



January 25, 2021

Honourable Doug Ford
Premier of Ontario
Legislative Building
Queen's Park
Toronto ON M7A 1A1

OPEN LETTER: THE EROSION OF THE ONTARIO SOCIAL BENEFITS TRIBUNAL

Dear Premier Ford,

Defend Disability is an advocacy group composed of people with lived experience of disability and poverty, frontline health providers, social policy experts, legal practitioners, health-specific NGOs, community agencies and anti-poverty and disability rights advocates. We advocate for people living with disabilities in Ontario.

Over the past month, statements such as the one from [Tribunal Watch](#) have been issued concerning the ineffective state of Ontario's Social Benefits Tribunal (SBT), which serves as one of the most important processes to access justice for the most vulnerable in our province. As you know, the SBT handles appeals from decisions of the Ministry of Children, Community and Social Services about social assistance applicants/clients. Issues before the SBT include those related to disability adjudication, financial eligibility, reductions or cancellation of particular benefits (e.g., denial of shelter allowance, special diet allowance), overpayments and, one of the most critical issues: hearing cases about disability eligibility and reviews. Ontario Disability Support Program (ODSP) hearings made up 93% of tribunal cases in the 2019-2020 fiscal year, compared to hearings concerning Ontario Works (OW).

The Province appears to be systematically eroding the SBT. Moreover, this is being done without any public and transparent notification, consultation, or review. Adjudicators' vacancies are not being filled and the most senior and experienced of them not being offered the opportunity to serve further. Currently, there are only nine full-time and ten part-time members (not including the Associate Chair and Vice Chairs). [This is a drastic reduction from the 19 full-time and 15 part-time members serving on the SBT as of the end of March 2018.](#) This has led to a dramatic rise in wait times for hearings, with dates taking 12 to 18 months to schedule.

This erosion will have dire consequences for people with disabilities.

[Most people waiting for ODSP benefits must subsist on benefits from Ontario Works \(OW\).](#) At \$733 per month, this is 37% less than they would be entitled to as an individual in receipt

of ODSP benefits. Surviving on the OW rate makes it impossible for people to afford the extra costs associated with having a disability. This deep poverty takes a tremendous toll on the health and quality of life of those living with illness, injury and disability.

Depriving appellants of access to an appeal process is denying access to justice. No one wants to be on ODSP and live on \$1169 a month, but they have no other options. Individuals turn to social assistance because it is their last resort. They apply because they cannot maintain adequate employment, in part because not all workplaces properly accommodate people with disabilities. They also apply because they have not been able to access other income supports designed to assist those living with workplace and other injuries. Denying people dignity and stability when they are in need is unnecessarily punitive.

We cannot help but see this move as being an indirect way for the Province to save money at the expense of people with disabilities.

Despite the Auditor General's concerns, increased homelessness and healthcare costs far outweigh any short-term value found by delaying or denying people with disabilities the support they might be entitled to and need to survive. Furthermore, the cost to human dignity is incalculable.

We call on you to take immediate steps to preserve and enhance the SBT. We request that you immediately reduce wait times at the SBT by reappointing experienced adjudicators and increasing their numbers overall so that justice can be accessed expeditiously. In addition, we request that you listen to and consult with people living with disabilities and people in receipt of ODSP, in addition to colleagues from legal clinics who have outlined effective ways to fix the current system, including the application process, so that fewer claims need to go to hearings.

Sincerely,

Laura Cattari and Devorah Kobluk (Co-Chairs)
on behalf of Defend Disability

cc. The Honourable Doug Downey, Attorney General of Ontario
The Honourable Todd Smith, Minister of Children, Community and Social Services
Mr. Gurratan Singh, Official Opposition Critic, Attorney General
Ms. Lucille Collard, Critic Attorney General
Ms. Lisa Gretzky, Official Opposition Critic, Minister of Children, Community and Social Services
Mr. Joel Harden, Official Opposition Critic, Accessibility and Persons with Disability
Mr. Michael Coteau, Critic, Minister of Children, Community and Social Services
Mr. John Fraser, Critic, Seniors Affairs and Accessibility
Mr. Mike Schreiner, Leader, Green Party of Ontario