

HIV & AIDS Legal Clinic Ontario COVID-19 Update (March 10, 2021)

Our Services

Please continue to [contact us](#) and refer people living with HIV to our office. Although staff are working remotely, 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 intake hours for new inquiries are Monday, Wednesday and Friday (9am-5pm) and our general hours are Monday-Friday (9am-5pm).

We continue to operate at full capacity during the COVID-19 pandemic and will alter our approach as required. We will continue to take an evidence-based approach and fight against stigma and 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 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 federal economic response plan, which includes:

- [Employment Insurance \(EI\)](#): provides \$500 (before taxes) per week for up to 50 weeks for claims made between September 27, 2020 and September 25, 2021
- [Canada Recovery Benefit \(CRB\)](#): provides \$500 (before taxes) per week for up to 26 weeks for workers who have stopped working or had their income reduced by at least 50% due to COVID-19, and who are not eligible for Employment Insurance (EI)
- [Canada Recovery Sickness Benefit \(CRSB\)](#): provides \$500 (before taxes) per week for up to two weeks for workers who are ill or must self-isolate for reasons related to COVID-19

- [Canada Recovery Caregiving Benefit \(CRCB\)](#): provides \$500 (before taxes) per week for up to 26 weeks for workers unable to work because they need to care for a child under the age of 12, a family member or a dependent because schools, daycares or care facilities are closed due to COVID-19
- [Mortgage Payment Deferral](#): provides a suspension of mortgage payments for up to six months for homeowners facing financial hardship due to COVID-19

A chart that summarizes the EI changes can be found [here](#). A chart that summarizes the new COVID-19 recovery benefits can be found [here](#). Questions and answers about the new benefits can be found [here](#).

On February 19, 2021 the federal government [announced](#) proposed extensions to these benefits. Below changes are anticipated but are not currently in place:

- increasing the number of weeks available under [Canada Recovery Benefit \(CRB\)](#) and the [Canada Recovery Caregiving Benefit \(CRCB\)](#) up to 38 weeks
- increasing the number of weeks available under [Canada Recovery Sickness Benefit \(CRSB\)](#) up to four weeks
- increasing the number of weeks available under [EI Regular Benefits](#) up to 50 weeks for claims that are made between September 27, 2020 and September 25, 2021

The federal government also [clarified](#) that self-employed individuals who applied for the Canada Emergency Response Benefits (CERB) and would have qualified based on their gross income (rather than net income) will not be required to repay the benefit, provided they also met all other eligibility requirements.

Ontario

See [here](#) for the current Ontario action plan and economic and fiscal update, which includes:

- [Emergency Assistance](#): provides approximately \$733 per month for a single person, and more for people with children, for up to 48 days for those not receiving benefits from Ontario Works (OW) or Ontario Disability Support Program (ODSP)
- [COVID-19 Energy Assistance Program \(CEAP\)](#): provides assistance for people who are having difficulty paying their energy bills as a result of COVID-19

See [here](#) for answers to questions about OW and ODSP benefits.

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

2021 Rent Freeze

The Ontario government announced a “rent freeze” for 2021 for residential tenants. This means that rents will not increase in 2021 for most tenants. There are still some situations where a landlord is able to increase the rent, and tenants and landlords can still agree on rent increases in exchange for extra services and/or facilities. See [here](#) for more information.

Evictions

The Ontario government temporarily paused evictions in early 2021. However, as of the date of publication of this document, the temporary pause is lifted and evictions are currently taking place throughout Ontario. This may change in the future.

See [here](#) for answers to questions about housing law.

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 continuing to provide 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.

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](#).

Taxation

Tax Reporting and Filing

Everyone who received any of the COVID-19 emergency or recovery benefits in 2020 should receive a T4A slip from the Canada Revenue Agency (CRA) before March 10, 2021. The benefits are taxable and the federal government has indicated that they need to be reported as income on the 2020 income tax and benefit return. More information can be found [here](#).

The tax return filing deadline for individuals is April 30, 2021, and for self-employed individuals it is June 15, 2021. See [here](#) for more tax deadline information.

Interest Relief

The federal government is providing interest relief related to income tax to some people who received COVID-19 income benefits. See [here](#) for more information.

Immigration and Refugees

Immigration and Refugee Board Hearings

The Immigration and Refugee Board (IRB) is currently holding remote hearings, with only urgent and particularly sensitive cases considered for in-person hearings on a case by case basis. The IRB is also not accepting documents in person during this time. See [here](#) for more information, including how to submit documents.

Pathway to Permanent Residency for Health Care Workers

Canada has introduced a new pathway to permanent residency for the following people if they worked as health care workers during the COVID-19 pandemic:

- a pending or failed refugee claimant who made a refugee claim in Canada prior to March 13, 2020, and who still lives in Canada
- the spouse or common-law partner of an eligible refugee claimant if
 - the refugee claimant contracted and died from COVID-19
 - the spouse or common-law partner has been in Canada since before August 14, 2020

See [here](#) for more information.

Restoration of Visitor, Student and Worker Status

People can now apply to restore their visitor, student or worker status even if their permit has been expired for more than 90 days. See [here](#) for more information.

See [here](#) for more information about how COVID-19 is affecting immigration, refugees, citizenship and passport services.

See [here](#) for answers to questions about immigration and refugee law.

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](#).

Travel to Canada

On January 29, 2021, the federal government [announced](#) further restrictions on international travel, including suspending flights, until April 30, 2021, to and from certain countries that the government considers popular travel destinations. The announcement also requires most travellers to Canada to provide proof of a negative COVID-19 test. Depending on the situation, there are other requirements such as mandatory quarantine periods. Certain travellers flying into Canada must also pay for and stay in a government approved hotel for a certain amount of time upon arrival. Penalties for not following requirements include fines and jail time.

See [here](#) for more information about travel, quarantine and borders.

Ontario's Regional COVID-19 Framework

In November 2020, the Ontario government announced a new framework to respond to COVID-19. Under the new approach, each of Ontario's health units are placed in one of five colour-coded categories based on their COVID-19 trends, with each category requiring different public health measures. This means that different regions may have different restrictions relating to gatherings, restaurants and shops. Penalties for not following the requirements of the new system include fines and jail time.

See [here](#) for more information about Ontario's COVID-19 framework.

See [here](#) to find information about the requirements in each public health unit.

Enforcement of COVID-19 Requirements

Municipal, provincial and federal laws may be used to respond to public health issues such as COVID-19. 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 laws may include fines and jail time. See [here](#) for information about laws being used in Ontario and other parts of Canada.

Many [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 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.

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.

If you are living with HIV and have questions about the enforcement of public health requirements, please call [HALCO](#). If you are not living with HIV, you can call your [local community legal clinic](#).

Links

Legal

- [HALCO](#)
- [HIV 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 also 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.