

Disability benefits in Ontario:

**Who can get them
How to apply**





To qualify for assistance from the Ontario Disability Support Program (ODSP)

Most people must meet this definition of disability to qualify for ODSP:

- 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 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,
- people who are discharged from developmental services facilities

if they were living there on
May 31, 1998, or

- most people who have been transferred to the ODSP from Family Benefits.

As well, to qualify for income support from ODSP, you cannot have income above a certain amount. The amount depends on your family size and housing costs. If you or other members of your household need to be on a special diet, this may also affect the amount of income. See page 3 for more [about special diets](#).

You also cannot have assets above a certain level, and this level again depends on your family size. Some examples of assets are savings, RRSPs, and other valuable property.

Some income or assets are “exempt” and do not count. For example, your home and your car do not count as assets.



If someone in your household needs a special diet

If you or other members of your household need a special diet because of a particular medical condition, ODSP may have to take the cost of the diets into account:

- when they decide whether you are eligible for income support, and
- when they calculate the amount of your income support. The amount depends on the medical condition.

To apply for a special diet, you must use a form provided by the ODSP office. Ask the ODSP worker for the special diet application form.

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

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

A midwife can complete the form for:

- a woman who is pregnant or breast-feeding, or
- an infant.

The health professional must name the medical condition and say how long the special diet will be needed.

To find out which medical conditions qualify or for other information about this topic, [contact your community legal clinic](#) (see page 15).

Your legal clinic can also give you information about special diets for people who are getting assistance from Ontario Works.



Where to apply

You can apply at your local Ministry of Community and Social Services office.

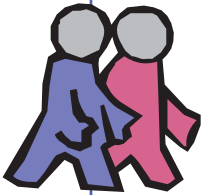
If you need money right away, you should apply at an Ontario Works (OW) office so you can get OW benefits while you wait for your ODSP application to be decided.

OW rules about asset levels are different from ODSP rules. The OW office usually uses OW asset levels when deciding if someone is eligible 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 levels. They can do this only once in your lifetime.

To find the local Ministry of Community and Social Services office, or the OW office nearest you, look in the government section (blue pages) of the phone book. Sometimes these offices are listed under “Disability” or “Social Services”.

ODSP offices are also listed on the Ministry's web site. Go to <www.mcass.gov.on.ca> and click on the following links in this order:

- English
- Ontario Disability Support Program
- Contacts
- Who to contact for more information about ODSP Income Support.



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



How to apply

You will be asked to sign a number of forms and to provide information about your personal and financial situations. The ODSP office will decide whether you are financially eligible.

If ODSP thinks you are not financially eligible, you can appeal that decision. See pages 12 to 15 for more information about [how to appeal and the time limits](#).

If ODSP finds that you are financially eligible, or if you are appealing their decision that you are not financially eligible, you will be sent or given the following forms to fill out:

- Health Status Report and Activities of Daily Living Index
- Self Report

You will also get forms which you must fill out to show that you consent to the release of your medical information.

Complete all these forms and send them to the **Disability Adjudication Unit (DAU)** in Toronto within **90 days** of the date that they were mailed or given to you.



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

The **Health Status Report** must be completed by a doctor, psychologist or psychological associate, optometrist, or a registered nurse in the extended class (sometimes called a nurse practitioner).

The **Activities of Daily Living Index** can be completed by a:

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



We have a pamphlet to help the health professionals who will be filling out your forms. It is called "**ODSP applications: Information for Health Professionals**". Turn to the back cover to find out how to order free copies. It is also available on our web site at <www.cleo.on.ca>.



You can complete the other forms yourself.

By completing the forms to consent to the release of your medical information, you are making sure that the DAU can get all the medical information that supports your application.

If you want to provide more information about how your health problems affect you, you can complete the **Self Report**. Or, you can choose not to fill it out. But you must sign the Self Report and return it.



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. You can re-apply. However, if you cannot send the completed 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 extend the time, you will have to re-apply.

If you are getting OW benefits when you apply to the ODSP, and you miss the 90-day deadline:

- OW asset levels will apply to you and you could lose your OW benefits, or
- you might have to participate in the OW workfare program.



After you send in your forms

The DAU will decide whether you are a person with a disability and therefore someone who qualifies for ODSP benefits. They will let you know their decision by mail.

Even if the DAU decides that you qualify, they could give you a **review date**. This means that in the future they will review your disability or health status to see if you still qualify for ODSP benefits. At that time they will ask you to submit new forms.

After your review, the DAU will send you another letter telling you whether you still qualify. They might also set a new review date.



If you are refused ODSP benefits

Ask for the reasons in writing immediately. You could have been refused because ODSP thinks you are not financially eligible 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 we give basic information about internal reviews, appeals, and the time limits that apply to them. For more details, see our pamphlet called “**Appeals and Internal Reviews**”. In it you will also find a blank [form letter](#) that you can use to request an internal review. Turn to the back cover

to find out how to [order the pamphlet](#). It is also available on our 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 **10 days** from the date you receive the decision to refuse you assistance. If the decision is mailed to you, you may have less than 10 days.



Note about mail

The rules assume that if a letter is mailed to you, you receive it **3 days** after it is mailed. So, if the decision letter that says you do not qualify for ODSP benefits is mailed to you, you have **13 days from the mailing date** (3 days plus 10 days) to request an internal review.

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. But make sure you ask for an extension of time in your request for an internal review. Explain why you missed the time limit.

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 within the 10 days, and it says that you are still refused assistance, you have **30 days** from the date of this decision to file an appeal with 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. Your appeal must be filed within **40 days** of your request for an internal review.

If you miss the time limit for appealing, file an appeal anyway. 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, an internal review or an appeal, contact a community legal clinic, your local Legal Aid office, or a lawyer.

You can usually find the community legal clinic nearest you by looking under “Legal Aid” or “Lawyers” in your phone book. You can also check Legal Aid Ontario’s web site at <www.legalaid.on.ca/en/locate> or phone them:

- Toll-free..... **1-800-668-8258**
- Toll-free TTY **1-866-641-8867**
- In Toronto **416-979-1446**
- TTY in Toronto..... **416-598-8867**

Other benefit programs

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

To find out more about your right to a CPP disability pension, contact your community legal clinic.

You may also want to contact the Government of Canada's Income Security Programs at **1-800-277-9914**. If you have a hearing or speech impairment and you use a TTY device, you can call **1-800-255-4786**.

You can also check [the government's CPP web site](#). To do this, go to the main web site of Human Resources and Social Development Canada at www.hrsdc.gc.ca and then go to the following links in this order:

- English
- Persons with Disabilities
- CPP Disability Benefits

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: Community Legal Education
Ontario (CLEO)

With funding from: Legal Aid Ontario and
the Department of Justice Canada

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