lawyer. This person could submit all of their information to the LSO and await to hear whether they will investigate. If they decide to proceed, the LSO will hold a hearing regarding the complaint.

4. I was charged with a criminal offence and given a court date. But they scheduled court on my friend's birthday! Obviously, there's no way I'm missing that... Good thing I hired a lawyer, because that means she can just handle things for me in court and I don't need to show up!

F – You should not assume that you don't need to attend unless your lawyer tells you so. If you have an obligation that conflicts with your scheduled court date, it is possible to apply to have your

trial date changed. But remember that such a request is subject to the court's discretion and will not necessarily be granted.

5. **I've worked at a tree farm for several years. The farm was recently bought by a new owner who immediately fired me. My last boss always gave me great performance reviews, but the new owner has repeatedly told me that I don't belong here and that I'm too weak to do this job because I'm a woman. He punishes me for mistakes that he would ignore if my male colleagues made them. I could probably take him to criminal court for discrimination.**

F – This person's assessment of her employer's conduct is likely accurate, but workplace discrimination is covered by the *Ontario Human Rights Code*, not the criminal law. Matters under the *Code* are typically heard by the Human Rights Tribunal of Ontario, not by a court of law.

Facilitator's Package Scenarios



Start on the Steps to Justice question, "Can I take my landlord to the LTB if they won't fix something?" under **Landlord and Tenant Board**. Follow the steps from the landing page to answer the questions. The relevant steps are listed in brackets following the question.



Scenario 1: Demonstration

This year, I started college in a new city and rented my very first apartment. Unfortunately, only a week after I moved in, everything started to go wrong. The fridge and plumbing stopped working and the front door won't even lock. I checked my lease agreement and it says that my landlord is not responsible for any maintenance or repairs. This seems unfair, but I did sign the agreement. What should I do?

Start on the Steps to Justice topic, "Landlord and Tenant Board" with the question, "Can I take my landlord to the LTB if they won't fix something?"

- Can I take my landlord to the LTB if they won't fix the broken items in my apartment? (**Landing page**)
- Can I be compensated for money I had to spend to fix the problems that my landlord refused to fix? (**Landing page**)
- Since I signed the agreement, is my landlord off the hook? (**Landing page**)
- How can I make sure the LTB knows exactly what it is that I want my landlord to do to remedy the situation? (**Step 2**)
- If I can't afford the filing fee for my LTB application, what can I do? (**Step 4**)

Discussion

Your landlord is responsible for maintaining your apartment's condition and taking care of basic repairs. This is in the law, and landlords cannot escape responsibility for repair by denying responsibility in the lease.

This extends to things that came with your apartment, including the fridge and the door. If your landlord won't do this, you can apply to the LTB for an order compelling repair. Normally, there is a filing fee of roughly \$50. If you are on social assistance or have a low income, you can submit a "Fee Waiver Request" form, which is accessible through the LTB's website. This will ask the LTB to not charge you the filing fee.

The LTB can also order the landlord to compensate you for any money spent on repairs for up to a year prior to your application to the LTB. You should tell the LTB exactly what work is required, such as repairing damage, maintaining the property, repaying rent paid during the time that the problems were happening, or repaying the tenant for money they spent repairing the problems.



Scenario 2

I've been working at a store downtown for a year. About 3 months ago, the store began to run into financial difficulties. The store owner told me that, despite my contract indicating that I would earn \$25/hour, they would only be able to pay me \$15/hour, and would have to compensate me for the difference later. I wasn't happy, but I really needed any money I could get, so I didn't protest.

Last week, the owner told me that she was letting me go. She didn't give me any explanation why, but I think it was to cut costs. I asked for the money that I was owed from all the hours that I had worked at a reduced rate. The owner got angry and acted like she had no idea what I was talking about. I've tried reaching out to her to settle this, but she's blocked my number. By my calculations, she owes me about \$5,000. What should I do?

Start on the Steps to Justice topic, "Landlord and Tenant Board" with the question, "How do I sue my former employer in small claims court?"

- What legal avenues could this person pursue against their former employer to recover their lost wages? (**Landing page**)
- Which court would hear this employee's case? (**Landing page**)
- Can this person file their lawsuit against their employer at any Small Claims Court location? (**Step 3**)
- How will the employer (the defendant) know that this person is suing them in Small Claims Court? (**Step 4**)
- When does this person have to serve their employer, and how can they do so? (**Step 4**)

Discussion

Depending on their claim, this person could make an employment standards claim to the Ministry of Labour, or sue their employer in court. They must choose one option or the other, not both.

If you choose the court option, you must apply to a court located either close to where the event happened or where the employer or any of the other defendants (people being sued) live or run their business. If there are no courts in either of these locations, the person must choose the court that's nearest to one of these locations.

\$35,000 is the highest amount for claims to be heard at Small Claims Court. Claims for more than \$35,000 are heard in the Superior Court of Justice. Because this person is seeking \$5,000, their claim would be heard in Small Claims Court.

After the claim is filed with the court, the person in this scenario will have to “serve” notice of the lawsuit to the employer. “Serving” means providing them with a copy of the claim so that they can prepare to argue their side in court.

The defendant must be served no later than 6 months following the date that the claim was filed with the court. The rules for how to serve can be complex, but the typical case is where the person suing simply delivers the documents to the defendant in person. After serving the defendant, the person who is suing will have to provide some proof of service to the court, usually by submitting a sworn written statement called an affidavit.



Scenario 3

My fiancé and I lived together for about 8 months. A couple of months ago, his demeanor completely changed. He was angry all the time and would yell at me constantly. The last straw was when he got particularly angry and threw a plate at me. I moved out and have cut off all contact with him. He's started showing up at my workplace to convince me to move back in with him. He even threatened to hurt me if I didn't agree. I'm done with him and don't want him anywhere near me. What should I do?

Start on the Steps to Justice topic, "Courts and partner abuse" with the question, "What is the difference between a restraining order and a peace bond?"

- What legal mechanisms might be available to this person to keep their ex-partner away from them? **(Landing page)**
- What do these orders do and what is the difference? **(Step 3)**
- Are there services available to provide urgent legal assistance to people facing abuse or violence from family members or partners? **(Step 4)**
- If this person wants an order from the court to keep their partner away from them, but cannot wait for a trial in Family court, are there other mechanisms available to obtain an order? **(Landing page)**
- What is an urgent motion, and what would this person need to demonstrate to the court in order to be granted one? **(Step 2)**

Discussion

Restraining orders and peace bonds are two remedies that a person can seek from a court when they feel that another person poses a threat to their safety. Both are kinds of court orders and both orders impose restrictions on another person. The restrictions will depend on the circumstances but may include limitations on contact and distance. A peace bond is obtained through criminal court and can be obtained against anyone. A restraining order is specific to family court and is intended for current or former partners or co-habitants.

Legal Aid Ontario provides free legal advice to those experiencing family violence. Other regional services may also be able to provide advice, based on where the caller is located.

If you are concerned about the abuse and cannot wait for a final decision at a trial, you can make a motion for the court to make an order limiting or preventing contact between you and the other person.

A motion is a court process that asks a judge to make a decision about a specific issue before the full trial takes place. An urgent motion is a motion that is heard before a matter goes to trial. To get an urgent motion, you must show that the situation is urgent, you will face hardship if you have to wait to bring a motion, or that it is in the interests of justice that the motion be heard early. The person in this scenario could argue that waiting to receive an order after a case conference could put them at risk of harm from their ex-partner.



Scenario 4

Taylor and Jaime have been married for several years but have decided to split up. Unfortunately, they are unable to agree about many things, including who gets to keep the house, how they should arrange custody of their children, and who should pay child support and in what amount. They have decided to take their disputes to court, since they cannot come to any resolutions on their own.

For these questions, start on the Steps to Justice topic, “Family court” with the subtopic, “Types of case conferences”.

- Do family court matters usually go directly to a trial? (**Case/settlement conferences**)
- What sorts of conferences might Taylor and Jaime attend throughout the dispute resolution process? (**Landing page**)
- What are the goals of case, settlement and trial management conferences? (**See links for each**)

For these questions, start on the Steps to Justice topic, “Family court” with the subtopic, “Court trials”.

- If the dispute does go to trial, how will the judge make their decision? (**First link**)
- What happens after trial? (**Second link**)

Discussion

Family court matters rarely go directly to trial. Taylor and Jaime will probably attend several different kinds of conferences before they ever end up at trial.

Case conferences, settlement conferences, and trial management conferences are all possible before a matter proceeds to trial. Case conferences are meant to facilitate agreement between parties on some of the issues in question without needing to go to trial. If, after several case conferences, there has been no resolution, a settlement conference may be held, which aims to settle the remaining issues. If the issues still can't be resolved, a trial management case may be held to get the parties ready for trial and to make one last attempt at settling the issues informally.

In family cases, judges will hear both sides present their evidence and arguments, and will make their decision based on a balance of probabilities. In other words, the judge will decide which party seems more believable, based on what they each present in court. At some time after the

trial, the judge will make their decision, usually in the form of an endorsement. An endorsement tells each party what they must do or not do (for example, how much support they must pay). Orders can be enforced by the Family Responsibility Office.



Scenario 5

I suffer from a chronic illness which prevents me from working. For several years now, I have been receiving financial help through the Ontario Disability Support Program (ODSP). However, recently, I received a letter from my local ODSP office saying that they had decided I was no longer eligible for the program and that I would stop receiving support. My situation has not changed so I don't understand why they made this decision. What can I do to make them continue my support?

For these questions, start on the Steps to Justice topic, "Appealing a decision" with the question, "I disagree with an ODSP decision. What can I do?"

- What is the Social Benefits Tribunal (SBT)? (**Landing page**)
- Can people appeal this kind of decision? (**Links from landing page**)
- Is there anything this person should do before appealing to the SBT? Is there anything they must do? (**Step 1**)
- Can this person receive support while waiting for the outcome of the SBT appeal process? (**Step 4**)
- What can be done to prepare to attend an SBT appeal hearing? (**Links from landing page**)

Discussion

The Social Benefits Tribunal (SBT) is a group that deals with disputes that happen when people challenge decisions made by some social assistance programs, like the ODSP-related matters. This includes matters like the one described in the scenario, in which the person making the appeal has been cut off from their income support.

Before appealing to the SBT, it might be a good idea to contact the ODSP office. You might be able to provide information that could change their decision, or receive information which could help clarify why the decision was made. This person will also need to ask for an internal review to be conducted by the ODSP office or the Disability Adjudication Unit, within 30 days from receiving the decision. The appeal process can only begin after the internal review is complete.

Interim assistance is income support that is available to individuals who are waiting to learn the result of their appeal. To receive interim assistance, you must request the SBT to order the ODSP to provide it to you. It is important to note that if you lose the SBT appeal, you will have to pay back any interim assistance you received this way.

It is advisable to seek legal help to prepare for your hearing. A community legal clinic can help prepare you, and may also represent you during the hearing. Read the ODSP decision to

understand why they cut-off support. Then, prepare your argument for why their decision is wrong. Gather any evidence necessary to support any facts that you intend to prove at the hearing, such as documents proving the existence of your disability, or financial records that demonstrate your need for financial support.



Display: *Large Group Practice* Scenario 6

Chantelle and Omar are both big hockey fans. Chantelle lives in Quebec and her first language is French. She supports the Montreal *Canadiens*, while Omar is a fan of the Toronto Maple Leafs.

Chantelle drove from Montreal to Toronto to watch the teams play each other. Omar attended the same game, and sat directly behind Chantelle. When Omar started trash-talking about the *Canadiens*, Chantelle turned around and told him to watch his mouth. Omar laughed at her accent, which angered Chantelle even more, so she stood up and struck Omar in the face. The police escorted her out of the arena and placed her under arrest. The police took a statement from Omar and told him that Chantelle would likely be charged with assault. Omar told the police that he did not intend to press charges.

Discussion

Students can draw from their learning to identify potential legal issues and questions to investigate. There are many issues at play here, such as who can press or drop criminal charges, what happens in a criminal court and language rights. The facilitator should encourage students to consider how these issues might be interrelated or affect each other.

Start from the topic, “How can I get my criminal charges dropped”. Consider questions like:

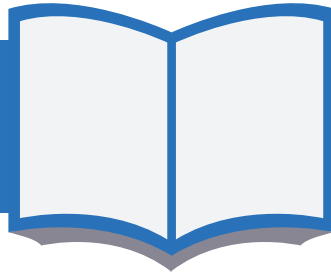
- Since Omar is not pressing charges, is Chantelle free to go?
- Can Chantelle do anything to reduce her chances of being prosecuted for the assault charge?
- If Chantelle is prosecuted in court, what information can she seek to prepare her case before trial?

Explore further, considering questions like:

- What is diversion? Is it a good option for Chantelle?
- Does Chantelle have the right to a trial in French?
- What about other languages?

Participant Handouts

Scenarios



Scenario 1 Worksheet: Demonstration

This year, I started college in a new city and rented my very first apartment. Unfortunately, only a week after I moved in, everything started to go wrong. The fridge and plumbing stopped working and the front door won't even lock. I checked my lease agreement and it says that my landlord is not responsible for any maintenance or repairs. This seems unfair, but I did sign the agreement. What should I do?

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- How can I make sure the LTB knows exactly what it is that I want my landlord to do to remedy the situation?
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Scenario 2 Worksheet

I've been working at a store downtown for a year. About 3 months ago, the store began to run into financial difficulties. The store owner told me that, despite my contract indicating that I would earn \$25/hour, they would only be able to pay me \$15/hour, and would have to compensate me for the difference later. I wasn't happy, but I really needed any money I could get, so I didn't protest.

Last week, the owner told me that she was letting me go. She didn't give me any explanation why, but I think it was to cut costs. I asked for the money that I was owed from all the hours that I had worked at a reduced rate. The owner got angry and acted like she had no idea what I was talking about. I've tried reaching out to her to settle this, but she's blocked my number. By my calculations, she owes me about \$5,000. What should I do?

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- What legal avenues could this person pursue against their former employer to recover their lost wages?
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Scenario 3 Worksheet

My fiancé and I lived together for about 8 months. A couple of months ago, his demeanor completely changed. He was angry all the time and would yell at me constantly. The last straw was when he got particularly angry and threw a plate at me. I moved out and have cut off all contact with him. He's started showing up at my workplace to convince me to move back in with him. He even threatened to hurt me if I didn't agree. I'm done with him and don't want him anywhere near me. What should I do?

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Scenario 4 Worksheet

Taylor and Jaime have been married for several years but have decided to split up. Unfortunately, they are unable to agree about many things, including who gets to keep the house, how they should arrange custody of their children, and who should pay child support and in what amount. They have decided to take their disputes to court, since they cannot come to any resolutions on their own.

For these questions, start on the Steps to Justice topic, “Family court” with the subtopic, “Types of case conferences”.

- Do family court matters usually go directly to a trial?
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- What are the goals of case, settlement and trial management conferences?

For these questions, start on the Steps to Justice topic, “Family court” with the subtopic, “Types of case conferences”.

- If the dispute does go to trial, how will the judge make their decision?
- What happens after trial?



Scenario 5 Worksheet

I suffer from a chronic illness which prevents me from working. For several years now, I have been receiving financial help through the Ontario Disability Support Program (ODSP). However, recently, I received a letter from my local ODSP office saying that they had decided I was no longer eligible for the program and that I would stop receiving support. My situation has not changed so I don't understand why they made this decision. What can I do to make them continue my support?

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