

# Handling everyday legal problems

Information to help you  
make good choices



The Law Society  
of Upper Canada

Barreau du  
Haut-Canada

# Welcome

The Law Society of Upper Canada licenses and supports lawyers and paralegals to serve you, the people of Ontario.

We are committed to improving how you access legal information, advice and services as you deal with a legal question or problem regarding Ontario or Canadian laws.

This guide provides basic information about Ontario's legal resources and services that are available to help people who are dealing with a civil, or non-criminal, legal problem. This version was written for the First Nation, Métis and Inuit (FNMI) audience in Ontario.

We have tried to provide information that anybody can access from where they live, either in person, by telephone or on the internet. We hope you find this guide helpful. You can also find it online on the Law Society website.

[lsuc.on.ca](http://lsuc.on.ca)

After you have read this guide, we would like to hear from you. Please send your comments to [equity@lsuc.on.ca](mailto:equity@lsuc.on.ca). We cannot answer specific questions about legal problems or provide legal advice, but we welcome your comments about the information in this guide and your suggestions for improvements.

## What do lawyers and paralegals do?

Ontario's lawyers and paralegals are licensed, insured and qualified to help you with your legal needs.

In Ontario, lawyers can help you with any legal matter and in any court. Paralegals can help you with cases in Small Claims Court (claims of up to \$25,000), traffic and other offences heard in Provincial Offences Court, as well as hearings before tribunals. Paralegals can also help you with minor criminal charges under the Criminal Code.

As the regulator of lawyers and paralegals, the Law Society deals with complaints from members of the public. If you have a question or concern about the services you receive from a lawyer or paralegal in Ontario, contact the Law Society.

[lsuc.on.ca/complaints](http://lsuc.on.ca/complaints) | Toll Free: 1-800-668-7380 ext. 3363 or 416-947-3300 ext. 3363 or Toll Free: 1-800-268-7568

Disclaimer – The content of this pamphlet contains legal information that is current to the date it was printed. Legal information is not legal advice. You should seek legal advice about your specific legal situation.

# Is it a legal problem?

Canada's laws affect many areas of our daily lives. It can be difficult to know if an issue you have today could become a future legal problem.

An issue could become a legal problem if you think you:

- may have to make a complaint about how you have been treated,
- may have to go to court to fix a problem, or
- may get a fine or lose a government benefit or licence.

## Is it a civil or a criminal legal problem?

This guide gives information about Ontario and Canadian civil, not criminal, legal problems. One way to understand the difference is to look at who is involved in the issue. When a person is charged with a crime, that person will defend him or herself against a government agency. Civil legal problems can happen between you and other people, companies, or government agencies.

Here are the most common civil legal problems that anyone can face:

- Family relationship issues
- Wills and powers of attorney
- Tenancy, housing and property issues
- Real estate transactions
- Employment problems
- Personal injury
- Money or debt problems



**You are told that you owe a cancellation fee for your cellphone but the contract is confusing. What are your options?**



**Your new employer refuses to give you time off to care for an ill family member. Where can you turn for information?**



**Your grandmother has told you she wants to leave you her house on reserve, but you don't know if she has a will. Who can help her?**

## Ignoring the problem will not make it go away

It is important to take action to resolve all legal problems. Doing nothing will not correct a mistake or recover money you spent for a service you never received. It can also make a small problem worse. Informing yourself can be an important first step to resolving an issue early.

It is especially important to respond if you receive a court or legal document that shows someone has filed a lawsuit or complaint against you. The document will give you a date for when you must respond.

If you do not respond, a judge in a court case might think you agree to the other side's claim. This may also happen if you do not respond to show that you do not agree with charges on a bill or a change to your government benefits.

# Legal Information

You may have general questions about Ontario and Canadian laws and processes, such as finding out what a legal term means, how to complete a court form, directions to a courthouse or what to expect inside a court.

Below is a list of organizations that provide civil legal information and resources in Ontario. You can also find legal information at your local library, community health clinic, community centre, Indigenous friendship centre and courthouse.

The sites and services listed below do not provide emergency services. If you have an emergency where people or property are at immediate risk, contact your local crisis service, First Nation or Tribal Police detachment or dial 9-1-1, where available.

**CLEO (Community Legal Education Ontario)** produces free legal information, in English, French and other languages, on many legal topics. You can read the information online or order printed pamphlets.

[cleo.on.ca](http://cleo.on.ca)

CLEO's **Your Legal Rights website** has helpful legal information on a range of legal topics produced by organizations across Ontario. Some information is available in Cree, Ojibway and Oji-Cree. It is also home to CLEO's **Steps to Justice**, which gives practical answers and next steps to help people understand and work through common legal problems in family, housing, and employment, with more legal topics to come.

[yourlegalrights.on.ca](http://yourlegalrights.on.ca)

The **LawFacts** website, provided by **Legal Aid Ontario (LAO)**, gives legal information, checklists, links to other sites and a glossary of terms about a range of legal issues, including family, criminal and mental health law.

[lawfacts.ca](http://lawfacts.ca)

**Legal Line** offers a multilingual legal information website. When you visit the site, select "Ontario". Legal Line also provides links to resources and pre-recorded answers to legal questions by telephone. Visit the "Guides" page for information on the telephone service.

[legalline.ca](http://legalline.ca)

The **Ministry of the Attorney General** offers information about Ontario's legal system, the court process, self-help guides and a legal glossary through its website and Justice Ontario. **Justice Ontario** offers information by telephone in 170 languages, including Cree, Inuktitut, Mohawk, Ojibway and Oji-Cree and 16 other First Nation, Métis and Inuit (FNMI) languages, upon request.

[www.attorneygeneral.jus.gov.on.ca](http://www.attorneygeneral.jus.gov.on.ca) | Tel: 1-866-252-0104

The **Ontario Court of Justice** has guides in French and English to assist people in family, criminal and provincial offences cases. The guides explain the court process and give definitions of legal terms.

[www.ontariocourts.ca/ocj/self-represented-parties](http://www.ontariocourts.ca/ocj/self-represented-parties)



Photo: University of the Fraser Valley © Creative Commons

## Answering questions about the Independent Assessment Process

If you have questions about any of the negotiated processes under the **Indian Residential Schools Settlement Agreement (IRSSA)**, such as:

- Independent Assessment Process (IAP)
- Alternative Dispute Resolution (ADR)

Please contact the **Indian Residential Schools Adjudication Secretariat**:

1. Call the Toll-Free Number: **1-877-635-2648** or the 24-Hour Crisis Line: **1-866-925-4419**, or you may call the Law Society's Toll-Free Number: **1-800-668-7380 ext. 3363**;

Or

2. Visit the Secretariat's website: [www.iap-pei.ca/home-accueil-eng.php](http://www.iap-pei.ca/home-accueil-eng.php)

# Free Legal Services and Assistance

If the organizations listed below are not able to provide you with direct assistance, ask them for a referral to a resource or service near to you.

Photo: Toban B. © Creative Commons



## Free legal services at Legal Aid Ontario (LAO)

**Legal Aid Ontario (LAO)** provides community-based legal advice services on reserves and at FNMI community organizations, including: Wabano Centre for Aboriginal Health Ottawa, Six Nations of the Grand River, Saugeen First Nation, Oneida Settlement, Munsee Delaware, Walpole Island First Nation, Aamjiwnaang First Nation, Kettle and Stony Point First Nation, and the CanAm Friendship Centre Windsor.

**LAO** also provides duty counsel and legal aid workers to help people in court, telephone operators to assist with legal aid applications, information and referrals to other agencies, and, in serious criminal, family and immigration cases, access to legal aid certificates, which cover the cost of a private lawyer. You can also call and access legal aid help in over 200 languages, including Cree, Inuktitut, Mohawk, Ojibway and Oji-Cree, and 14 other FNMI languages.

LAO's **Community Legal Clinics** provide legal information, advice and free legal services to people with lower incomes, throughout Ontario. Service areas include social assistance, housing, employment, human rights, workers' compensation and the Canada Pension Plan. LAO's website lists addresses and contact information for the clinics. You should then contact the clinic nearest you directly.

## Community legal clinics near you

For up-to-date contact information, visit or call **Legal Aid Ontario**:

[legalaid.on.ca](http://legalaid.on.ca) | Toll Free: 1-800-668-8258 | Tel: 416-979-1446

## For legal aid certificates in Nishnawbe-Aski Region (NAN):

[nanlegal.on.ca](http://nanlegal.on.ca) | Toll Free: 1-800-465-5581 | Tel: 807-622-1413

### IN THE NEAR NORTH AND NORTH

**Keewaytinok Native Legal Services** serves people and organizations in Moosonee.

The **Kinna-Aweya Legal Clinic** serves people in the Thunder Bay, Nipigon, Geraldton and Marathon areas.

**Manitoulin Legal Clinic**, located on Aundeck Omni Kaning First Nation, serves people in the District of Manitoulin.

**Nishnawbe-Aski Legal Services Corporation** provides legal information and services and legal aid certificates to members of NAN throughout the territory in English, Cree, Ojibway, and Oji-Cree.

The **Northwest Community Legal Clinic** serves residents of the Kenora and Rainy River Districts from three offices located in Fort Frances, Kenora, and Atikokan.

### IN THE GREATER TORONTO AREA

**Aboriginal Legal Services Toronto (ALST)** provides legal information and poverty law services to people living within the Greater Toronto Area. ALST staff are available to provide services in some First Nation languages.



## IN THE SOUTH

### Community Legal Assistance Sarnia

offers the Baamsedaa “Let’s Walk Together” program. This program provides support for FNMI clients of the Sarnia clinic in all areas of service.

### Hamilton Community Legal Clinic

offers the YÉN:TENE program. This program provides support for FNMI clients of Hamilton clinic in all areas of service.

## OTHER FREE LEGAL AND REFERRAL SERVICES

There are 27 **Indigenous Friendship Centres** located in towns and cities across the province. They provide services for children and youth, education, culture, healing, justice and health. Their justice services include court worker programs, community justice programs and Gladue report writers. Contact the **Ontario Federation of Indigenous Friendship Centres (OFIFC)** for more information about individual centres.

[ofifc.org](http://ofifc.org) | Toll Free: 1-800-772-9291 | Tel: 416-956-7575

**Equay-wuk** (Women’s Group) provides community wellness, support and education programs for FNMI women and families in 31 northwestern NAN communities in English and the language of the community from its main office in Sioux Lookout.

[equaywuk.ca](http://equaywuk.ca) | Toll Free 1-800-261-8294 | Tel: 807-737-2214

### Human Rights Legal Support Centre (HRLSC)

helps individuals who have questions about human rights or who have experienced discrimination. Staff work in Toronto, Windsor, Sault Ste. Marie, Thunder Bay, Guelph, Ottawa and Brampton. They can assist in filing applications at the Human Rights Tribunal of Ontario and give legal representation at mediations and hearings.

[hrlsc.on.ca](http://hrlsc.on.ca) | Toll Free: 1-866-625-5179 | Tel: 416-597-4900 | TTY: 416-597-4903 | TTY Toll Free: 1-866-612-8627

**Pro Bono Ontario (PBO)** runs a number of programs for Ontarians who cannot afford a lawyer and do not qualify for legal aid. **Law Help Ontario (LHO)** serves people who are suing or being sued in civil (non-family) court. Services include information, brief advice through volunteer lawyers, legal forms assistance and, in some cases, services of duty counsel. Most services are available on a walk-in basis in three court-based locations in Toronto and Ottawa (French and English). A Simple Wills service is administered at the Ottawa and Toronto offices. A special clinic for employment law matters operates out of the Toronto office. PBO also helps children who are having problems at school and provides free legal services for qualifying patients in all five children’s hospitals. Corporate Law Programs (e.g. contract reviews) can help eligible non-profits, charities, entrepreneurs, artists and arts organizations. The LHO website lists all PBO services and other organizations that provide free legal services. If you live more than 40km away from an LHO office in Ottawa or Toronto, you can apply for services through the website or by calling its toll-free number.

[lawhelpontario.org](http://lawhelpontario.org) | [ProBonoOntario.org](http://ProBonoOntario.org) | Toll Free: 1-855-255-7256



**Student Legal Aid Services Societies (SLASS)** are LAO-funded legal clinics at Ontario's law schools. Full-time lawyers supervise volunteer law students who provide legal advice and represent clients in minor criminal and civil cases, including family cases. Select "Student Legal Aid Services Societies" on LAO's Contact Us page.

[legalaid.on.ca/en/contact](http://legalaid.on.ca/en/contact)

**211 Ontario** is a three-digit telephone number and website available 24 hours per day, 7 days per week. Certified Information and Referral Specialists and the website give information and referrals to more than 56,000 community, social and legal services in Ontario. Information is available in more than 170 languages, including Cree, Inuktitut, Mohawk, Ojibway, Oji-Cree and 16 other FNMI languages, upon request.

[211ontario.ca](http://211ontario.ca)

**Talk4Healing** is a toll-free telephone helpline for FNMI women and their families living in Northern Ontario, from the Muskokas to the Manitoba border, on and off reserve and in remote, urban and rural communities. The helpline provides crisis counselling, advice, personalized information and referrals for 24 hours a day in English, Cree, Ojibway, and Oji-Cree.

[talk4healing.com](http://talk4healing.com) | *Toll Free:*  
*1-855-554-HEAL (1-855-554-4325)*

## Finding a lawyer or paralegal

Ask friends and family or someone you trust if they know of a lawyer or a paralegal who has expertise and works in the same area of law as you need.

If you have the name of a person that you might be interested in hiring, we encourage you to check the **Law Society's Lawyer and Paralegal Directory** to make sure that this individual is a licensed lawyer or a licensed paralegal who can practise law or provide legal services. Or you can call the Law Society for this information. The directory lists the name, telephone number and address for practising Ontario lawyers and paralegals. You can search by name, city, postal code or area of law/legal services.

[lawyerandparalegal.directory](http://lawyerandparalegal.directory) |  
*Tel: 416-947-3300* |  
*Toll Free: 1-800-668-7380*

The **Law Society Referral Service (LSRS)** is an online service for referrals to lawyers or paralegals who will provide a free, up to 30-minute consultation. A crisis line for those who are unable to use the online service (such as being in custody) is available from Monday to Friday, 9:00 a.m. to 5:00 p.m. You can request to be referred to a lawyer or paralegal who speaks languages other than English or French, or a lawyer who accepts legal aid certificates.

Requests:  
[www.lawsocietyreferralservice.ca](http://www.lawsocietyreferralservice.ca) |  
*Toll Free Crisis Line: 1-855-947-5255* |  
*Tel: 416-947-5255*

You can find more information about the services of lawyers and paralegals on the Law Society's website and through its **Your Law** online video series.

[lsuc.on.ca/lawyer-or-paralegal](http://lsuc.on.ca/lawyer-or-paralegal) |  
[lsuc.on.ca/yourlaw](http://lsuc.on.ca/yourlaw)

Legal Aid Ontario's **Lawyer Directory** lists panel lawyers — lawyers who accept legal aid certificates. You can search by town or address, area of law, language or name.

[legalaid.on.ca/en/getting/findingalawyer.asp](http://legalaid.on.ca/en/getting/findingalawyer.asp)

# Working with a Lawyer or Paralegal

## When do you need legal information and when do you need legal advice?

### Getting started – Collecting legal information

Collecting legal information is a good way for you to better understand if you have a legal problem and what your options are to deal with it.

You have many options for gathering accurate and useful legal information. For example, you can consult online resources, or talk with individuals who are trained to provide legal information and referrals, such as community legal workers at legal clinics and Aboriginal court workers at Ontario courthouses and Friendship Centres.

Photo: Judy Tepley © Creative Commons



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## Your next step – Getting legal advice

After you have collected information about your legal issue, you may decide that your next step is to approach a lawyer or paralegal.

A lawyer or paralegal is trained to help you with your specific issue and to provide you with legal advice so that you can resolve your issue. A lawyer or paralegal can help you avoid a legal problem or guide you through the complex legal system. The specific advice that a lawyer or paralegal can provide to you is legal advice and is different than general legal information.

## Deciding to meet with a lawyer or paralegal for a consultation

Before hiring a lawyer or paralegal, you can continue to collect information to make sure you find the right person for you to work with.

You can collect valuable information during what is called a “consultation” meeting with a lawyer or paralegal. Explain clearly to the lawyer or paralegal that you are meeting for a consultation to gather information. The lawyer or paralegal should help you understand your options to resolve your legal problem during a consultation.

Some good questions to ask a lawyer or paralegal during a consultation are:

1. How much experience do you have in my type of case? — Your legal problem may be complex. It is important to be confident that your lawyer or paralegal has handled your type of case before.
2. Are you available to handle my case? — This question is especially important if your legal problem requires a quick response.
3. Do you charge per hour or by the case? How much do you charge for my type of case? Can you provide an estimate of what my case could cost? — A lawyer or paralegal must tell you what he or she charges. Some charge per hour while others charge per case (also called a ‘flat fee’). He or she can provide you with an idea of the potential cost to resolve your issue.
4. Will you charge anything extra than your fees? — Additional charges are called ‘disbursements’. They can include charges for telephone calls, emails, writing letters, photocopying documents, and filing documents at court in relation to your case. These charges may be difficult for a lawyer or paralegal to estimate. If you know that you will be charged for the phone calls you make to your lawyer or paralegal, you can plan ahead to make important calls.
5. What are your payment options and when do you provide a bill or invoice? — A lawyer or paralegal may request a payment at the start of a case. This fee is called a ‘retainer fee’. You may be able to negotiate and work out a payment arrangement.

## Hiring and working with your lawyer or paralegal

Once you are confident that you have found a lawyer or paralegal you want to work with, you will enter into an agreement with that individual.

It is good practice for a lawyer or paralegal to provide an agreement that outlines the services he or she will provide to you, the client. This document is called a 'retainer agreement'.

The retainer agreement should set out the services that your lawyer or paralegal will provide to you, the fee as well as details for payments. You can ask the lawyer or paralegal to review this agreement with you to make sure you understand what you are signing. The retainer agreement is a contract between you and your lawyer or paralegal. If there is a problem or misunderstanding, you can refer to the details of the retainer.

As you work with your lawyer or paralegal, you, as the client, will make many decisions to resolve your legal problem. Depending on the legal issue, your options could be limited. Your lawyer's or paralegal's job is to provide you with the options you need to make an informed decision.

Your lawyer or paralegal has been specially trained to resolve legal problems. He or she has a duty to provide you with legal services that give you confidence that your legal issue is being addressed. It is important that you, as the client, understand that there is a possibility that your legal problem may not be resolved as you hope or expect. Again, the job of your lawyer or paralegal is to explain to you how your issue is being resolved and to prepare you for what can happen when your case goes to court or a tribunal or your letter of complaint or request is responded to.

## If you have questions about the background of a lawyer or paralegal

Before you hire a lawyer or paralegal, you might have a question about someone's qualifications to practice or whether he or she has a discipline history.

The Law Society lists all Ontario lawyers and paralegals who are licensed to provide legal services in its online directory.

[lawyerandparalegal.directory](http://lawyerandparalegal.directory) | Tel: 416-947-3300 |  
Toll Free: 1-800-668-7380

It is very important that you hire a licensed lawyer or paralegal. An unlicensed person:

- may not be properly trained to provide legal services;
- is not required to follow a code of professional conduct or to answer to the Law Society; or
- does not have to carry insurance for negligence and is not backed by a compensation fund. This means that, if they make a mistake, there may be no compensation for any damages you suffered as a result. If they take your money and provide no services in exchange, you may not get your money back.

If you hire someone who is not licensed to practise law in Ontario, you will not be protected.

## What to do if you have a problem working with your lawyer or paralegal

It is important to remember that, in your agreement with your lawyer or paralegal, you are the client and you can expect that your lawyer or paralegal will provide you the services described in the retainer agreement.

If you run into a problem with your lawyer or paralegal, you have options to resolve that problem.

First, you can speak with your lawyer or paralegal about your concerns. Most lawyers and paralegals want to solve problems before they become complaints.

If the lawyer or paralegal practises law or provides legal services with other lawyers or paralegals, you may ask to speak with a senior member of that firm about the situation.

If your complaint is still not resolved, make your complaint to the Law Society as soon as possible. The Law Society reviews all the complaints it receives. If a complaint leads to a discipline hearing and the lawyer or paralegal is found to have acted below the professional standard, it disciplines the lawyer or paralegal.

If you lose money due to a lawyer's or paralegal's dishonesty, you can apply to the Law Society's Compensation Fund, which can help get at least some of your money back.

## For more information about how to make a complaint or to access a complaint form:

Visit [lsuc.on.ca](http://lsuc.on.ca) and click on 'For the Public'

OR

Call 1-800-668-7380 ext. 3363 or 416-947-3300 ext. 3363

If you believe your lawyer or paralegal has harassed or discriminated against you, you can contact the [Discrimination and Harassment Counsel \(DHC\)](http://dhecounsel.on.ca). The DHC is a free and confidential service. A counsel will listen to your issue and will provide you options to resolve your situation.

[dhecounsel.on.ca](http://dhecounsel.on.ca) | Toll Free 1-877-790-2200

### WHAT THE LAW SOCIETY CANNOT DO FOR YOU:

- provide legal advice;
- order your lawyer or paralegal to pay you for losses resulting from his or her negligent or careless acts. A licensed lawyer or paralegal carries insurance to cover these kinds of losses.

## Thank you

We thank the following individuals for their assistance in reviewing this guide:  
Grand Council Chief Patrick Madahbee and staff of the Anishinabek Nation: Union of Ontario Indians, Mary Bird, Amanda Carling and Liz Kejick.



This guide is an initiative of the Ontario Civil Legal Needs Project. [lsuc.on.ca/OCLNP](https://lsuc.on.ca/OCLNP)  
For the online version, visit [lsuc.on.ca/for-the-public](https://lsuc.on.ca/for-the-public).  
For more information and permission to reprint, please email [equity@lsuc.on.ca](mailto:equity@lsuc.on.ca).

This guide is also available in Cree, Oji-Cree-Roman, Oji-Cree-Syllabics, Northwestern Ojibway and French.