DISCLAIMER!

This Information Sheet is a practical tool designed to help frontline workers support clients with legal needs.

The information in this Information Sheet is general in nature and may not apply to every client's situation or reflect how all legal professionals conduct their practices. It is not a substitute for legal advice from a licensed legal professional.

The content of this Information Sheet reflects the law and available resources at the time it was last updated. Because legal information can change, please be cautious and check for recent developments where appropriate.

If you are a frontline worker in the Ottawa region and have questions about any of the information in this resource, please contact us at info@connectingottawa.com.

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ADVANCING ACCESS TO JUSTICE:
Legal Information versus Legal Advice

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This resources is for frontline workers to explain the difference between legal information and legal advice. Frontline workers can be a great source of legal information, but it's important they avoid giving legal advice. With this guide and its many examples, frontline workers will be better able to spot the difference and confidently share helpful legal information with clients.

LEGAL INFORMATION

What is legal information?

Legal information is general guidance about the law. It helps people understand how legal processes work, and where to access legal help. Legal information does not address a person's specific legal problem or what they should do about it.

Who can provide legal information?

- **Anyone** can provide legal information. For example, settlement workers, social workers, librarians, system navigators, etc.
- If asked for legal information, you can:
  - Point out reliable legal information on the web or in print materials relevant to the person's legal issue
  - Suggest a legal information workshop
  - Provide referrals to a licensed legal professional or other services

LEGAL ADVICE

What is Legal Advice?

Legal advice is personalized guidance about the law. It involves one person analyzing how the law applies to another person's legal issue based on the facts of the case, and their personal circumstances and needs.

Who can provide legal advice?

- Only lawyers and paralegals are licensed to provide legal advice.
  - **Lawyers** can give legal advice in any area of law and can represent clients at all levels of court.
  - **Paralegals** can provide legal advice in specific areas of law and can represent clients before certain tribunals and select courts (e.g., Small Claims Court, the Landlord and Tenant Board, and the Social Benefits Tribunal, etc.).

EXAMPLES

Legal Information	Legal Advice
Family Law	
"According to the Divorce Act, spouses must be separated for at least 1year before filing for divorce."	"Since you've been separated for 14 months, you should file for divorce now."
"In Ontario, a parent can apply for sole decision-making responsibility if they believe it's in the child's best interests."	"Based on your situation, you should ask for sole custody of your children."
"If one parent wants to move far away with the kids, they usually need the other parent's permission or a court order."	"You can go to court to stop your ex from moving. Based on the facts of your situation, there is a good chance the judge will agree with you."

Immigration and Refugee Law	
"In Canada, people can apply for refugee protection if they have a well-founded fear of persecution based on their political opinion."	"Based on the persecution you faced for supporting the political opposition in your home country, you should apply for refugee protection in Canada."
"There are organizations in Ottawa that help refugee claimants with housing and legal referrals. Here is a list of organizations I recommend contacting"	*Giving referrals is always legal information. You don't need legal training to share information about community supports.*
"People with an open refugee claim are eligible for an open work permit."	"You should renew your open work permit since it expires soon and your refugee claim is still pending."
Housing Law	
"In Ontario, under the *Residential Tenancies Act, 2006*, landlords must provide at least 24 hours' written notice before entering a rental unit, except in emergencies."	"Based on the information you have provided about your case, your landlord was prohibited from entering your unit without notice while you were at work."
"A tenant can apply to the Landlord Tenant Board if their landlord refuses to carry out necessary repairs."	"You should file a Form T6 application at the Landlord Tenant Board right away because your shower isn't working and your landlord refuses to fix it."
"Landlord and Tenant Board decisions are usually posted online and you can look them up to see what kinds of decisions are made in cases like yours."	"How the judge ruled in this particular case that I found on the Landlord and Tenant website suggests you could be successful in your claim."
Social Benefits	
"If Ontario Works denies your application for income support benefits, there are ways to appeal the decision."	"I think Ontario Works is incorrect in their decision to deny you income support benefits. You could file an internal review request with supporting evidence."
"If you have a disability that affects your daily life and ability to work, you may be eligible for ODSP."	"Based on what you've told me about your health, you'll probably qualify for ODSP."
"If a person is denied ODSP, they can request an internal review of the decision. If ODSP still says no, you can appeal to the Social Benefits Tribunal."	"The decision to deny your application for ODSP benefits didn't properly consider your impairments and limitations. I recommend asking for an internal review with additional medical documentation."
Courts and legal processes	
"In family court, there's often a case conference before a judge hears the full case. It's a chance to talk about the issues and try to reach an agreement."	"Given the issues in your case, the case conference will be an important step. You should bring any documents that support your side."
"Tribunal decisions are often published online. You can read similar cases to understand how decisions are made."	"Based on my research, your situation is similar to ones where the tribunal ruled in favour of the applicant. You may want to include those examples in your argument."
"If a tribunal made a decision that is wrong, you may be able to appeal it."	"Looking at your case, I believe that the tribunal didn't consider important evidence. You should be able to appeal the decision on this ground."