

# Proving that you still qualify financially for social assistance



**This pamphlet is for people who are already getting social assistance. It explains what your rights are when Ontario Works (OW) or the Ontario Disability Support Program (ODSP) asks you for information or an interview to prove that you still qualify financially for assistance.**

## **If you speak French**

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

If you are appealing a decision about your right to social assistance from OW or 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.

## **Si vous parlez français**

Communiquez avec un avocat ou une clinique juridique communautaire, et informez-vous de vos droits linguistiques. Il se peut que vous ayez droit à ce que les services gouvernementaux reliés à Ontario au travail (OT) ou au Programme ontarien de soutien aux personnes handicapées (POSPH) vous soient fournis en français.

Si vous avez fait appel d'une décision concernant votre droit à l'aide sociale d'OT ou du POSPH, vous pourriez avoir droit à une audience devant un membre du Tribunal de l'aide sociale qui parle français, de même qu'à d'autres services en français.



## How does the social assistance office check to see if I am still financially eligible for assistance?

When you are on social assistance, Ontario Works (OW) or the Ontario Disability Support Program (ODSP) will review your file regularly and ask to have an interview with you. The purpose of the interview is to make sure they have up-to-date information that proves you are still eligible for assistance.

These file reviews and update interviews are **in addition to** the rule that you must report your income every month, and the rule that you must report any change in circumstances as soon as it happens. Some examples of a change in circumstances are a change in your address, rent, or living arrangements.

When OW or ODSP reviews your file for financial eligibility, they ask you for information and documents to prove that you are entitled to the assistance you are

getting. They are also supposed to tell you if you are getting all the assistance you are entitled to get.

You may be required to sign a consent form so that they can get up-to-date information about you from other government agencies that you deal with, such as the Canada Revenue Agency, the Ministry of Transportation, or the Family Responsibility Office.

If you are supposed to participate in certain activities in order to get assistance—for example, go to school, work, or do a community placement—then OW or ODSP can check with these places to confirm that you are doing so. For more information, see the CLEO booklet called **Participation Agreements and your Ontario Works assistance**. To find out how to order it or view it online, turn to the back cover of this pamphlet.

After reviewing your file, OW or ODSP could decide that you are not eligible for the assistance you are getting, and your assistance could be cut off or reduced. If they decide that you have received more assistance than you were entitled to, they

will say that you have an overpayment. They can reduce the amount of your monthly assistance to get the overpayment back from you.

To find out what you can do if your assistance is cut off or reduced, see pages 12 to 15.



This pamphlet is about file reviews that look at whether you still qualify **financially** for assistance from OW or ODSP.

If you are getting assistance from ODSP as a person with a disability, you might also have a medical review. In a medical review, health professionals are asked to complete ODSP's Disability Determination Package with up-to-date information about your health and disability.

You can find more information about ODSP in the CLEO booklet called **Disability benefits in Ontario: Who can get them, How to apply**. To find out how to

order it or view it online, turn to the back cover of this pamphlet.

## **When will my file be reviewed?**

If you get assistance from OW or ODSP, you can be asked at any time for information to show that you are still financially eligible. You can expect to be asked for this information at least once every 12 months. You could be asked more often, especially if:

- you share housing with someone — for example, a roomer, boarder, or roommate,
- you are a single parent and you are not getting support payments,
- you are a single parent who gets support payments and you have not provided an address for your child's other parent,
- your housing costs are high for your income,
- you have added a dependent child to your family,

- you might qualify for Canada Pension Plan (CPP) assistance,
- you might qualify for ODSP and you are now on OW,
- you have business income, or
- your Social Insurance Number (SIN) begins with 9, or you do not have a SIN.

## **How will I know if my file is being reviewed?**

The OW or ODSP office will contact you by letter or phone to arrange an update interview. It is important to answer the letter or phone call and to go to the interview. If you do not, your assistance could be cut off.

They could ask you to go to an OW or ODSP office for the interview. Or they could ask to interview you at your home. If you refuse to allow a home visit without a valid reason, your assistance could be cut off.

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

If you need an interpreter, you will have to find one yourself. You should tell the OW or ODSP office that you are bringing an interpreter to the interview.



If the interview is set for a time when you or your interpreter cannot be there, contact the office right away about changing the time of the interview.



## What happens at the interview?

An OW or ODSP worker will review your file. You will be asked about any change in your circumstances that might affect your eligibility.

The OW or ODSP office should send you a list of the documents they want you to bring to the interview. Some of these could be documents you have already provided. You may be asked to bring documents about yourself or other members of your household, including:

- personal identification, such as birth certificates or passports, Indian Status cards, health cards, and Social Insurance Number (SIN) cards,
- immigration papers,
- separation or divorce papers,
- custody documents,
- proof of school attendance,
- bank statements or banking records,
- proof of income from any source, including employment, Ontario Child Benefit, support payments, workers'

compensation, and payments from roomers and boarders,

- information about assets, including statements of your Registered Retirement Savings Plan (RRSP), car ownership papers, and bonds,
- information about land or buildings you own, even if they are outside Canada,
- life insurance policies,
- leases or tenancy agreements, and rent receipts,
- mortgage agreements and statements,
- other bills related to housing costs, such as bills for hydro, water, gas, property tax, and home insurance,
- proof of debts, such as credit card bills or advances, Ontario Student Assistance Program (OSAP) or other loans, even if the loan is from a relative or friend,
- proof of application for ODSP if you are on OW and you might qualify for ODSP,
- proof of application for the National Child Benefit if you have children, and

- proof of application for Employment Insurance benefits or Canada Pension Plan disability benefits.

! Keep copies of any documents that you give the OW or ODSP worker. You can ask the worker to make a copy of any **original** documents that you submit.

If the worker requires more information, they should tell you what else you must provide and how much time you have to do this.



## What are my rights when I am asked to provide information?

The OW or ODSP office should tell you exactly what they want you to provide. If you do not understand what they want, ask the worker to write it down.

The worker should give you a reasonable amount of time to get the documents they are asking for. If you cannot get everything

they request before the interview, ask for more time. And keep your worker informed about the steps you are taking to get the documents. Your assistance should not be cut off if you are trying to get the documents but are unable to get them by the deadline.

If the OW or ODSP office asks you to provide a document that you cannot get or one that you cannot afford to get, ask them to check the information some other way. Or ask them to pay for the cost of getting the documents.

If you have trouble getting documents, contact a community legal clinic. They may be able to help you. See page 16 for information about finding a community legal clinic.

The OW or ODSP office is likely to expect you to start keeping records they require if you do not have them now. For example, they could ask you to start keeping bank statements and the Notice of Assessment that Canada Revenue Agency sends you after you file your annual income tax return. The next time your file is reviewed,

you could be expected to produce these documents.

You should not be asked for information that is not relevant to your eligibility for assistance.

If you think the OW or ODSP office is being unreasonable or asking you for information that has nothing to do with your eligibility, contact a community legal clinic.

## **What if I do not provide the information requested?**

If you do not provide the information that the OW or ODSP office asks for, your assistance could be cut off until you do.

But if you have made reasonable efforts to get the information or documents, your assistance should not be cut off.



## What can I do if my assistance is cut off or reduced?

Ask for the decision in writing immediately.

You can appeal to the Social Benefits Tribunal (SBT). The SBT is independent from OW and ODSP and has the power to cancel the decision.

But first you must **write** to the office that made the decision to cut off or reduce your assistance and ask for an **internal review**. The internal review will not be done by the person who made the original decision. Someone else in the same office will review the original decision and decide 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 and a form that you can use to request an internal review, see the CLEO booklet called **Appeals and internal reviews**. To find out how to order it or view it online, see the back cover of this pamphlet.

## Ask for an internal review

Your request must be made **in writing**.

You must ask for an internal review within **30 days** from the date you receive the decision to cut off or reduce your assistance.

If your assistance was cut off because you did not provide information that was requested and you now have some or all of that information, include it with your request for an internal review.



### 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.

The OW or ODSP office is supposed to make a decision on your internal review within **10 days** from the date they receive your request.

### **Appeal to the Social Benefits Tribunal**

If you get an internal review decision within the 10 days and it says that your assistance is still cut off or reduced, 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. 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, 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](http://www.sbt.gov.on.ca)>. Look in the “**Forms**” section.

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

### **Apply to the SBT for interim assistance**

You may be able to get assistance while you wait for your appeal to be decided. This is known as **interim assistance**. The Application for Interim Assistance is part of the Appeal Form. If the SBT orders it, the OW or ODSP office will have to pay you assistance.

If you lose your appeal, or you do not go to your hearing, you will have to pay back any interim assistance you get.



## How do I get legal help?

For advice or help dealing with OW or ODSP, or filing an appeal, contact a community legal clinic, Legal Aid Ontario, or a lawyer.

To find your nearest community legal clinic, go to Legal Aid Ontario's web site at <[www.legalaid.on.ca](http://www.legalaid.on.ca)>. Click on "**Contact LAO**" then "**Community legal clinics**".

You can also look in CLEO's booklet called **Getting legal help: Community Legal Clinics in Ontario**. To view it online, go to <[www.cleo.on.ca](http://www.cleo.on.ca)> and click on "**View materials**" then "**Legal Services**". To find out how to order it, check the back cover of this pamphlet.

For more information about Legal Aid Ontario, visit their web site listed above or call them at:

Toll-free. . . . . **1-800-668-8258**

Toll-free TTY . . . . . **1-866-641-8867**

Toronto area TTY. . . **416-598-8867**



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Éducation juridique communautaire Ontario

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.

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