



CLEO | Social Assistance Series

Disability benefits in Ontario

Who can get
them and
how to apply



January 2018



Is this booklet for you?

Read this to find out how to apply to the Ontario Disability Support Program (ODSP) for income support. ODSP is for people who have serious health problems. The booklet explains:

- how to apply
- what people have to show to qualify
- what you can do if you are refused income support



Other booklets that may help you

- **Appealing a decision about social assistance** explains what to do if ODSP cuts off, reduces, or refuses to give you income support
- **CPP Disability Benefits**
- **Workers' Compensation: Making a claim**

CLEO has more booklets on social assistance and other legal topics. You can read them on our website or order free copies. Go to www.cleo.on.ca or call **416-408-4420**.

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If you speak French

Ask a lawyer or a community legal clinic about your language rights. You have the right to get government services related to the Ontario Disability Support Program (ODSP) 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.

Si vous parlez français

Communiquez avec un avocat ou une clinique juridique communautaire, et informez-vous de vos droits linguistiques. Vous avez droit à ce que les services gouvernementaux reliés 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 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.

Social assistance programs

If your income is low and you live in Ontario, you may be able to get financial help from one of these social assistance programs:

Ontario Works (OW)

Some people call this program welfare. OW is run by municipal or local governments, for example, towns, cities, counties, districts, or regions, and by First Nations.

The Ontario Disability Support Program (ODSP)

Some people call this program disability benefits. ODSP is for people with serious health problems. It is run by the Ontario government's Ministry of Community and Social Services.

Both OW and ODSP give people money to help pay for living expenses, like housing and food. They also help pay for some prescription drugs and some dental services. Some people can get:

- extra money to help pay for a special diet
- other benefits, such as costs for travelling to medical appointments

This kind of help to pay for things you need is called financial assistance or income support.

Can I get income support from ODSP?

You have to qualify **both**:

1. financially, and
2. in most cases, as a “person with a disability”.

Some people can get ODSP without having to prove that they meet the ODSP definition of a “person with a disability”.

For example, this might apply to you if you are in one of the following groups:

- you get disability benefits from the Canada Pension Plan (CPP-D) or the Québec Pension Plan
- you are over 65 years old but are not eligible for Old Age Security
- you used to get Family Benefits and were transferred to ODSP

- you get services or support because you have a developmental disability, whether you:
 - ▶ own or rent a home
 - ▶ live in a group home
 - ▶ live in housing where you get support

How do I get started?

If you are on Ontario Works (OW)

If you are already getting financial help from OW, you have to apply for ODSP income support through your OW office.

And because you are already on OW, you should qualify financially for ODSP.

Your OW worker can help you get the forms that you will need to apply for ODSP. There is more information about these forms starting on [page 14](#).

If you are not on Ontario Works (OW)

You can apply for ODSP income support by phone, at an ODSP office, or online.

To find the phone number and address of your local ODSP office:

- look in the government section of the phone book
- go to www.ontario.ca/socialassistance and look in the section about the Ontario Disability Support Program

To apply online, go to www.ontario.ca/socialassistance and click on “Apply Online”.

The information you enter online goes to your local ODSP office. Within 5 business days, a worker from that office should contact you to set up an appointment.



When you go to an ODSP office

You have the right to bring someone with you for support. For example, you could bring a family member, a friend, an interpreter, or someone from a community group or agency.

Step 1: Do I qualify financially?

To “qualify financially” you must need financial help to have enough money to live on. You must also meet other rules about income and assets.

When you apply for ODSP, you have to give personal and financial information about yourself, each member of your family, and anyone else who lives with you.

To qualify financially, your **income** cannot be more than a certain amount. The amount depends on the size of your family and the cost of your housing.

The ODSP office also looks at 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, registered retirement savings plans (RRSPs), and other valuable property.

There are some types of **income** and **assets** that ODSP does not count. For example, they do not count your home, car, and most household items like furniture and appliances.

Income and assets of others you live with

ODSP usually includes income and assets of other people in your household when they figure out if you qualify financially.

They have rules about who they include as part of your household. For example, if you live with your parents, ODSP will not include them if you are an adult who qualifies for ODSP on your own.

ODSP will include your spouse if the two of you live together.

Your spouse can be someone of the same or opposite sex. You could be married to one another or not.

If my spouse does not live with me

Usually, ODSP includes your spouse as part of your household only if you are living together.

But sometimes they treat your spouse as if you are living together, even if you are not. For example, your spouse might be:

- away at school
- looking for work somewhere else
- in another country waiting to get a visa so they can come to Canada

If your spouse is not living with you but ODSP includes them as part of your household, this can affect whether you will get income support. And if you do get it, it can affect the amount you get.

If this applies to you, it is important to get legal advice. A community legal clinic may be able to help you. See [How can I get legal help and information?](#) on [page 27](#).

If I 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 Ontario Works (OW) to get help while you wait.

OW rules about **assets** are stricter than ODSP rules. But if you apply for OW because you need money while you wait to find out about ODSP, OW will use the ODSP asset rules.

OW can use the ODSP asset rules **only once** in your lifetime.

For information about applying for OW, see CLEO's **Need welfare? How to apply to Ontario Works.**

You can read it online or order a free copy. Go to www.cleo.on.ca or call **416-408-4420**.

To find your local OW office:

- Call **ServiceOntario** at:
 - Toll-free 1-800-267-8097
 - Toll-free TTY 1-800-268-7095
 - Toronto area 416-326-1234
 - Toronto area TTY 416-325-3408
- Go to www.ontario.ca/socialassistance and look in the section about Ontario Works.

If someone in my household needs a special diet

People who have certain medical conditions might be able to get a **special diet allowance** as part of the income support they get from ODSP.

The amount someone gets depends on their medical conditions.

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

- whether you qualify for income support
- 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 ODSP worker for this form.

A health professional has to fill out the form.

The health professional has to be approved to practise in Ontario as one of the following:

- a family doctor or a specialist
- a dietitian
- a nurse practitioner

- a midwife, if the special diet is for a baby less than a year old because breastfeeding is not possible



A woman who is pregnant or breastfeeding can get a **nutritional allowance**. This is separate from a special diet allowance. You apply for it using a different form.

You and your health professional both have to sign the special diet allowance application form.

By signing the form, you agree to let your doctor or other health professionals give more medical information to ODSP, if they ask for it.

ODSP can:

- ask for more information to show that you need a special diet
- ask a different health professional to fill out another special diet allowance application form

The application form lists all the medical conditions that qualify for a special diet allowance. If a medical condition is not on the list, you cannot get an allowance for it.

And for each medical condition on the form, there is a maximum amount of money you can get.

If ODSP refuses your application for a special diet allowance, you can appeal the decision.

There is information about time limits and how to appeal in CLEO's **Appealing a decision about social assistance**. You can read it online or order a free copy. Go to www.cleo.on.ca or call **416-408-4420**.

To find out more about special diets and which medical conditions are listed, contact your community legal clinic. For information about how to find the nearest legal clinic, see **How can I get legal help and information?** on **page 27**.

If the ODSP office decides that I do qualify financially

If you do qualify financially, the ODSP office will give you a **Disability Determination Package**. It has forms to fill out that ask about your health.

ODSP uses this information to decide if you meet their definition of a “person with a disability”.

If the ODSP office decides that I do not qualify financially

You can appeal the decision. There is information about time limits and how to appeal in CLEO’s **Appealing a decision about social assistance**. You can read it online or order a free copy. Go to www.cleo.on.ca or call **416-408-4420**.

If you decide to appeal the decision, you will still get the forms that ask about your health. This lets you continue with your ODSP application.

It is important to do this because if you win your appeal, you might be able to get income support from the date ODSP got your completed application.

Step 2: Do I qualify because of my disability?

To get income support from ODSP, most people must meet the ODSP definition of a “person with a disability”.

This means that an approved health professional, such as a doctor, confirms that:

- you have a physical or mental health problem that is expected to last a year or more, and
- your health problem limits your ability to work, look after yourself, or do daily activities at home or in the community.

The law also says that your health problem must be substantial and it must limit your abilities in a substantial way.

Filling out forms about my health

There are forms for you to fill out and forms that your doctor or another health professional has to fill out.

The 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 Disability Adjudication Unit is a part of the Ministry of Community and Social Services. It decides whether people meet the ODSP definition of a “person with a disability”.

The **Health Status Report** must be filled out by one of the following:

- a family doctor or a specialist
- a psychologist or a psychological associate
- an optometrist
- a registered nurse or a nurse practitioner

The **Activities of Daily Living Index** must be filled out by one of the following:

- a family doctor or a specialist
- a psychologist or a psychological associate

- an optometrist
- an audiologist or a speech language pathologist
- an occupational therapist or a physiotherapist
- a chiropractor
- a social worker
- a registered nurse or a nurse practitioner

The 2 forms that you fill out yourself are:

- Consent to Release Medical Information
- Self Report

The **Consent to Release Medical Information** gives your health professional permission to send the Disability Adjudication Unit all the medical information that supports your application.

This might include reports from specialists, psychological or other assessments, x-ray reports, and test results.

You must fill out, sign, and send in the Consent to Release Medical Information.

The **Self Report** lets you give more information about how your health problems affect you.

You do not have to fill it out. But you must sign it and send it in, whether you fill it out or not.

If I miss the 90-day time limit

If you do not send the forms in within the 90 days, the ODSP office closes your file.

This means that you will have to start again from the beginning to apply for income support.

If you cannot send your forms in within the 90 days, you can ask the Disability Adjudication Unit to give you more time. You will have to prove to them that you have a good reason.

For example, if you could not complete the forms because you were in hospital or in jail, they should give you more time.

But if they refuse to give you more time, you will have to begin your application again.

If I am on Ontario Works (OW) when I apply for ODSP

If you are on OW when you apply for ODSP and you miss the 90-day deadline, you will have to start meeting the OW rules about income and assets. You might also have to start looking for a job.

The OW office can give you more information about this.

What happens after I send the forms to the Disability Adjudication Unit?

The Disability Adjudication Unit decides whether you meet the ODSP definition of a “person with a disability” and qualify for ODSP income support.

They will let you know by sending you a letter in the mail.

If they decide that you **do** qualify, they will also let your local ODSP office know so that ODSP can start paying you income support.

What are medical reviews?

Even if you qualify for income support, the Disability Adjudication Unit may give you a **medical review** date.

This means that they want to check your disability or health status in the future. They do this if they think your health might improve. They want to check if you still qualify as a “person with a disability”.

When they are ready to do your medical review, they will send you a **Medical Review Package**.

You have to get the forms filled out and send them to the Disability Adjudication Unit within **90 days**.

Medical Form Part A

Medical Form Part A is already partly filled in with information about you. This includes information about your medical conditions from the last time you had to show ODSP that you qualified as a “person with a disability”.

Medical Form Part A **must** be completed by one of the following approved health professionals:

- a family doctor or a specialist
- a psychologist or a psychological associate
- an optometrist
- a registered nurse or a nurse practitioner

To keep getting income support as a “person with a disability”, you must send in a completed Medical Form Part A.

Medical Form Part B

You **do not** need to send in **Medical Form Part B** unless you have a new medical condition that is **not listed** in Part A.

Even if you have a new condition, you **do not** have to complete Medical Form Part B if the health professional who completes Medical Form Part A says:

- the physical or mental health problems listed in Part A have **not** gotten significantly better, and
- the medical conditions listed in Part A are likely to stay the same or get worse.

But there are times when it can be helpful to have a health professional complete Medical Form Part B, even if it is not necessary.

For example, it might be helpful if you have a new medical condition that is:

- **not listed** in Medical Form Part A,
- **more serious** than the medical conditions listed in Medical Form Part A, and
- **not** going to get better.

To find out if completing Medical Form Part B is a good idea for you, talk to your health professional. You may also want to get legal advice. See [How can I get legal help and information?](#) on [page 27](#).

Medical Form Part B has 2 sections:

- Health Status Report
- Activities of Daily Living Index

The **Health Status Report** must be filled out by one of the following approved health professionals:

- a family doctor or a specialist
- a psychologist or a psychological associate
- an optometrist
- a registered nurse or a nurse practitioner

In the Health Status Report, your health professional lists any medical conditions you have that are not listed in Medical Form Part A.

The health professional must say whether a medical condition is likely to:

- improve
- stay the same
- get worse

Or, they can say that they do not know.

And they must give information about:

- how a medical condition affects you, for example, how it limits your activities or stops you from doing certain things
- how long they expect the condition to affect you
- whether you are affected by it all the time or some times

The **Activities of Daily Living Index** must be filled out by one of the following approved health professionals:

- a family doctor or a specialist
- a psychologist or a psychological associate
- an optometrist
- an audiologist or a speech language pathologist
- an occupational therapist or a physiotherapist
- a chiropractor
- a social worker
- a registered nurse or a nurse practitioner

In the Activities of Daily Living Index, your health professional describes how much your health problems limit your ability to:

- work
- look after yourself
- take part in activities at home and in the community

The Activities of Daily Living Index does not have to be filled out by the same health professional who fills out the Health Status Report.

For example, your family doctor may be the best person to fill out the Health Status Report. And your occupational therapist may be the best person to fill out the Activities of Daily Living Index.

Consent to the Release of Medical Information

The **Consent to the Release of Medical Information** gives your health professional permission to give the Disability Adjudication Unit any medical information that supports your application.

This might include reports from specialists, psychological or other assessments, X-ray reports, and test results.

You **must fill out, sign, and send in** the Consent to Release Medical Information.

Self Report

The **Self Report** includes questions about:

- your education
- your work history
- how your health problems affect you in your daily life

You **do not** have to fill out the Self Report. And if you do not have to send in Medical Form Part B, there is no reason to fill out the Self Report.

If you want to send in the Self Report and you need help to fill it out, try to get someone who knows about your health problems to help you with it.

If you miss the time limit

If you cannot send your forms in within the 90 days, you can ask the Disability Adjudication Unit to give you more time. Explain why you need it.

For example, you might need more time because you were in the hospital or in jail. Or you might not have been able to find a health professional who could complete the forms in time.

What happens on a medical review?

The Disability Adjudication Unit decides if you still qualify as “a person with a disability” based on the information in the completed Medical Review Package.

You will continue to get income support while the Disability Adjudication Unit does its review. If they decide that you no longer have a disability, you will be cut off after 3 more months of income support.

What can I do if I disagree with a decision about ODSP income support?

This could happen because:

- ODSP thinks you do not qualify financially
- the Disability Adjudication Unit does not believe you have a disability

To appeal, the first thing you have to do is write to the office that made the decision and ask for an “internal review”.

After you have asked for an internal review, you can appeal to the **Social Benefits Tribunal**.

The Tribunal is not part of ODSP or the Disability Adjudication Unit. It has the power to make a different decision.

CLEO's **Appealing a decision about social assistance** has more details, including information about time limits and a form that you can use to ask for an internal review.

You can read it online or order a free copy. Go to **www.cleo.on.ca** or call **416-408-4420**.

How can I get legal help and information?

For advice or help dealing with OW or ODSP, contact a community legal clinic.

To find the legal clinic that serves your area, go to www.yourlegalrights.on.ca/find-services.

You can also go to the Legal Aid Ontario website or call them:

Website www.legalaid.on.ca/en/contact

Toll-free 1-800-668-8258

Toronto area 416-979-1446

Toll-free TTY 1-866-641-8867

Toronto area TTY 416-598-8867

CLEO's **Steps to Justice** is a website that gives step-by-step information about common legal problems, including social assistance issues.

Steps to Justice has practical tools like forms and checklists, and referral information for legal and social services.

Visit www.stepstojustice.ca.

What other benefit programs are there for people with disabilities?

Canada Pension Plan (CPP)

Some people with disabilities can get a CPP disability pension.

The rules about how to qualify for CPP disability pensions are different from ODSP rules.

There is more information in CLEO's **CPP Disability Benefits**. You can read it online or order a free copy. Go to www.cleo.on.ca or call **416-408-4420**.

CLEO's **Steps to Justice** website has step-by-step information about common legal topics, including CPP disability benefits. Visit www.stepstojustice.ca.

Other disability benefits

There are other benefits that people with disabilities might be able to get, such as:

- Employment Insurance (EI) sickness benefits
- disability benefits from Veterans Affairs
- disability benefits through an employer's insurance plan
- pension benefits from another country where they once lived
- workers' compensation benefits

To find out more about these other disability benefits, contact your community legal clinic. For information about how to find the nearest legal clinic, see [How can I get legal help and information?](#) on [page 27](#).

For information about benefits from Employment Insurance or Veterans Affairs, you can visit a **Service Canada** office or go to www.canada.ca for information and a list of office locations.

There is more information about workers' compensation benefits in CLEO's **Workers' Compensation: Making a claim**. You can read it online or order a free copy. Go to www.cleo.on.ca or call **416-408-4420**.

CLEO's **Steps to Justice** website has step-by-step information about common legal topics, including Employment Insurance and workers' compensation. Visit www.stepstojustice.ca.

You can also find out more about workers' compensation from the **Office of the Worker Adviser** at www.owa.gov.on.ca.



This booklet gives only general information. You should get legal advice about your own situation.

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This booklet is part of a free 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.

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