

Navigating Ontario Works/ Ontario Disability Support Program & Appeals

COMMUNITY AND LEGAL AID SERVICES PROGRAM (CLASP)
OCTOBER 9, 2025

DISCLAIMER



The information provided during this presentation is for general information purposes only and should not be considered legal advice.

If someone needs legal advice, please contact a local legal clinic.

You can search for “LAO Clinic Finder” and search by address.

- <https://www.legalaid.on.ca/legal-clinics/>

CLASP

Legal clinic assisting low-income individuals in Toronto

Administrative

- Landlord and Tenant Board matters
- Social Assistance Appeals
- Academic Honesty matters

Immigration

- Humanitarian and Compassionate Grounds (H&C) Applications
- Refugee claims and appeals

Criminal

- Certain types of criminal charges
- Toronto Police Service (TPS) Fingerprint Destruction Appeals
- Record Suspensions



A Brief Overview

Today we will be covering the following about OW and ODSP:

1. General and Financial Eligibility
2. Applying to OW/ODSP
3. Rates and Benefits
4. ODSP Medical Eligibility
5. Disputing Negative Decision

General and Financial Eligibility - Overview

Eligibility

Some main requirements are:

- Be resident of Ontario
- Be at least **18 years old** (16/17 if special circumstances i.e. abuse).
- Have financial need
- Assets and income, if any, within the program's limits

Note: some individuals may encounter challenges based on immigration status; they should contact their local legal clinic for advice

ODSP additional requirement:

- “a person with a disability” **or** “a member of a prescribed class” as per the application's definitions

Financial Eligibility

A “benefit unit” (applicant and their spouse/dependents), could be financially eligible if:

➤ **Income** is less than basic “budgetary requirements”,

And

➤ **Assets** are within the eligible limits:

- On OW: \$10,000 for one person and \$15,000 for a couple, plus \$500 for every child).
- On ODSP: \$40,000 for a single recipient, \$50,000 for a couple and \$500 for each dependent other than a spouse.
- Certain assets are considered exempt, i.e.: primary home, primary vehicle, and household items

NOTE: obligated to report any changes to benefit unit.
Otherwise, negative decisions may be made.

Income...more than just earnings

Income includes:

- Earnings
- Federal benefits such as EI, CPP, OAS
 - CPP-Disability benefits for children (if parent is a recipient of CPP-D or a deceased CPP-contributor) are exempt
- WSIB (almost all types)
- Pension (including private and foreign)
- Spousal Support (child support has been exempt since 2017)
- Settlements and inheritance (some can be exempted)
- OSAP (some exempted based on several criteria)

NOTE: this is not an exhaustive list.

Treatment of Earnings

OW AND non-disabled members of an ODSP benefit unit (i.e. dependents)

- 1st **\$200.00** of net earnings is “exempt” — not subtracted from assistance
- 50% of remaining net earnings -> subtracted from entitlement amount

ODSP – Disabled Recipient

- 1st **\$1,000** of net earnings is “exempt” — not subtracted from assistance
- 75% of remaining net earnings -> subtracted from entitlement amount

NOTE:

- ODSP recipients (and their dependents) can receive \$100 Work-Related Benefit for each month they report income or in the case of self-employment, positive net income.
- Earnings of students enrolled full time in high school or postsecondary school are fully exempt

Deductions from Earnings

Net income that is considered – so the gross amount, minus any statutory deductions like taxes.

Childcare expenses (OW and ODSP) - can deduct:

- full cost of licensed childcare (like a licensed daycare or school-based before/after-school programs)
- up to \$600 per child if use an unlicensed provider.

Not available if the childcare is provided by a family member who is also in the benefit unit

Disability-related costs (ODSP only) – can deduct:

- up to \$1,000 for disability-related items or services need to help individual work, i.e. transportation cost, special requirement, ASL interpretation etc.

NOTE: Such expenses must be considered necessary in connection with employment.
Documentation and in case of disability-related expenses, pre-approval required.
Cannot be covered by another source i.e., childcare subsidy.

Reporting Obligations

Required to report:

- ▶ Changes such as:
 - ▶ moving, absence from Ontario, change in dependents etc.
- ▶ The income and assets of recipient and dependents

When OW or ODSP find information after, they reassess eligibility for any applicable periods of time, which can lead to overpayments, or suspension and/or cancellation of benefits.

NOTE: this list is not exhaustive.

Applying for OW/ODSP



Documents that may be requested

Examples of documents that may be requested:

- ☐ Personal identification documents (i.e. birth certificate, photo card)
- ☐ Housing documents (i.e. rent receipts, leases, mortgage, utility bills).
- ☐ Legal documents (i.e. custody documents, separation/divorce papers)
- ☐ Income/Assets documents (i.e. bank statements, Notice of Assessment)
- ☐ Proof of work/education (i.e. pay stubs, school registration)
- ☐ Proof of debts (i.e. credit card bills, student loans)

NOTE: Such documents can also be requested from individuals already on OW / ODSP – eligibility requirements apply not just to applicants but also on an ongoing basis for recipients

Ways to Apply

➤ Online:

- Available 24/7, takes about 20-30 minutes.
- Accessed via: <https://www.sada.mcass.gov.on.ca/intake/home-page>

➤ Phone:

- Contact the Province's Social Assistance Contact Centre at 1-888-999-1142 (TTY:1-800-387-5559)

➤ In-person

- Can also do in-person applications with local OW or ODSP office.

NOTE: If a person is being denied, it is important that they obtain a written denial letter. Even if they do not get one, they can still contact their legal clinic.

Rates and Benefits



OW	OW – Previous				OW – As of July 2025			
Family Type	Basic Needs	Max Shelter	Max OCB	Total	Basic Needs	Max Shelter	Max OCB	Total
Single	\$343	\$390	\$0	\$733	\$343	\$390	\$0	\$733.00
Single Parent - 1 child	\$360	\$642	\$140	\$1,142	\$360	\$642	\$143.91	\$1,145.91
Single Parent - 2 children	\$360	\$697	\$280	\$1,337	\$360	\$697	\$287.82	\$1,344.82
Couple	\$494	\$642	\$0	\$1,136	\$494	\$642	\$0	\$1,136.00
Couple - 1 child	\$494	\$697	\$140	\$1,331	\$494	\$697	\$143.91	\$1,334.91
Couple - 2 children	\$494	\$756	\$280	\$1,530	\$494	\$756	\$287.82	\$1,537.82
ODSP	ODSP – Previous				ODSP – As of July 2025			
Family Type	Basic Needs	Max Shelter	Max OCB	Total	Basic Needs	Max Shelter	Max OCB	Total
Single	\$786	\$582	\$0	\$1,368	\$809	\$599	\$0	\$1,408
Single Parent - 1 child	\$929	\$915	\$140	\$1,984	\$952	\$941	\$143.91	\$2,036.91
Single Parent - 2 children	\$929	\$990	\$280	\$2,199	\$952	\$1,018	\$287.82	\$2,257.82
Couple	\$1,134	\$915	\$0	\$2,049	\$1,166	\$941	\$0	\$2,107
Couple - 1 child	\$1,134	\$990	\$140	\$2,264	\$1,166	\$1,018	\$143.91	\$2,327.91
Couple - 2 children	\$1,134	\$1,074	\$280	\$2,488	\$1,166	\$1,105	\$287.82	\$2,558.82
Couple where both spouses are disabled	\$1,569	\$915	\$0	Capped at \$2,305	\$1,613	\$941	\$0	Capped at \$2,370

Potential Benefits

Some are mandatory and others discretionary:

- Prescription medications
- Special diet allowance
- Travel to medical appointments
- Vision and dental care (discretionary on OW, mandatory on ODSP)
- Housing Stabilization Fund (discretionary)
- Employment/training funds

Transition Child Benefit:

- OW and ODSP basic needs rates do not increase based on dependents under 18. It is assumed that there is Child Benefit .
- For those not receiving the Child Benefit, they can ask for Transition Child Benefit.
- If eligible, OW/ODSP will issue an additional amount. There are specific requirements for this.

ODSP – Medical Eligibility

Key Terms

DAU: Disability Adjudication Unit

- ODSP department that reviews medical applications

DDP: Disability Determination Package

- Medical application submitted in ODSP application

Decision date: the date of the ODSP decision

Decision Date

This is a very important element, especially when appealing a denial.

For example, on appeal, the Social Benefits Tribunal (Tribunal) must decide if disabled as at the original date, not currently.

- Worsening or new diagnoses after denial are not considered when deciding the appeal.
- In some cases, the application is denied because of significant deterioration after the denial date.
- Documentation and information used to decide if a person is disabled must relate back to decision date
- Sometimes it can still be helpful to provide any updates or context, i.e., referral pending, treatment changes etc.

Prescribed Class

If applicant meets the criteria for “prescribed class”, they do not have to complete the medical adjudication process.

- Examples: CPP-Disability, or Developmental Services eligible

Most ODSP applicants complete the ODSP Medical Eligibility process – it starts with completing the DDP

- Note that this is issued once the person is determined to be financial eligible (or if appealing the denial of ODSP financial eligibility)
- most applicants are already on OW, so the financial requirement is met

Disability Determination Package (DDP)

1) Submit the Disability Determination Package (DDP)

- OW caseworker will give to the applicant
- The applicant and their healthcare professional(s) complete the DDP in 90 days
- Return the DDP to the ministry's Disability Adjudication Unit (DAU)

If DDP not submitted within 90 days can ask for an extension or just ask for a new DDP.

2) The DAU reviews the DDP

3) ODSP – DAU decision

- considered to be a person with a disability, with no review date
- considered to be a person with a disability, with a review date
- not considered to be a person with disability

NOTE: When appealing, the same decisions can be made by the Tribunal

Person with a Disability Definition

When going through the Disability Determination Process, it is helpful to know the criteria. The “definition” of disability under ODSP:

- Substantial physical and/or mental impairment
- Continuous or recurrent
- Expected to last one year or more
- Impairment has direct and cumulative effect on daily life, particularly their ability to take personal care, be part of community and function at work
- A qualified health professional verifies impairment, the impairment’s likely duration and restriction

Common Reasons for Denial

When assessing an application, the DAU (and Tribunal if appealed) are reviewing to see if the basic requirements are met and if there is information / documentation to support a finding of disability.

Some common reasons for denial:

- The DDP did not include any impairments or restrictions
- The impairment listed is not described as being expected to last more than 1 year.
- The emotional/intellectual or activities of daily living scores do not accurately match the person's impairments and restrictions.

Another common issue can be limited or no supporting documents.

Common Reasons for Denial

Quite often, when a legal clinic is assisting with an ODSP denial, they are writing to the medical provider to address any of the previous concerns like missing information on the forms but also spending time gathering supporting documentation.

➤ **For example, for physical conditions it can include information like:**

- imaging reports, test results, specialist reports
- treatments such as medications, pain injections, surgical procedures, physiotherapy

➤ **And for mental health/substance use conditions, examples of information are:**

- psychiatric assessments, hospitalization reports
- treatments such as medications, counselling (including with social workers, mental health workers etc.), rehab programs

■ **NOTE: It is important to consider if there are any barriers to treatment (i.e., cost, distance, finding a doctor, long waiting list, conditions impacting ability to seek treatment etc.)**

Disputing a Negative Decision



Negative Decision Examples

➤ Denied ODSP medical eligibility

➤ Non-disability related:

Overpayment

- Did not report income (such as federal benefits, spousal support)
- Did not report assets (e.g. inheritance, additional cars)
- Did not report changes to benefit unit (e.g. dependent child left home, got married, moved to different address etc.)

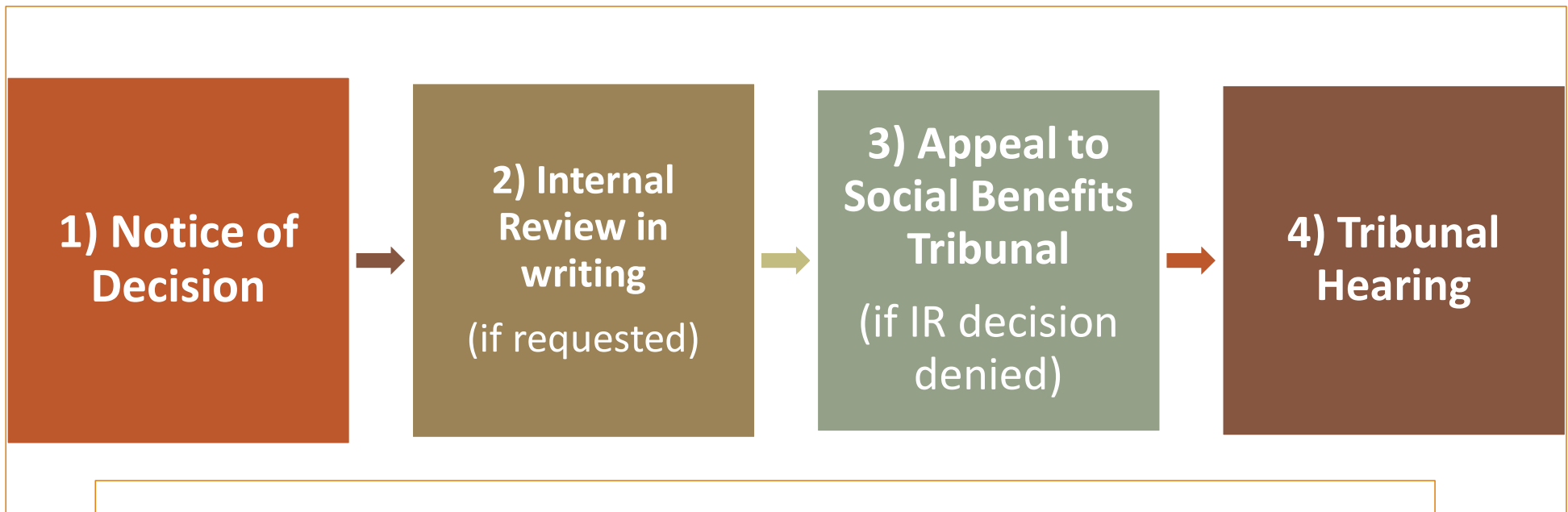
Suspension

- Failure to provide information – can include information OW/ODSP need to assess if there should be an overpayment, cancellation etc.
- Failure to pursue income – can be specific (e.g. can be required to apply for Employment Insurance)

Cancellation

- Eligibility criteria no longer met

Decision Dispute Steps



NOTE: OW/ODSP do not always issue letters

People may realize an issue based on their monthly statement or what they were told
They might still dispute decisions even if they did not get a decision letter.

Internal Reviews (IR)

Request an IR in writing, within 30 days or the deadline noted.

If deadline is missed, then must request extension and explain reasons for delay, in writing – this can be included with the IR request itself.

At IR stage, additional information or documentation can be included, but are not required, i.e., medical reports.

Decision Letter should say where to submit. If no letter, applicant should:

- write to their local office and/or
- consult legal clinic

Appealing a Negative IR Decision

If the applicant disagrees with the IR decision, they can **appeal** to the Tribunal within 30 days or the noted deadline.

If they miss the deadline, they should explain why they were late and ask for additional time on the appeal form

Common decisions that can be appealed include:

- Qualifying as a person with a disability for ODSP
- Having assistance denied, reduced, suspended or cancelled
- Being denied a mandatory benefit, like special diet
- Having an overpayment

NOTE: Must have request IR before appealing. If IR was late, then extension required for it.

Filling out the Appeal Form

In addition to the main parts, the appeal form also has parts to request:

- An interpreter
- Accommodations
 - For example, the applicant could ask for their hearing to happen during certain hours because they take medication that impacts them more at certain hours of the day.
 - There is also an Accomodation Request Form that should be completed.

NOTE:

If a person includes an email address in the appeal form, it is assumed they are okay with receiving communication by email, and the hearing is also scheduled as a video hearing.

Appeal Form - Interim Assistance

Financial help while waiting for the Tribunal to decide on the appeal

➤ For OW / ODSP:

- If reduction or denial in income support: to continue to receive the same amount
- NOTE: if the appeal is unsuccessful, the amount becomes an overpayment
- If overpayment: to pause recovery attempts due to financial hardship

➤ For ODSP medical eligibility:

- Available: If someone is already on ODSP as disabled and their medical review application has been denied
- Not available: if the DAU denied a new application for medical eligibility

Tribunal Hearing – Who will be there?

- The applicant and any representative that they bring to the hearing.
- At least one person from the Tribunal. This person is called a “Member” or “Adjudicator” and is the person making the Tribunals’ decision.
- OW or ODSP may send a Case Presenting Officer, who will argue why the Tribunal should not change OW/ODSP’s decision.
- An interpreter, if requested
- Other:
 - Support person → can be present but cannot speak/give evidence
 - Witness → can give evidence –only allowed to join the hearing when it is their time to speak

What Happens at a Hearing?

- The applicant will try to convince the Tribunal that the OW, ODSP or DAU decision they are appealing is wrong.
- The Tribunal member will make their decision based on the evidence, including what applicant and any witnesses say and any documents filed.
- If OW or ODSP sends a representative, they can also ask the applicant and any witnesses questions.
- They would argue why the Tribunal should not change OW, ODSP or the DAU's decision

NOTE: If the applicant is not present for their hearing, the member might decide the appeal without them

The Tribunal's Decision

- The Tribunal member will decide after the hearing
- The applicant will get written decision in the mail, usually within 60 days.
- If applicant wins appeal, the OW/ODSP office will have to do what the Tribunal decision says.
- If applicant loses the appeal, they may want to talk to legal clinic to discuss options.
- If applicant loses and were receiving benefits through interim assistance, that amount will become an overpayment.

Wrap up



Tips & Strategies

- Know about the benefits available and reporting obligations
- Ask in writing and keep a copy
- Documentation:
 - Keep copies of requests and letters
 - Keep copies of any reporting of income or changes
 - Make records about conversations, contacts etc.
- Ask worker if specific forms needed (and get the forms)
- Pay attention to time limits (i.e., for IR and appeal)
- Ask for help from legal clinic

Contact Information

To contact Community and Legal Aid Services Program (CLASP):

- <https://www.yorku.ca/osgoode/clasp/>
- Phone: 416 736 5029
- Email: claspinfo@osgoode.yorku.ca



Thank you!

Any Questions?

