

Applying and Qualifying for Ontario Works/Ontario Disability Support Program for Homeless or Precariously Housed Clients

Presented by:

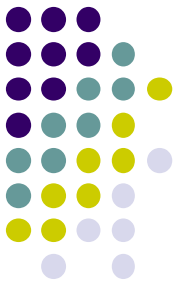
Randy McLin

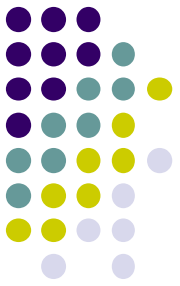
*Community Legal Worker/Paralegal
Scarborough Community Legal Services*

May 2024

Overview

- Applying for OW and ODSP
- Rates
- Benefits
 - Mandatory
 - Discretionary
- Earnings
- Appeals
- Tips & Strategies





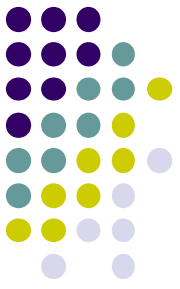
How to apply for OW

- Apply online at:
 - https://www.mcass.gov.on.ca/en/mcass/programs/social/apply_online.aspx
- Apply by contacting the Social Assistance Contact Centre
Toll-free: 1-888-999-1142
- Apply in-person by visiting here to find your local office:
 - <http://www.officelocator.mcass.gov.on.ca/Index.aspx?lang=en>
- An appointment will be scheduled with local office, and need to bring all identity and verification documents to appointment
- **IF** you are told that you are not eligible, request to complete the application and to get a written decision. Contact legal clinic for advice.



Applying for OW/ODSP

- IF someone is told verbally they are not eligible, they usually can't appeal, because the application is not complete. Same if the application is withdrawn.
- Important to know they can insist on an appointment and completing the full application, so that they can appeal if necessary. Contact legal clinic for advice.
- Important to have a decision in writing.
- Eligibility depends on assets, income, residence in Ontario, and other rules-which may be open to interpretation or challenge.



Applying for ODSP

Generally, there are two parts to qualifying for ODSP – financial and medical.

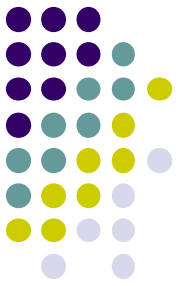
Financial eligibility is considered first, before the medical part of the application process

- Most ODSP applicants get OW 1st; thus automatically financially eligible for ODSP; referral made by OW to ODSP and the OW caseworker provides the medical package
- Client who is ineligible for OW due to assets or income higher than allowed under OW, applies directly to ODSP for the financial assessment – if that is passed, then provided medical package.

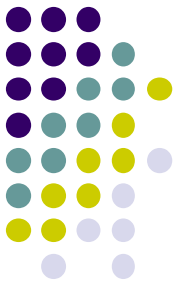
Applying for ODSP

Medical eligibility

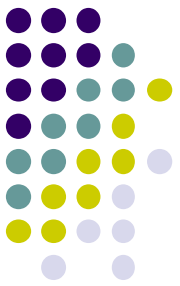
- Disability Determination Package (DDP) must be completed by approved health professional
- Definition of a person with a disability in ODSP Act:
 - 1) a substantial physical or mental impairment that is continuous or recurrent and expected to last 1+ years; 2) that results in substantial restriction in daily living (ability to manage personal care, function in the workplace or function in the community)
- Some people are eligible without getting DDP completed: those approved for CPP-D; or for Services for Developmentally Disabled



HOPE Program- Assistance for Homeless Applicants Applying for ODSP

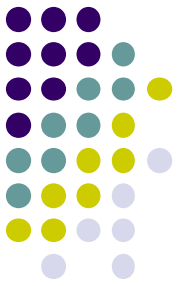


- The HOPE programs works with OW recipients who are homeless and applying for ODSP. There are additional factors for eligibility, but those are the two main criteria.
- HOPE Workers assist with the completion of the application by connecting the client to doctors.
- Clients can be referred to HOPE after the ODSP application has been completed and are considered on a case-by-case basis.
 - For example – at the appeal stage it may become evident that the client is eligible for HOPE and could benefit from a psych assessment (ultimately decided by the Psychiatrist)
- There are 8 HOPE workers in Toronto. They are located at Wellesley Place, North York, Yonge Eglinton, Beaches, Scarborough Village, Dufferin.



HOPE Program Cont.

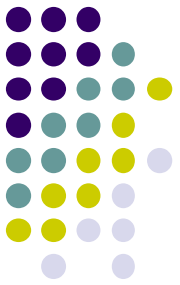
- HOPE workers serve all of Toronto and can accept referrals from any Toronto OW office – they are not limited to referrals from within their own office.
- There is a HOPE Clinic at Wellesley Place that houses 3 psychiatrists. Clients (who are eligible for HOPE) from any office in Toronto can access it through the HOPE Program.
- Referrals to the HOPE program are immediate (can be connected the same day), however the wait to see a psychiatrist is currently around a month.



HOPE Program Cont.

Clients can be referred by their OW workers, or you can contact HOPE directly to connect a client below:

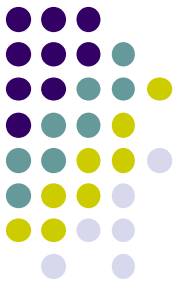
- Francesca Aceti - she/her
 - Caseworker – HOPE Program
- Wellesley Place Employment and Social Services
 - 111 Wellesley St. East
 - Toronto, Ontario, M4Y 3A7
 - Phone: 416-392-4779
 - Fax: 416-696-3475



Assets

Applicants must not have assets worth more than the following to be eligible:

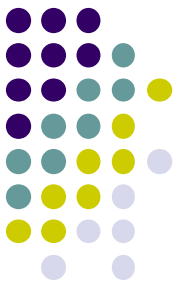
- OW:
 - Single: \$10,000
 - Couple: \$15,000
 - \$500 for each dependent
- ODSP:
 - Single: \$40,000:
 - Couple: \$50,000
 - \$500 for each dependent



Exempt Assets

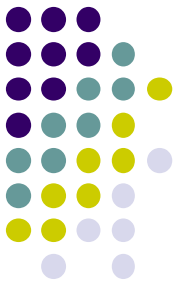
- Primary residence
- First vehicle
- Second vehicle, if worth less than \$15K and is required for a spouse/child to work
- Personal property (clothes, furniture, household items, etc.)
- “Tools of the trade” for work
- Money set aside in a trust, subject to regulations
- RRSPs(Registered Retirement Savings Plan), if “locked-in”
- RESPs (Registered Educational Savings Plan)
- RDSPs (Registered Disability Savings Plan)

OW Rates



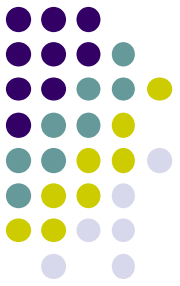
Family Type	Basic Needs	Max shelter	Max Ontario Child Benefit	TOTAL
SINGLE	\$343	\$390	\$0	\$733
Single Parent-1 child	\$360	\$642	\$133.91	\$1,135.91
Single Parent-2 children	\$360	\$697	\$267.82	\$1,324.82
Couple	\$494	\$642	\$0	\$1,136
Couple – 1 child	\$494	\$697	\$133.91	\$1,324.91
Couple-2 children	\$494	\$756	\$267.82	\$1,517.82

ODSP Rates



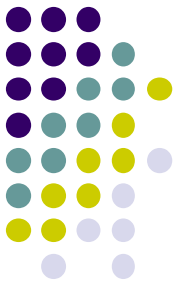
Family type	Basic Needs	Max Shelter	Max OCB	TOTAL
Single	\$752	\$556	\$0	\$1,308
Single Parent- 1 child	\$895	\$769	\$114	\$1,903.91
Single Parent – 2 children	\$895	\$947	\$230	\$2,109.82
Couple- (1 disabled)	\$1,085	\$875	\$0	\$1,906
Couple (both disabled)	-	-	\$0	\$2,205
Couple – 1 child	\$1,085	\$947	\$133.91	\$2,165.91
Couple – 2 children	\$1,085	\$1,027	\$267.82	\$2,379.82

Shelter Allowance



- Shelter allowance can include costs for rent, heating/utility costs, mortgage payments, property taxes, occupancy costs under an agreement to purchase, **insurance premiums for dwelling/contents**, co-op housing charges, condos fees.
- If a recipient is homeless, either on the street or shelter, and not paying any housing costs then they will **not** receive the shelter portion of their cheque
- Storage costs for belongings are **not** eligible for shelter funding.
- If a recipient receives abatements of rent from the Landlord and Tenant Board, then the shelter portion shall be recalculated for the time period of the abatement

Incarceration and Effects on Eligibility

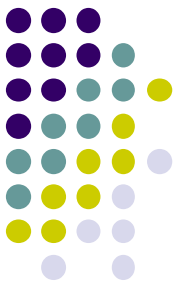


- A person is not eligible for income support while they are detained in a lawful place of confinement.
- A "lawful place of confinement" includes a federal penitentiary, a provincial correctional facility, an open custody facility, a secure custody facility and a municipal lock up.
- In the month the person becomes detained, budgetary requirements including shelter, are reduced for the number of days the person is detained.
- In the month of release, budgetary requirements **other than shelter** are reduced for the number of days the person is detained. Shelter may be paid in full or may be reduced for the number of days the person is detained.

Incarceration cont.

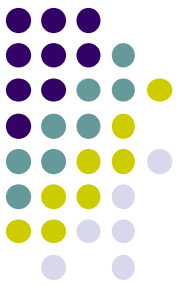


- In cases where a recipient is incarcerated on a "part-time" basis, (e.g. on weekends) the full shelter allowance may be provided, basic needs will be reduced on a prorated basis.
- A person is on temporary absence, parole or probation or serving a conditional sentence **and** is residing in a community residence funded in whole or in part by Correctional Services Canada, may be eligible for \$149 per month for "personal needs"
- ODSP Only- If recipient is transferred to psychiatric facility for the purpose of a court-ordered assessment would be eligible for income support as a person who is temporarily in a hospital upon leaving the lawful place of confinement, if he/she meets all other ODSP eligibility criteria. Eligibility for income support would cease upon their return to a lawful place of confinement.
- If a recipient is in a lawful place of confinement which is **ALSO** a psychiatric facility, they are ineligible. (IE. The St. Lawrence Valley Correctional and Treatment Unit.)



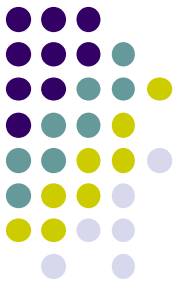
OW/ODSP - Children

- If not receiving Child Tax Benefit (or not the maximum), can receive the Transition Child Benefit from OW/ODSP, for up to \$230 per month for each eligible dependent child
 - The amount for ODSP is \$206 per month for each eligible child
- Child support payments are fully exempted as income
- *Assistance for Children with Severe Disabilities* – can receive additional support (maximum of \$455) if a child has disabilities – the amount depends on the child’s age, parents income, the disability, expenses relating to disability etc.



Benefits: Two main types

- Mandatory
 - Available across Ontario
 - If OW or ODSP says 'no' to your request, you can appeal all the way to the Social Benefits Tribunal
 - Funding for mandatory benefits is based on needs
- Discretionary
 - Available through municipalities
 - Different benefits are available in different places
 - You can ask for a review if you are denied, but there is no higher level appeal
 - Funding is limited/capped



Immigration Status

Refugee claimants:

- Eligible from date claim made, even if still pending decision on eligibility for referral to IRB

Visitors:

- Not eligible unless have made a claim or application for status (including H&C application)

“Deportees”:

- May not be eligible - depends on immigration case – consult with the Legal clinic

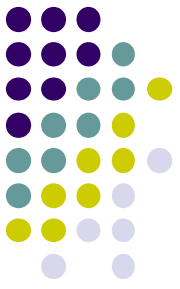
NOTE: if someone has an issue with social assistance due to immigration status or lack thereof, they should contact their legal clinic for advice.



Special Diet Allowance

- Recipient must ask their worker for the Application for Special Diet Allowance
- Doctor, nurse practitioner or dietician must complete the application
- Amount depends on which medical conditions listed in “Special Diet Schedule” that client has
- Maximum is \$250/month
- The same schedule and rules for OW and ODSP

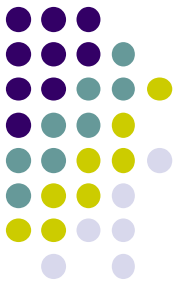
- If a person is pregnant or nursing they should also ask for the Pregnancy/ Breastfeeding Nutritional Allowance



Benefits

Drug Benefit

- Covers cost of prescription medications listed in Ministry of Health's Ontario Drug Benefit (ODB) Formulary
- Clients use their OHIP card at pharmacy to confirm they are eligible for ODB (If no OHIP card, OW or ODSP can issue paper drug card)
- If medication not listed in ODB Formulary, ask doctor about Ministry of Health and Long Term Care's "Exceptional Access Plan"



Dental Benefits

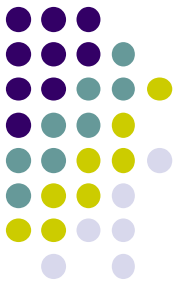
ODSP Dental Benefit

- Dental Benefits are provided for:
 - All ODSP recipients, their spouses and dependent children from 0 to 17 years old.
 - Ontario Dental Association and MCSS have negotiated what is covered. Dentist can write a request to cover a treatment not on schedule, if this problem is related to the client's disability

OW Dental Coverage

- There is no mandatory dental benefit for OW recipients.
- Children are covered through “Healthy Smiles”
- Adults on OW may be eligible for emergency dental assistance; this is discretionary

VISION BENEFITS



- ODSP Recipients and members of benefit unit (except dependent adults) receive coverage for purchase (every 3 years) and repair of lenses and frames*
- OW: children can receive new lenses every time a prescription changes*
- Adults on OW: eyeglasses may be approved as discretionary benefits

Mandatory Special Necessities



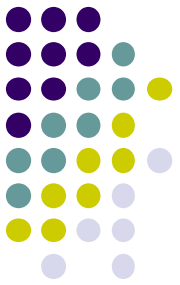
ODSP and OW both have this benefit.

- ODSP recipients must ask for “MSN Form to apply for these

- OW recipients usually need letter from Dr. to apply

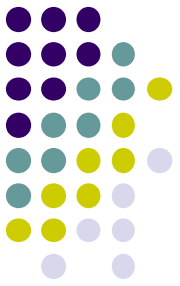
- Diabetic Supplies
 - Covers needles, swabs, lancets, blood glucose monitors
- Surgical Supplies and Dressings
 - Prescribed by physician as a result of surgical, radiological or medical procedure or disease.
- Necessary Medical Transportation

MSN: Medical Transportation



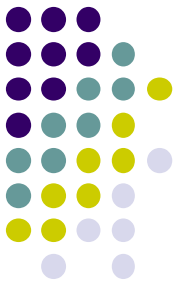
- If costs are more than \$15/month, OW or ODSP covers:
 - Transport to appointments with health professionals
 - AA or NA support groups
 - Mental health programs*
 - Emergency costs (ambulance or family member driving) may be covered with receipts & details

Extended Health Benefit (ODSP)



- If income is higher than monthly ODSP eligibility (eg someone may get CPP, OAS/GIS, or other income)
- AND monthly health related costs, plus ODSP entitlement, is greater than their income
- Then the person **may** be eligible to continue to receive all the mandatory ODSP benefits
- Must apply within 30 days of receiving last ODSP income support

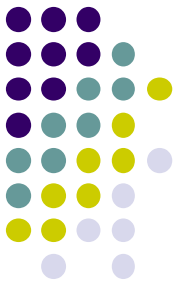
NOTE: eligibility also depends on how an individual qualified for ODSP, if they meet all other eligibility requirements i.e. asset limits etc.



Benefits: Discretionary

Health-related

- Prosthetic appliances (e.g., back braces, surgical stockings, artificial limbs, etc)
- Cost of completing other medical forms
- Air conditioners for people with severe medical conditions
- Funeral and burial costs (unless you receive CPP death benefits)

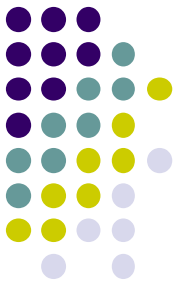


Benefits: Discretionary

Non Health-related expenses

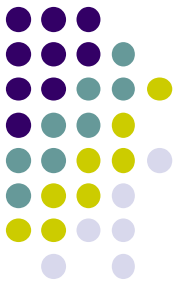
- Vocational training/retraining
 - Used after employment assistance expense funds used up and include transportation costs
 - Must be job specific and connected to a job available in local labour market
- Non health-related travel/transportation
 - To return home outside Ontario
 - To attend court to seek spousal support
 - To visit next of kin in hospital or for funeral

HOUSING STABILIZATION FUND



May provide assistance for:

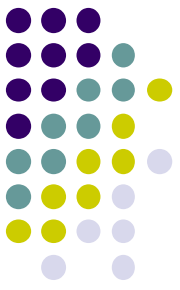
- Last months rent to secure safe and affordable housing
- Rent arrears to prevent eviction
- Paying outstanding hydro/gas bill to prevent disconnection
- Essential furniture when moving in or soft furniture if destroyed by bed bugs
- Moving expenses if person needs to move because of abusive relationship, safer housing, cheaper housing, etc.
- If having difficulty accessing HSF, contact legal clinic.



Earnings-OW

- The 1st \$200.00 of net earnings is “exempt”—it will not be subtracted from assistance
- Net earnings=“take home” pay after deductions like taxes, EI, CPP, union dues
- 50% of remaining net earnings is subtracted from OW entitlement
- “Honorariums” for volunteering usually count as earnings, unless honorarium is a repayment for out-of-pocket expenses.

NOTE: generally, for the exemptions to be available, have to have been receiving social assistance for three months in a row



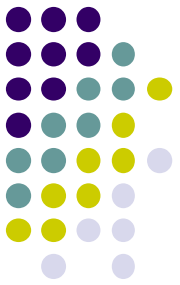
Earnings-ODSP

- The 1st \$1,000 of net earnings is “exempt”—it will not be subtracted from assistance. 75% of remaining net earnings is subtracted from ODSP entitlement
- This ONLY applies to ODSP recipients who have been found to be disabled.
- For other members of the benefit unit (i.e. spouse, dependants), the first \$200 is “exempt”, and the 50% of the remaining net earnings is subtracted
- Earnings from any benefit unit member who is also a full time student are exempt
- Work Related Benefit for ODSP only: \$100 is added to ODSP cheque whenever any family member has net earnings



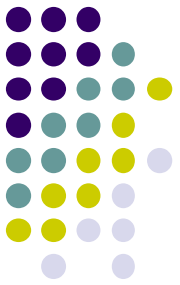
Other Income

- Certain income are considered 100% deductible and exemptions do not apply, such as:
 - Most-WSIB payments
 - CPP and CPP-D
 - Employment Insurance
 - OAS and GIS
- Important to note that when a client reaches 65, ODSP will not automatically stop their benefits, and if they don't tell ODSP it may result in an overpayment
- The above applies to any member of the benefit unit (i.e. If a spouse of someone getting ODSP starts receiving OAS/GIS- this must be reported.)



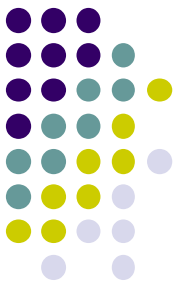
Employment Benefits

- When starting a new job
 - Up front child care costs (such as a deposit for daycare).
 - Employment and training start up benefits. This includes things like tools and equipment, work wear, and the cost of a pardon
- Childcare
 - Child care deducted – if licensed –total costs are deducted, if unlicensed then up to \$600 per child/monthly.



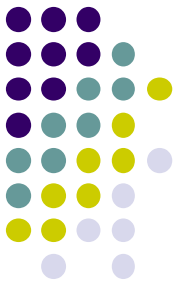
Appeals

- **Should contact local legal clinic for advice / assistance**
- The process for appealing is the same first step
 - If denied or cut off OW or ODSP
 - Mandatory benefits
 - Discretionary benefits
 - Suspensions, changes or reductions in benefits
- **Submit an Internal Review request** (in writing)
- Within 30 days of a decision (if miss deadline, request an 'extension of time')
- OW/ODSP office has 30 days to answer



Appeals

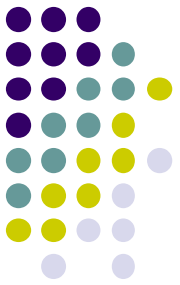
- The second step for appealing exists when:
- The Internal Review answer is negative, that decision can be appealed to Social Benefits Tribunal (SBT)
 - Within 30 days of receiving the Internal Review answer (www.sbt.gov.on.ca)
 - Denied or cancelled OW or ODSP
 - Mandatory Benefits
 - Suspensions, changes or reductions in benefits
- Discretionary Benefits = no appeal to SBT; OW has a Decision Review Committee that can review denials of OW discretionary benefits



Tips & Strategies

- Know about the benefits available
- Ask in writing and keep a copy (of everything!)
- Ask your worker if specific form needed (and get the form)
- Pay attention to time limits (i.e. for appeals)
- Keep letters, benefit statements, and work stubs
- Make records about conversations, contacts etc.
- Where possible and needed, get doctors or other professionals to support your requests in writing
- **Ask for help from your local community legal clinic**

Clinic Information



Scarborough Community Legal Services

9-695 Markham Road

Scarborough, ON M1H 2A5

Tel: (416) 438-7206 ext 25

Fax: (416) 438-9869

<http://www.scarboroughcommunitylegal.ca/>

For more Information



- Ministry of community and social services ODSP Program

<http://www.mcsc.gov.on.ca/en/mcsc/programs/social/odsp/>

- Ministry information regarding appeals

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=47d9707b1a280410VgnVCM10000071d60f89RCRD>

- Assistive Devices Program

<http://www.health.gov.on.ca/en/public/programs/adp/>

- Social Benefits Tribunal

<http://www.sjto.gov.on.ca/sbt/>

- General information about rules relating to different legal areas

<https://stepstojustice.ca/>

- City of Toronto website regarding benefits

<https://www.toronto.ca/community-people/employment-social-support/support-for-people-in-financial-need/assistance-through-ontario-works/>

- Legal Clinics Offices

<http://www.legalaid.on.ca/en/contact/contact.asp?type=cl>

- 211 Provincial Or 311 City of Toronto