

Disability benefits in Ontario:

Who can get them
How to apply



If you speak French

Ask a lawyer or a community legal clinic about your language rights. You have the right to get your ODSP-related government services in French.

If you are appealing a decision about your right to social assistance from ODSP, this could mean that you have the right to a hearing before a French-speaking member of the Social Benefits Tribunal, as well as other French-language services. Information about appealing a decision starts on page 16.

Social assistance in Ontario

If you have a low income or no income and you live in Ontario, you may qualify for help from one of these social assistance programs:

1. **Ontario Works (OW)**, which some people call welfare. This program is delivered by municipal governments. In other words, it is run by the local government of the town, city, county, district, or region you live in.
2. **The Ontario Disability Support Program (ODSP)**, which some people call disability benefits. This program is for people with serious health problems. It is run by the Ontario government's Ministry of Community and Social Services. When we say "the Ministry" in this pamphlet, that is who we are talking about.

OW and ODSP both provide income support and employment support.

When you get **income support**, you get money to help with living expenses, such as food and housing. You also get help

to pay for prescription drugs and dental services. You may also be eligible for benefits such as the Community Start Up and Maintenance Benefit. If you own your home, you might be eligible for help with necessary home repairs.

When you get **employment support**, you get help to find a job or upgrade your skills.

To get income support from OW or ODSP, you must qualify financially. This means that you must be in financial need and meet other rules about income and assets.

The rest of this pamphlet is about applying for income support from ODSP.

If you have questions about OW, contact your local OW office. Starting on page 5, we explain how to find the nearest OW office. You can also find useful information in the CLEO pamphlet called **Need welfare? How to apply to Ontario Works for assistance.** Turn to the back cover of this pamphlet to find out how to order it. It is also available on CLEO's web site at **<www.cleo.on.ca>.**



To qualify for ODSP

There are two main steps to qualify for ODSP:

1. You must qualify financially.
2. Most people must also meet the **ODSP definition of disability**. A health professional must confirm that:
 - you have a substantial physical or mental health problem that is expected to last a year or more, and
 - your health problem substantially limits your ability to work, look after yourself, or carry out normal daily activities at home or in the community.

You may qualify without meeting the ODSP definition of disability if you are in one of the following groups:

- people who get Canada Pension Plan disability benefits (CPP-D),
- people over 65 years old who are not eligible for Old Age Security,
- people who live in certain psychiatric or developmental services facilities or in some special care homes, or

- most people who were transferred to ODSP from Family Benefits.

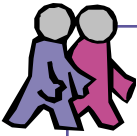


Getting started

You begin the ODSP application process by showing that you qualify financially for the program. You will have to provide information about your personal and financial situations.

If you are already on OW, you should qualify financially for ODSP. Your OW worker can help you to get the forms you will need to complete your ODSP application. Starting on page 11, there is more information about these forms and who should complete them.

If you are not on OW, you can apply at your local ODSP office. To find the address and telephone number, look in the government section of the phone book. Or you can look for the information on the Ministry's web site. Go to <www.mcass.gov.on.ca> and look for "Ontario Disability Support Program".



You have the right to bring someone with you when you apply. For example, you could bring a relative, a friend, or someone from a community group or agency.

If you need help right now

It can take months to find out if you qualify for ODSP. If you need money right now to pay for food and housing, you can apply for OW assistance at an OW office. You may be able to get help from OW while you wait for your ODSP application to be decided. In this situation, there are special rules about qualifying financially for OW assistance. You can find out about these rules in the box on page 7.

To find the contact information for the nearest OW office, call ServiceOntario:

Toll-free **1-800-267-8097**

Toll-free TTY **1-800-268-7095**

In Toronto **416-326-1234**

TTY in Toronto..... **416-325-3408**

Tell ServiceOntario what your postal code is and ask them for the phone number and address of the Ontario Works office closest to where you live.

You may also find the address and telephone number of OW offices in the government section of your phone book or on the web site of your municipality. The Ministry's web site also has a list of OW offices around Ontario. Go to <www.mcass.gov.on.ca> and look for "Ontario Works".



The ODSP office will check your income and assets

To qualify financially for ODSP, you cannot have **income** above a certain amount. The amount depends on the size of your family and the cost of your housing.

If you or other members of your household need to be on a special diet, this may also affect the amount of income you can have. We explain more about special diets starting on page 8.

The ODSP office will also check your **assets** because your assets cannot be worth more than a certain amount. This amount also depends on the size of your family. Some examples of assets are savings, RRSPs, and other valuable property.

Some income and assets are **exempt**. This means that ODSP does not count them when they calculate your income and assets. For example, your home, car, and most household items do not count as assets.

If you apply for OW while you wait for your ODSP application to be decided

OW rules about assets are different from ODSP rules. The OW office usually uses OW asset amounts when deciding if someone qualifies for OW benefits. But if you have applied for OW because you need money while you wait for your ODSP application to be decided, they will make an exception and use ODSP asset amounts. They can do this only once in your lifetime.



If someone in your household needs a special diet

People who have certain medical conditions might qualify for a **special diet allowance**. The amount of the allowance depends on the medical condition.

If you or other members of your household qualify for a special diet, ODSP must take this into account when they decide:

- whether you qualify for income support, and
- how much income support you should get.

To apply for a special diet allowance, you must use the **special diet allowance application form**. You can ask an OW or ODSP worker for this form.

The form must be completed by one of the following health professionals who is licensed to practice in Ontario:

- a doctor,
- a dietitian, or

- a registered nurse in the extended class. This kind of nurse is sometimes called a nurse practitioner.

A midwife can complete the form when the medical condition is related to pregnancy or breast-feeding.



A woman who is pregnant or breast-feeding can get a **nutritional allowance**. This is not the same as a special diet allowance.

All medical conditions that qualify for a special diet allowance are listed on the application form. If a medical condition is not listed, you cannot get an allowance for it.

For each medical condition on the special diet application form, there is a maximum amount of money you can receive.

If you get a special diet allowance, ODSP will check from time to time to see if you still qualify for a special diet. This will happen even if your doctor says your condition is not going to improve.

If your medical condition changes or you develop other medical problems, you should get a new special diet allowance application form filled out. You can get the form from your worker.

If ODSP refuses your application for a special diet allowance, you can appeal the decision. See pages 16 to 19 for more information about how to appeal and the time limits.

To find out more about special diets and which medical conditions qualify, contact your community legal clinic. See pages 19 and 20 for information about how to find the legal clinic nearest you.

The ODSP office will decide if you qualify financially

If the ODSP office decides that you **do** qualify financially, you will be given forms to complete your ODSP application. These forms ask about your health. This information is used to decide if you meet the ODSP definition of disability.

If the ODSP office decides that you **do not** qualify financially, you can appeal the decision. See pages 16 to 19 to find out how to appeal and the time limits. If you appeal the decision that you do not qualify financially, you will be given the forms that ask about your health so that you can complete your ODSP application.



Completing ODSP application forms about your health

The next part of the ODSP application process is about your disability and health problems.

The following application forms will be provided to you:

- Health Status Report and Activities of Daily Living Index
- Consent to Release of Medical Information
- Self Report

All these forms must be completed and sent to the **Disability Adjudication Unit (DAU)** in Toronto within **90 days** from the date they were mailed or given to you. The DAU is a part of the Ministry that decides whether people meet the ODSP definition of disability.



The Health Status Report and the Activities of Daily Living Index must be completed by certain health professionals who are licensed to practice in Ontario.

The **Health Status Report** must be completed by:

- a doctor,
- a psychologist or psychological associate,
- an optometrist, or
- a registered nurse in the extended class. This kind of nurse is sometimes called a nurse practitioner.

The **Activities of Daily Living Index** must be completed by:

- a doctor,
- a psychologist or psychological associate,
- an optometrist,
- an audiologist,
- an occupational therapist,
- a physiotherapist,
- a chiropractor,
- a speech language pathologist,
- a social worker,
- a nurse, or
- a registered nurse in the extended class. This kind of nurse is sometimes called a nurse practitioner.

CLEO has a free pamphlet to help the health professionals who will be completing your forms. It is called **ODSP Applications: Information for Health Professionals**. Turn to the back cover of this pamphlet to find out how to order copies. It is also available on CLEO's web site at <www.cleo.on.ca>.



You can fill in the other two forms yourself.

By completing the form called **Consent to Release of Medical Information**, you are giving permission to your doctor or health professional to send the DAU all the medical information that supports your application.

You can complete the **Self Report** if you want to provide more information about how your health problems affect you. Or you can choose not to complete it. But you must sign the Self Report and send it in.



If you miss the 90-day time limit

If you do not send in your completed forms within the 90 days, your file will be closed. This means that you will have to begin your application again if you still want to apply for ODSP.

If you cannot get your forms in within the 90 days, you can ask the DAU to give you more time. You will have to convince

them that you have a good reason. If they refuse to give you more time, you will have to begin your application again.

If you are on OW when you apply for ODSP benefits, and you miss the 90-day deadline, you will have to meet the rules of the OW program so that you can continue getting OW assistance. This means that the OW rules about income and assets will apply to you. You may also have to take part in employment assistance activities. These activities are supposed to help you find a job. The OW office can give you more information.



After you send your forms to the DAU

The DAU will decide whether you meet the ODSP definition of a person with a disability and therefore qualify for ODSP benefits. They will let you know their decision by mail.

Even if the DAU decides that you qualify, they may give you a **medical review date**. This means that in the future they can

check your disability or health status again to see if you still qualify for ODSP benefits. At that time they will ask you to complete new forms.



If you are refused ODSP benefits

Ask for the decision in writing immediately. You could have been refused because ODSP thinks you do not qualify financially or because the DAU does not believe you have a disability.

In either case you can appeal to the **Social Benefits Tribunal (SBT)**. The SBT is independent from ODSP and the DAU. It has the power to make a different decision.

But first you must **write** to the office that made the decision and ask for an **internal review**. An internal review means that a different person reviews the original decision and decides whether or not to change it.

On the next few pages you will find basic information about internal reviews,

appeals, and the time limits that apply to them. For more details and a blank form letter that you can use to request an internal review, see CLEO's pamphlet called **Appeals and Internal Reviews**. Turn to the back cover of this pamphlet to find out how to order it. It is also available on CLEO's web site at <www.cleo.on.ca>.

Ask for an internal review

Your request must be made **in writing** to the office that made the decision. This will be either the local ODSP office or the DAU. You must ask for an internal review within **30 days** from the date you receive the decision to refuse you assistance.



Note about mail

The rules assume that if a letter is mailed to you, you receive it **3 days** after it is mailed. The mailing date should be stamped on the envelope by Canada Post. It might not be the same as the date on the letter, so keep both the letter and the envelope.

It is important to try to meet the time limit. If you miss it, you should still ask for an internal review. Make sure you ask for an extension of time in your request for an internal review and explain why your request is late.

A decision on your internal review is supposed to be made within **10 days** from the day your request is received.

Appeal to the Social Benefits Tribunal

If you get an internal review decision, and it says that you are still refused assistance, you have **30 days** from the date of this decision to appeal to the SBT.

If you do not get an internal review decision within the 10 days, you can go ahead and appeal the original decision to the SBT. You must appeal within **40 days** from the date of your request for an internal review.

To make your appeal, you must use the SBT's Appeal Form. You can get one from your OW or ODSP office, from a community legal clinic, or by calling the

Social Benefits Tribunal at:

Toll-free **1-800-753-3895**

Toll-free TTY **1-800-268-7095**

The Appeal Form is also available on the SBT's web site at <www.sbt.gov.on.ca>.

Look in the “forms” section.

If you miss the time limit for appealing, you can still file an appeal. In the Appeal Form, ask the SBT for more time and explain why you missed the time limit.



To get legal help

For advice or help with your ODSP application, special diet allowance, an internal review, or an appeal, contact a community legal clinic, your local Legal Aid office, or a lawyer.

Here are a few ways to find the nearest community legal clinic or local Legal Aid office:

- Look in CLEO's booklet called **Getting legal help: Community Legal Clinics in Ontario**. Turn to the back cover of this pamphlet to find out

how to order it. It is also available on CLEO's web site at <www.cleo.on.ca>.

- Check Legal Aid Ontario's web site at <www.legalaid.on.ca>.
- Phone Legal Aid Ontario at:
 - Toll-free **1-800-668-8258**
 - Toll-free TTY **1-866-641-8867**
 - In Toronto **416-979-1446**
 - TTY in Toronto.... **416-598-8867**
- Try looking in your phone book under "Legal Aid" or "Lawyers".

Other benefit programs for people with disabilities

Some people with disabilities qualify for benefits under the Canada Pension Plan (CPP). The rules about CPP disability pensions are different from ODSP rules.

Here are some ways to find out more about your right to a CPP disability pension:

- Contact your community legal clinic.
- Read the CLEO pamphlet called **CPP benefits: Are you entitled? - Disability Pensions**. Turn to the back

cover of this pamphlet to find out how to order it. It is also available on CLEO's web site at <www.cleo.on.ca>.

- Contact the Government of Canada's Income Security Programs:
Toll-free **1-800-277-9914**
Toll-free TTY **1-800-255-4786**
- Check Service Canada's web site at <www.servicecanada.gc.ca>. Look under "People with disabilities".

Depending on your situation, you might be entitled to other benefits, such as Employment Insurance sickness benefits, disability benefits through an employer's insurance plan or Veterans Affairs, pension benefits from another country where you once lived, or benefits from workers' compensation.

The law can change, and policies and practices can also change or vary. This pamphlet contains general information. It is not a substitute for getting legal advice about your particular situation.

Produced by:

CLEO (Community Legal Education Ontario /
Éducation juridique communautaire Ontario)

With funding from:

Legal Aid Ontario
Department of Justice Canada

This pamphlet is part of CLEO's series on Social Assistance. Thanks to the Steering Committee on Social Assistance for their collaboration on this series. CLEO has free publications on other legal topics as well.

We revise our publications regularly to reflect changes in the law. Our Discard List tells you which publications are out of date and should be thrown away.

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