

HIV & AIDS Legal Clinic Ontario (HALCO) COVID-19 Update (June 29, 2020)

Our Services

Please continue to [contact us](#) and refer people living with HIV to us. Although staff are working from outside the office, we continue to:

- respond to new inquiries (intakes)
- provide services to ongoing clients
- engage in public legal education activities
- participate in law reform activities

We ask that people not visit our office but contact us via phone (416-340-7790 / 1-888-705-8889). Our summer intake hours (from June 1 to August 31) for new inquiries are Monday and Wednesday (9am-5pm) and Friday (9am-3pm), and our general hours are Monday-Thursday (9am-5pm) and Friday (9am-3pm).

As the situation surrounding COVID-19 is rapidly changing, we will alter our approach as required. We will continue to take an evidence-based approach and fight against stigma/discrimination while working to address the concerns of equity-seeking groups, including people living with HIV, Indigenous people, Black and other racialized individuals, and those with low incomes.

Income Support

The Government of Canada has produced a web-based tool called [Find financial help during COVID-19](#) to help people find out which government benefits programs (including federal, provincial, and territorial) they may be able to receive.

While [federal](#) and [Ontario](#) economic plans are of assistance, we remain concerned that many people will not benefit from the programs. The pandemic clearly highlights an urgent need for further reform. Please see this [document](#) released by the [Income Security Advocacy Centre \(ISAC\)](#) that includes some suggestions for improved programs.

Federal

See [here](#) for the current plan, which includes:

- [Canada Emergency Response Benefit \(CERB\)](#): \$500 per week for up to 24 weeks for certain people who have stopped working
- [Canada Emergency Student Benefit \(CESB\)](#): assists students or recent graduates with a \$1,250 monthly grant, or \$1,750 for those with disabilities or those with dependents (maximum period is May to August 2020)
- [Canada Student Service Grant](#): one-time payment of between \$1,000 and \$5,000 for students who engage in approved volunteer activities (maximum period is June 25 to October 31, 2020)
- [Indigenous Community Support Fund](#): includes support for Elders and other community members, measures to address food insecurity, educational support for children, mental health assistance, and help preventing spread of COVID-19

- [Canada Child Benefit](#): extra \$300 per child, one time only, for the 2019-20 year (July 2019 to June 2020)
- [Goods and Services Tax Credit](#): one-time special payment (average amount of close to \$400 for individuals and \$600 for couples) for low- and modest-income individuals and families
- [Old Age Security \(OAS\)/Guaranteed Income Supplement \(GIS\)/Allowance/Allowance for the Survivor: One-time payment](#) of \$300 for seniors eligible for OAS, with an additional \$200 provided for seniors eligible for GIS and \$500 for those receiving the Allowance or Allowance for the Survivor
- [Disability Tax Credit \(DTC\)](#): individuals in receipt of DTC will [receive](#) a one-time, tax-free payment of \$600, while those in receipt of DTC who are eligible for OAS will receive an extra \$300, and those in receipt of DTC, OAS and GIS will receive an extra \$100
- [Registered Retirement Income Fund](#): required minimum withdrawal reduced by 25 per cent for 2020
- [Student Loan Repayment and Interest Suspension](#): repayments and interest suspended until September 30, 2020
- [Canada Student Loan Programs](#): more students to qualify for support and be eligible for greater amounts
- [Canada Student Grant](#): increase of up to \$6,000 for full-time students, increase to \$3,600 for part-time students and doubling of grants for [Students with Permanent Disabilities](#) and [Students with Dependants](#)

Ontario

See [here](#) for the plan, which includes:

- [Emergency assistance](#) for those not receiving benefits from Ontario Works (OW) or Ontario Disability Support Program (ODSP)
- [Support](#) for Indigenous communities, including funds for food, household goods, critical supplies, transportation, and support and care
- Doubling the [Guaranteed Annual Income System \(GAINS\)](#) payments (for low-income seniors) for six months
- [Support for families](#) through a one-time \$200 payment per child up to 12 years of age, and \$250 per child or youth up to 21 years old with special needs
- Six months of [Ontario Student Assistance Program \(OSAP\)](#) loan and interest accrual relief, until September 30, 2020
- [Electricity cost relief](#), which includes one-time payments for people to help pay for electricity bills during the COVID-19 period and an extension of the disconnection ban until July 31

There are also [changes](#) to Ontario Works (OW) and Ontario Disability Support Program (ODSP), which include the following:

- Monthly [Emergency Benefit](#) of up to \$100 per individual or \$200 per family, until July 2020, to cover additional costs related to COVID-19 (see this HALCO [resource](#) for more information)
- Payments for Special Diet Allowance, Mandatory Special Necessities or other recurring benefits expiring will be extended and a new form is not currently required
- [CERB](#) is being treated as [employment income](#)

For answers to questions about OW and ODSP benefits, see [here](#).

If you are living with HIV and have questions about income-related issues (e.g., new benefits, ODSP, employment income), please call [HALCO](#). If you are not living with HIV, you can call your [local community legal clinic](#).

Housing

As of March 19, 2020, the Ontario Superior Court of Justice has ordered Sheriff's offices to [not enforce](#) any eviction orders unless the landlord convinces the court to make an exception.

As of March 19, 2020, all in-person hearings at the Landlord and Tenant Board (LTB) are [postponed](#). You may get a telephone hearing if your situation is considered urgent.

For answers to questions about housing law, see [here](#).

If you are living with HIV and your landlord threatens to evict you (or you have other housing-related questions), please call [HALCO](#). If you are not living with HIV, you can call your [local community legal clinic](#).

Healthcare

Medical Coverage for Uninsured People

Ontario is providing medically necessary services to [everyone in the province](#), whether they have government health insurance or not. See [here](#) for more information.

Three-month OHIP Waiting Period Removed Temporarily

The three-month waiting period for coverage under OHIP (Ontario Health Insurance Plan) has been [removed](#) temporarily. People also do not need to renew expired or expiring OHIP cards at this time.

Trillium Drug Program Update: Changes to Deductibles

Households who have drug coverage through the [Trillium Drug Program](#) (TDP) can apply to have their deductible reduced for the period of May to July 2020, if the household's income has decreased by 10% or more since 2018. See [here](#) for more information.

Mental Health and Addictions Support

The Ontario government is increasing supports related to mental health and addiction issues. For more information, including about online and phone supports, see [here](#).

If you are living with HIV and have questions about health care-related issues (e.g., denial of medical services, being charged for medical services, Trillium deductibles) please call [HALCO](#). If you are not living with HIV, you can call your [local community legal clinic](#).

Immigration and Refugees

The Refugee Protection Division and the Immigration Appeal Division are resuming in-person hearings in Vancouver the week of July 20, 2020 and in all other locations the week of August 3, 2020. The Board will be contacting refugee claimants and immigration appellants or their lawyers to re-schedule their hearings. People who have ongoing refugee or immigration law matters should contact their lawyer, if they have one, as soon as possible. See [here](#) for more information.

For further information about how COVID-19 is affecting immigration, refugees, citizenship and passport services, please see [here](#).

For answers to questions about immigration and refugee law, see [here](#).

If you are living with HIV and have questions about immigration or refugee law, please call [HALCO](#). If you are not living with HIV, you can call your [local community legal clinic](#).

Emergency Laws

Federal Quarantine Act

On March 25, 2020, the federal government [announced](#) an Emergency Order under the [Quarantine Act](#) that requires any person entering Canada by air, sea or land to self-isolate for 14 days whether or not they have symptoms of COVID-19. Penalties for not following the Emergency Order include fines and jail time.

Ontario Emergency Management and Civil Protection Act

On March 17, 2020 (now in place until at least [July 15, 2020](#)), Ontario [declared](#) a state of emergency under the [Emergency Management and Civil Protection Act](#) which allows for the suspension of certain rights.

Under the *Emergency Management and Civil Protection Act*, government can make orders that do such things as control movement and close down public or private places. Penalties for not following the legislation include fines and jail time. A full list of orders in place can be found [here](#).

For more information about the *Emergency Management and Civil Protection Act*, see this [resource](#) put together by the [Black Legal Action Centre \(BLAC\)](#).

Ontario Health Protection and Promotion Act

[Public Health Units](#) in Ontario have issued [Class Orders](#) under the [Health Protection and Promotion Act](#) that require certain people to, among other things, isolate themselves for 14 days and follow any instructions provided by the Public Health Unit. [Class Orders](#) we have seen thus far apply to those who:

- a) are identified as a person diagnosed with COVID-19;
- b) have the signs and symptoms of COVID-19, have been tested for COVID-19 and are awaiting the results of their test;
- c) otherwise have reasonable grounds to believe they have symptoms of COVID-19; or
- d) are a close contact of a person identified in (a), (b) or (c).

There are fines for not following the terms of a Class Order. Public Health Units can also ask courts to require people to follow Class Orders. Not following what a court requires can result in fines or jail time.

There are also other municipal, provincial and federal laws that may be used to respond to public health issues. For example, criminal law has been used and many municipalities have by-laws in place that require measures such as physical distancing. Penalties for not following such by-laws may include fines and jail time. For information about laws being used in Ontario and other parts of Canada, see [here](#).

While we support the need for sound public health guidance, it is essential that all measures are firmly grounded in science and comply with human rights standards. Moreover, immediate action must be taken (e.g., scaling up income supports and housing, responding to issues facing those in state custody, those in congregate living settings, and those in abusive relationships) to ensure that everyone is able to comply with measures such as physical distancing. It is unacceptable that due to factors such as systemic racism, poverty and lack of housing some people and communities will face barriers and obstacles meeting such requirements, thereby placing them at a greater risk of being exposed to COVID-19 and of being fined and jailed.

Links

Legal

- [HALCO](#)
- [Canadian HIV & AIDS Legal Network](#)
- [Community Legal Education Ontario - Steps to Justice](#)
- [Legal Aid Ontario](#)
- [Policing the Pandemic](#)

Health

- [CATIE: Canada's Source for HIV and hepatitis C information](#)
- [Government of Canada](#)
- [Ontario Ministry of Health](#)
- [World Health Organization](#)

Government Economic Plans

- [Canada](#)
- [Ontario](#)

Moving forward

We continue to provide legal advice and representation and to engage in public legal education and law reform activities. We continue to work with people living with HIV and others to ensure the health and safety of all and to bring about social, economic and racial justice.

Please continue to [contact us](#) and refer people living with HIV to us.