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Ontario Disability Support Program Act, 1997

S.O. 1997, CHAPTER 25  
Schedule B

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Purpose of Act

**1** The purpose of this Act is to establish a program that,

(a) provides income and employment supports to eligible persons with disabilities;

(b) recognizes that government, communities, families and individuals share responsibility for providing such supports;

(c) effectively serves persons with disabilities who need assistance; and

(d) is accountable to the taxpayers of Ontario. 1997, c. 25, Sched. B, s. 1.

Definitions

**2** In this Act,

“applicant” means a person who applies for income support or on whose behalf such an application is made; (“auteur de demande”)

“benefit unit” means a person and all of his or her dependants on behalf of whom the person receives or applies for income support; (“groupe de prestataires”)

“benefits” means the prescribed items, services or payments, but does not include extended health benefits; (“prestations”)

“biometric information” means information derived from an individual’s unique characteristics but does not include a photographic or signature image; (“renseignements biométriques”)

“Director” means the Director of the Ontario Disability Support Program appointed by the Minister; (“directeur”)

“district social services administration board” means a board established under the District Social Services Administration Boards Act; (“conseil d’administration de district des services sociaux”)

“employment supports” means the prescribed goods or services provided to a person in order to remove barriers to the person’s competitive employment and assist the person in attaining his or her competitive employment goal; (“soutien de l’emploi”)

“extended health benefits” means the prescribed items, services or paymentsthat are provided under section 49.1; (“prestations prolongées pour services de santé”)

“income support” means assistance for the provision of basic needs, shelter, costs related to a person’s disability and other prescribed needs, and includes benefits; (“soutien du revenu”)

“Minister” and “Ministry” mean the Minister and Ministry of Community and Social Services; (“ministre”, “ministère”)

“person with a disability” means a person determined under section 4 to be a person with a disability; (“personne handicapée”)

“personal information” means personal information as defined in the Freedom of Information and Protection of Privacy Act; (“renseignements personnels”)

“prescribed” means prescribed by the regulations made under this Act; (“prescrit”)

“recipient” means a person to whom income support is provided; (“bénéficiaire”)

“regulations” means the regulations made under this Act; (“règlements”)

“service co-ordinator” means an organization or person approved by the Director under section 48 to provide or purchase employment supports; (“coordonnateur des services”)

“Tribunal” means the Social Benefits Tribunal established under the Ontario Works Act, 1997. (“Tribunal”) 1997, c. 25, Sched. B, s. 2; 2006, c. 19, Sched. E, s. 2 (1, 2); 2009, c. 33, Sched. 8, s. 4 (1, 2).

**Section Amendments with date in force (d/m/y)**

[2006, c. 19, Sched. E, s. 2 (1, 2)](http://www.ontario.ca/laws/statute/S06019" \l "schedes2s1) - 22/06/2006

[2009, c. 33, Sched. 8, s. 4 (1, 2)](http://www.ontario.ca/laws/statute/S09033" \l "sched8s4s1) - 15/12/2009

PART I  
ELIGIBILITY FOR AND PAYMENT OF INCOME SUPPORT

Who receives income support

**3** (1)  Income support shall be provided to a person with a disability, as determined under section 4, and to a person of a prescribed class. 1997, c. 25, Sched. B, s. 3 (1).

Who are the beneficiaries

(2)  Income support shall be provided for the benefit of the eligible person and his or her dependants. 1997, c. 25, Sched. B, s. 3 (2).

Person with a disability

**4** (1)  A person is a person with a disability for the purposes of this Part if,

(a) the person has a substantial physical or mental impairment that is continuous or recurrent and expected to last one year or more;

(b) the direct and cumulative effect of the impairment on the person’s ability to attend to his or her personal care, function in the community and function in a workplace, results in a substantial restriction in one or more of these activities of daily living; and

(c) the impairment and its likely duration and the restriction in the person’s activities of daily living have been verified by a person with the prescribed qualifications. 1997, c. 25, Sched. B, s. 4 (1).

Determination

(2)  A determination under this section shall be made by a person appointed by the Director. 1997, c. 25, Sched. B, s. 4 (2).

Eligibility for income support

**5** (1)  No person is eligible for income support unless,

(a) the person qualifies under subsection 3 (1);

(b) the person is resident in Ontario;

(c) the budgetary requirements of the person and any dependants exceed their income and their assets do not exceed the prescribed limits, as provided for in the regulations;

(d) the person and the prescribed dependants provide the information and the verification of information required to determine eligibility including,

(i) information regarding personal identification, as prescribed,

(ii) financial information, as prescribed, and

(iii) any other prescribed information; and

(e) the person and any dependants meet any other prescribed conditions relating to eligibility. 1997, c. 25, Sched. B, s. 5 (1).

(2), (3)  Repealed: 2021, c. 25, Sched. 21, s. 25 (1).

**Section Amendments with date in force (d/m/y)**

[2021, c. 25, Sched. 21, s. 25 (1)](http://www.ontario.ca/laws/statute/S21025" \l "sched21s25s1) - 01/09/2023

Income support in exceptional circumstances

**6** In cases presenting exceptional circumstances and in which investigation shows the advisability of income support being provided to a person who is not eligible for it, the Lieutenant Governor in Council may by order direct that income support be provided to the person in accordance with the terms of the order. 1997, c. 25, Sched. B, s. 6.

**7** Repealed: 2009, c. 33, Sched. 8, s. 4 (3).

**Section Amendments with date in force (d/m/y)**

1999, c. 6, s. 47 (1, 2) - 1/03/2000

[2005, c. 5, s. 50 (1, 2)](http://www.ontario.ca/laws/statute/S05005" \l "s50s1) - 13/06/2005

[2009, c. 33, Sched. 8, s. 4 (3)](http://www.ontario.ca/laws/statute/S09033" \l "sched8s4s3) - 15/12/2009

Agreement to reimburse and assignment

**8** (1)  The Director shall in prescribed circumstances, as a condition of eligibility for income support, require an applicant, a recipient or a dependant to agree to reimburse the Director for the income support provided or to be provided. 1997, c. 25, Sched. B, s. 8 (1).

Same

(2)  An agreement under subsection (1) may require an assignment, as prescribed. 1997, c. 25, Sched. B, s. 8 (2).

Same

(3)  This section does not apply to,

(a) a payment that would be exempt as income or assets under this Act or the regulations; or

(b) that portion of employment earnings, pension income or other prescribed income that is paid with respect to a period after the period during which the person receives income support. 1997, c. 25, Sched. B, s. 8 (3).

Failure to comply

**9** (1)  If an applicant, recipient or dependant fails to comply with or meet a condition of eligibility for income support, the Director shall, as prescribed, do one of the following:

1. Refuse to grant income support.

2. Declare the person ineligible for income support for the prescribed period.

3. Reduce or cancel the income support or that part of it provided for the benefit of the person who has failed to comply.

4. Suspend the income support or suspend that part of it provided for the benefit of the person who has failed to comply. 1997, c. 25, Sched. B, s. 9 (1).

Re-instatement

(2)  If income support is suspended, reduced or cancelled under this section, it shall be returned to its former level or re-instated only in accordance with the regulations. 1997, c. 25, Sched. B, s. 9 (2).

Application for income support

**10** (1)  An application for income support shall be made in the prescribed manner and shall contain the prescribed information. 1997, c. 25, Sched. B, s. 10 (1).

Same

(2)  Despite any decision of the Director, the Tribunal or a court, a further application for income support may be made by an applicant or recipient upon new or other evidence or if material circumstances have changed. 1997, c. 25, Sched. B, s. 10 (2).

Determination of income support

**11** The amount of income support to be provided and the time and manner of providing that support shall be determined in accordance with the regulations. 1997, c. 25, Sched. B, s. 11.

Appointment of person to act for recipient

**12** (1)  The Director may appoint a person to act for a recipient if there is no guardian of property or trustee for the recipient and the Director is satisfied that the recipient is using or is likely to use his or her income support in a way that is not for the benefit of a member of the benefit unit. 1997, c. 25, Sched. B, s. 12 (1).

Same

(2)  The Director may provide income support for the benefit of a recipient to the recipient’s guardian of property or trustee or to a person appointed under subsection (1). 1997, c. 25, Sched. B, s. 12 (2).

Compensation

(3)  A person to whom income support is provided under subsection (2) is not entitled to a fee or other compensation or reward or to reimbursement for costs or expenses incurred by acting under this section, except as prescribed. 1997, c. 25, Sched. B, s. 12 (3).

Report and account

(4)  A person appointed under this section to act for a recipient shall report and account in accordance with the regulations. 1997, c. 25, Sched. B, s. 12 (4).

Money paid to third party

**13** A portion of income support may be provided directly to a third party on behalf of a recipient if an amount is payable by a member of the benefit unit to the third party for costs relating to basic needs or shelter, as prescribed. 1997, c. 25, Sched. B, s. 13.

Recovery of overpayments

**14** (1)  If an amount has been provided to a recipient under this Act in excess of the amount to which the recipient was entitled, the amount of the excess is an overpayment. 1997, c. 25, Sched. B, s. 14 (1).

Same

(2)  If a recipient or a dependant fails to honour an assignment or an agreement to reimburse the Director, the prescribed amount is an overpayment. 1997, c. 25, Sched. B, s. 14 (2).

Overpayment a debt due to the Crown

(2.1)  An overpayment under this Act is a debt due to the Crown in right of Ontario. 2006, c. 19, Sched. E, s. 2 (3).

Recovery of overpayments from other programs

(3)  An overpayment enforceable against a recipient or the recipient’s spouse under the Ontario Works Act, 1997, the Family Benefits Act or the General Welfare Assistance Act is recoverable under this Act even though the overpayment was made by,

(a) a delivery agent under the Ontario Works Act, 1997;

(b) a welfare administrator under the General Welfare Assistance Act; or

(c) the Director under the Family Benefits Act. 1997, c. 25, Sched. B, s. 14 (3); 1999, c. 6, s. 47 (3); 2005, c. 5, s. 50 (3).

Methods of recovery

(4)  An overpayment may be recovered by one or more of reduction of income support under section 15, notice under section 16 or a proceeding under section 17. 1997, c. 25, Sched. B, s. 14 (4).

Same, debts due to the Crown

(5)  In addition to the methods referenced in subsection (4), an overpayment that is a debt due to the Crown in right of Ontario may be recovered by any remedy or procedure available to the Crown by law. 2006, c. 19, Sched. E, s. 2 (3).

**Section Amendments with date in force (d/m/y)**

1999, c. 6, s. 47 (3) - 1/03/2000

[2005, c. 5, s. 50 (3)](http://www.ontario.ca/laws/statute/S05005" \l "s50s3) - 13/06/2005

[2006, c. 19, Sched. E, s. 2 (3)](http://www.ontario.ca/laws/statute/S06019" \l "schedes2s3) - 22/06/2006

Reduction of income support

**15** (1)  The Director may recover the amount of an overpayment by deducting it from the recipient’s income support. 1997, c. 25, Sched. B, s. 15 (1).

Same

(2)  The amount deducted under subsection (1) shall not exceed the prescribed amount unless the recipient agrees to a greater amount being deducted. 1997, c. 25, Sched. B, s. 15 (2).

Notice of overpayment

**16** (1)  The Director may give a recipient notice in writing of a decision determining that an overpayment exists and, if the Director does, the notice shall set out the amount of the overpayment and the prescribed information concerning the decision. 1997, c. 25, Sched. B, s. 16 (1).

Effect of notice

(2)  A decision determining that an overpayment exists shall be final and enforceable against the recipient as if it were an order of the Superior Court of Justice if,

(a) notice of it has been given under subsection (1);

(b) the time for commencing an appeal to the Tribunal has expired; and

(c) no appeal has been commenced. 1997, c. 25, Sched. B, s. 16 (2); 2006, c. 19, Sched. C, s. 1 (1).

Effect of appeal

(3)  If the decision is appealed and an overpayment is determined, the decision of the Tribunal shall be final and enforceable against the recipient as if it were an order of the Superior Court of Justice. 1997, c. 25, Sched. B, s. 16 (3); 2006, c. 19, Sched. C, s. 1 (1).

Notice to spouse

(4)  If a recipient had a dependent spouse when an overpayment was incurred, the Director may give notice in writing to the spouse respecting the overpayment. 1997, c. 25, Sched. B, s. 16 (4); 1999, c. 6, s. 47 (4); 2005, c. 5, s. 50 (4).

Effect of notice to spouse

(5)  If the Director provides notice to a spouse under subsection (4), subsections (2) and (3) apply with necessary modifications to the spouse. 1997, c. 25, Sched. B, s. 16 (5); 1999, c. 6, s. 47 (5); 2005, c. 5, s. 50 (5).

**Section Amendments with date in force (d/m/y)**

1999, c. 6, s. 47 (4, 5) - 1/03/2000

[2005, c. 5, s. 50 (4, 5)](http://www.ontario.ca/laws/statute/S05005" \l "s50s4) - 13/06/2005

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1) - 22/06/2006

Proceeding for recovery of overpayment

**17** The Director may recover an overpayment as a debt due to the Crown in a court of competent jurisdiction, whether or not notice has been provided under section 16. 1997, c. 25, Sched. B, s. 17.

No attachment, etc., of income support

**18** (1)  Income support under this Act,

(a) is not subject to alienation or transfer by the recipient; and

(b) is not subject to garnishment, attachment, execution, seizure or receivership under any other Act. 1997, c. 25, Sched. B, s. 18 (1).

Deduction re money owed for family support, etc.

(2)  Despite subsection (1), the Director may deduct a portion of income support to recover,

(a) the amount of a support deduction order that is enforceable against a member of the benefit unit under section 20 of the Family Responsibility and Support Arrears Enforcement Act, 1996; or

(b) the prescribed government debts owed by a member of the benefit unit. 1997, c. 25, Sched. B, s. 18 (2).

Maximum amount deducted

(3)  The total amount deducted from income support under subsection (2) shall not exceed the prescribed amount unless the recipient agrees to a greater amount. 1997, c. 25, Sched. B, s. 18 (3).

Payment of amount deducted

(4)  The Director shall pay any amount deducted under this section to the prescribed person. 1997, c. 25, Sched. B, s. 18 (4).

Application of section

(5)  This section applies even if the amount has been paid into the person’s account at a financial institution. 1997, c. 25, Sched. B, s. 18 (5).

PART II  
EFFECTIVE DATE OF INCOME SUPPORT DECISIONS AND INTERNAL REVIEW AND APPEALS OF THOSE DECISIONS

Notice of decision

**19** The Director shall give notice to the applicant or recipient of a decision that may be appealed and the notice shall advise the applicant or recipient that he or she may request an internal review of it. 1997, c. 25, Sched. B, s. 19.

When decision takes effect

**20** (1)  A decision of the Director shall be effective from the date fixed by the Director, whether it is before, on or after the date of the decision. 1997, c. 25, Sched. B, s. 20 (1).

When decision final

(2)  A Director’s decision that may not be appealed is final when it is made. 1997, c. 25, Sched. B, s. 20 (2).

Same

(3)  A Director’s decision that may be appealed is final,

(a) when the prescribed time for requesting internal review expires, if no internal review is requested within that time; or

(b) on the earliest of the day the prescribed time for completing the internal review expires, the day the results of the completed internal review are received and the day the results of the completed internal review are deemed to be received under section 50, if an internal review has been requested. 1997, c. 25, Sched. B, s. 20 (3); 2009, c. 33, Sched. 8, s. 4 (4).

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 8, s. 4 (4)](http://www.ontario.ca/laws/statute/S09033" \l "sched8s4s4) - 15/12/2009

Decisions that may be appealed

**21** (1)  Any decision of the Director affecting eligibility for or the amount of income support, assistance under section 49 or extended health benefits under section 49.1, other than a decision referred to in subsection (2), may be appealed to the Tribunal. 2006, c. 19, Sched. E, s. 2 (4); 2009, c. 33, Sched. 8, s. 4 (5).

Exceptions

(2)  No appeal lies to the Tribunal with respect to the following matters:

1. A decision respecting discretionary income support.

2. A decision of the Lieutenant Governor in Council respecting income support in exceptional circumstances.

3. A decision to provide a portion of income support directly to a third party.

4. A variation, refusal or cancellation of income support caused by an amendment to this Act or the regulations.

5. A prescribed decision. 1997, c. 25, Sched. B, s. 21 (2).

Employment supports, no appeal

(3)  No appeal lies to the Tribunal with respect to a decision taken under Part III of this Act. 1997, c. 25, Sched. B, s. 21 (3).

**Section Amendments with date in force (d/m/y)**

[2006, c. 19, Sched. E, s. 2 (4)](http://www.ontario.ca/laws/statute/S06019" \l "schedes2s4) - 22/06/2006

[2009, c. 33, Sched. 8, s. 4 (5)](http://www.ontario.ca/laws/statute/S09033" \l "sched8s4s5) - 15/12/2009

Internal review before appeal

**22** (1)  No appeal may be commenced unless an internal review has been requested. 1997, c. 25, Sched. B, s. 22 (1).

Same

(2)  The request for internal review must be made within the prescribed time. 1997, c. 25, Sched. B, s. 22 (2).

If review requested

(3)  If the applicant or recipient requests an internal review, the review shall be completed in the prescribed manner and within the prescribed period. 1997, c. 25, Sched. B, s. 22 (3).

*SPPA* does not apply

(4)  The Statutory Powers Procedure Act does not apply to an internal review. 1997, c. 25, Sched. B, s. 22 (4).

Appeal to Tribunal

**23** (1)  An applicant or recipient may appeal a decision of the Director within the prescribed period after an internal review by filing a notice of appeal that shall include reasons for requesting the appeal. 1997, c. 25, Sched. B, s. 23 (1).

Same

(2)  The Tribunal may extend the time for appealing a decision if it is satisfied that there are apparent grounds for an appeal and that there are reasonable grounds for applying for the extension. 1997, c. 25, Sched. B, s. 23 (2).

Same

(3)  An appeal to the Tribunal shall be commenced and conducted in accordance with the regulations. 1997, c. 25, Sched. B, s. 23 (3).

Parties

(4)  The Director, the applicant or recipient who requested the hearing and any other persons specified by the Tribunal are parties to the proceedings before the Tribunal. 1997, c. 25, Sched. B, s. 23 (4).

Notice to spouse

(5)  If an appeal relates to a determination of an overpayment of which the Director has given notice to a dependent spouse under subsection 16 (4), the spouse shall be added as a party. 1997, c. 25, Sched. B, s. 23 (5); 1999, c. 6, s. 47 (6); 2005, c. 5, s. 50 (6).

Same

(6)  A spouse who has been added as a party to the appeal of a determination may not commence an appeal in relation to that determination. 1997, c. 25, Sched. B, s. 23 (6); 1999, c. 6, s. 47 (7); 2005, c. 5, s. 50 (7).

Submission

(7)  The Director may make written submissions in the place of or in addition to appearing at a hearing. 1997, c. 25, Sched. B, s. 23 (7).

Same

(8)  If written submissions are to be made, the parties to the hearing shall be given an opportunity before the hearing to examine the submissions, as prescribed. 1997, c. 25, Sched. B, s. 23 (8).

Written or documentary evidence

(9)  The parties to a hearing shall be given an opportunity before the hearing to examine any written or documentary evidence that a party proposes to introduce at the hearing, as prescribed. 1997, c. 25, Sched. B, s. 23 (9).

Onus

(10)  The onus lies on the appellant to satisfy the Tribunal that the decision of the Director is wrong. 1997, c. 25, Sched. B, s. 23 (10).

**Section Amendments with date in force (d/m/y)**

1999, c. 6, s. 47 (6, 7) - 1/03/2000

[2005, c. 5, s. 50 (6, 7)](http://www.ontario.ca/laws/statute/S05005" \l "s50s6) - 13/06/2005

Notice to Director

**24** If there is a delivery agent under section 39, the delivery agent shall notify the Director of the prescribed appeals to the Tribunal and the Tribunal shall add the Director as a party, on his or her request. 1997, c. 25, Sched. B, s. 24.

Interim assistance

**25** (1)  The Tribunal may direct the Director to provide the prescribed interim assistance to a recipient if the Tribunal is satisfied that the person will suffer financial hardship during the period needed for the Tribunal to complete its review and give notice of its decision. 1997, c. 25, Sched. B, s. 25 (1).

Same

(2)  A recipient may receive interim assistance directed under subsection (1) only so long as he or she meets all conditions of eligibility for income support other than a condition relating to the issue under appeal. 1997, c. 25, Sched. B, s. 25 (2).

Procedure

(3)  The Statutory Powers Procedure Act does not apply to proceedings of the Tribunal with respect to interim assistance. 1997, c. 25, Sched. B, s. 25 (3).

Order of Tribunal

**26** (1)  In an appeal to the Tribunal, the Tribunal may,

(a) deny the appeal;

(b) grant the appeal;

(c) grant the appeal in part; or

(d) refer the matter back to the Director for reconsideration in accordance with any directions the Tribunal considers proper. 1997, c. 25, Sched. B, s. 26 (1).

Reasons

(2)  The Tribunal shall give reasons for its decision. 1997, c. 25, Sched. B, s. 26 (2).

Same

(3)  The Director shall give effect to the Tribunal’s directions under this section. 1997, c. 25, Sched. B, s. 26 (3).

Order takes effect

(4)  A decision of the Tribunal takes effect when it is made and, if it is appealed, continues in effect until a decision of the Divisional Court is made on appeal. 1997, c. 25, Sched. B, s. 26 (4).

Recovery of interim assistance

**27** If the amount of interim assistance provided exceeds the amount that would have been payable under the final order of the Tribunal or Court during the period for which interim assistance was provided, the amount of the excess shall be deemed to be an overpayment incurred under this Act. 1997, c. 25, Sched. B, s. 27.

Appeal frivolous, vexatious

**28** The Tribunal shall refuse to hear an appeal if it determines the appeal to be frivolous or vexatious. 1997, c. 25, Sched. B, s. 28.

Appeal denied; jurisdiction of Tribunal

Appeal denied

**29** (1)  An appeal to the Tribunal shall be denied if,

(a) the person appealing fails, without reasonable cause, to file the information required for the appeal within the required time;

(b) in the case of a hearing held in person, the person appealing fails, without reasonable cause, to attend the hearing at the time and place fixed for it;

(c) in the case of a hearing held by telephone, video conference or some other means, the person appealing fails, without reasonable cause, to be available to be contacted for the purpose of the hearing. 1997, c. 25, Sched. B, s. 29 (1).

Limitation on subsequent appeal

(2)  If an appeal is denied under subsection (1), the appellant may not appeal a subsequent decision on the same issue during the prescribed period. 1997, c. 25, Sched. B, s. 29 (2).

Jurisdiction of Tribunal

(3)  The Tribunal shall not make a decision in an appeal under this Act that the Director would not have authority to make. 1997, c. 25, Sched. B, s. 29 (3).

If no appeal commenced

**30** If the Director’s decision is not appealed to the Tribunal within the time required under this Act, no further appeal lies to the Tribunal or a court with regard to that decision. 1997, c. 25, Sched. B, s. 30.

Appeal to Court

**31** (1)  Any party to a hearing before the Tribunal may appeal the Tribunal’s decision to the Divisional Court on a question of law. 1997, c. 25, Sched. B, s. 31 (1).

Record to be filed in court

(2)  If a party appeals from a decision of the Tribunal, the Tribunal shall forthwith file with the Divisional Court the prescribed documents, which shall constitute the record in the appeal. 1997, c. 25, Sched. B, s. 31 (2).

Notice

(3)  The person appealing shall serve the notice of appeal on any other party before the Tribunal. 1997, c. 25, Sched. B, s. 31 (3).

Minister entitled to be heard

(4)  The Minister is entitled to be heard by counsel or otherwise on an appeal under this section. 1997, c. 25, Sched. B, s. 31 (4).

Powers of court on appeal

(5)  In an appeal to the Court of a decision of the Tribunal, the Court may,

(a) deny the appeal;

(b) grant the appeal;

(c) grant the appeal in part; or

(d) refer the matter back to the Tribunal or the Director for reconsideration in accordance with any directions the Court considers proper. 1997, c. 25, Sched. B, s. 31 (5).

Same

(6)  The Tribunal or the Director shall give effect to any direction given by the Court under this section. 1997, c. 25, Sched. B, s. 31 (6).

PART III  
EMPLOYMENT SUPPORTS

Provision of employment supports

**32** (1)  The prescribed employment supports may be provided to a person described in subsection (2) in order to remove barriers to the person’s competitive employment and assist the person in attaining his or her competitive employment goal. 1997, c. 25, Sched. B, s. 32 (1).

Who receives employment supports

(2)  Employment supports may be provided to a person if the person is eligible for income support under Part I or if,

(a) the person has a physical or mental impairment that is continuous or recurrent and expected to last one year or more and that presents a substantial barrier to competitive employment; and

(b) the fact that clause (a) applies to the person has been verified by a person with the prescribed qualifications. 1997, c. 25, Sched. B, s. 32 (2).

Eligibility for employment supports

**33** No person is eligible for employment supports under this Act unless he or she is qualified for them under section 32 and,

(a) the person is resident in Ontario;

(b) the person intends to and is able to prepare for, accept or maintain competitive employment;

(c) the person is not a member of a class of persons prescribed to be ineligible for employment supports; and

(d) the person enters into a funding agreement with a service co-ordinator based on a competitive employment plan. 1997, c. 25, Sched. B, s. 33.

Application for employment supports

**34** An application for employment supports shall be made to the service co-ordinator for the geographic area in which the person applying resides. 1997, c. 25, Sched. B, s. 34.

Determination of eligibility

**35** (1)  A service co-ordinator who receives an application shall determine, in accordance with this Act and the regulations,

(a) whether the person applying is eligible for employment supports; and

(b) the amount of financial contribution, if any, to be made by the person applying toward the cost of providing employment supports. 1997, c. 25, Sched. B, s. 35 (1).

Same

(2)  A service co-ordinator shall not provide employment supports to a person who is found to be eligible under subsection (1) without first entering into an agreement with the person setting out the nature and amount of the supports to be provided and the conditions upon which those supports are to be provided. 1997, c. 25, Sched. B, s. 35 (2).

Supports suspended or cancelled

**36** (1)  Subject to subsection (2), a service co-ordinator may suspend or cancel employment supports provided to a person,

(a) if the person ceases to be eligible for those supports;

(b) if the person fails to use those supports;

(c) if, while using those supports, the person is not making satisfactory progress towards competitive employment in accordance with the funding agreement entered into under subsection 35 (2);

(d) if the person fails to provide the service co-ordinator with information required to determine continuing eligibility for those supports; or

(e) under the prescribed circumstances. 1997, c. 25, Sched. B, s. 36 (1).

Same

(2)  A service co-ordinator shall not determine that a person is ineligible for employment supports or suspend or cancel a person’s employment supports without first giving the person notice of the intention to do so and an opportunity to respond in accordance with the service co-ordinator’s dispute resolution process. 1997, c. 25, Sched. B, s. 36 (2).

Same

(3)  Each service co-ordinator shall establish a dispute resolution process for the purposes of subsection (2). 1997, c. 25, Sched. B, s. 36 (3).

PART IV  
ADMINISTRATION OF THE ACT

Director

**37** (1)  The Director shall exercise the powers and duties conferred or imposed on the Director by this Act and the regulations. 1997, c. 25, Sched. B, s. 37 (1).

Acting Director

(2)  If the Director is absent or unable to act or the office of the Director is vacant, the employee of the Ministry designated by the Minister has and shall exercise the powers and duties of the Director. 1997, c. 25, Sched. B, s. 37 (2).

Delegation

(3)  The Director may, in writing, authorize a person or class of persons to exercise any of the powers or duties of the Director under his or her supervision and direction. 1997, c. 25, Sched. B, s. 37 (3).

Decision of acting Director

(4)  A decision made by a person exercising the Director’s powers or duties under subsection (3) shall be deemed to be a decision of the Director. 1997, c. 25, Sched. B, s. 37 (4).

Director’s powers and duties

**38** The Director shall,

(a) receive applications for income support;

(b) determine the eligibility of each applicant for income support;

(c) if an applicant is found eligible for income support, determine the amount of the income support and direct its provision;

(d) administer the provisions of this Act and the regulations;

(e) determine how the payment of the costs of administering this Act and providing income support is to be allocated;

(f) ensure that the appropriate payments are made or withheld, as the case may be; and

(g) exercise the prescribed powers and duties. 1997, c. 25, Sched. B, s. 38.

Agreement for delivery of income support

**39** (1)  The Minister may enter into an agreement with a municipality, a band as defined under the Indian Act (Canada), a district social services administration board or a person providing that the municipality, band, board or person shall exercise those powers and duties of the Director relating to income support or financial assistance under section 49 that are specified in the agreement. 1997, c. 25, Sched. B, s. 39 (1).

Geographic area

(2)  An agreement under subsection (1) shall specify the geographic area in which the municipality, band, board or person is to exercise its powers and duties. 1997, c. 25, Sched. B, s. 39 (2).

Same

(3)  If there is such an agreement, the municipality, band, board or person becomes the delivery agent for the specified area and for the purposes specified in the agreement and shall, with the approval of the Director, appoint an administrator. 1997, c. 25, Sched. B, s. 39 (3).

Terms and conditions

(4)  An agreement under subsection (1) shall be subject to the prescribed terms and conditions and to any additional terms and conditions set out in it. 1997, c. 25, Sched. B, s. 39 (4).

Payment of costs

(5)  An agreement under subsection (1) may provide for the payment of a portion of the municipality’s, band’s, board’s or person’s costs as prescribed. 1997, c. 25, Sched. B, s. 39 (5).

Powers and duties

(6)  An administrator acting under an agreement under this section has the powers and duties specified in the agreement. 1997, c. 25, Sched. B, s. 39 (6).

Personal information

(7)  An agreement under this section shall provide for the ownership, collection, use, disclosure and safeguarding of privacy of personal information and for a person’s access to his or her personal information subject to the prescribed conditions. 1997, c. 25, Sched. B, s. 39 (7).

Deemed reference

(8)  A reference to the Director in this Act or the regulations shall be deemed to be a reference to an administrator in a geographic area if,

(a) there is an agreement under this section with the municipality, band, board or person with respect to the geographic area; and

(b) the reference to the Director in this Act or the regulations is made with regard to a matter that the municipality, band, board or person is to be responsible for under the agreement. 1997, c. 25, Sched. B, s. 39 (8).

Director to supervise

(9)  If there is an agreement under this section, the Director shall,

(a) supervise the delivery agent’s administration of the Act and of the provision of assistance and shall audit its costs in administering this Act and providing income support or financial assistance under section 49;

(b) ensure that the appropriate payments are made to the delivery agent or withheld from it, as the case may be, in accordance with this Act and the regulations; and

(c) supervise compliance with any requirements regarding the collection, use, disclosure and the safeguarding of the privacy of personal information. 1997, c. 25, Sched. B, s. 39 (9).

Standards

(10)  A delivery agent shall meet the prescribed standards in its performance of its functions and follow the prescribed procedures and practices. 1997, c. 25, Sched. B, s. 39 (10).

Use of information related to Act

(11)  Information collected by a delivery agent for the purposes of this Act may be used by the delivery agent and by the Minister for the purposes of and in accordance with this Act. 1997, c. 25, Sched. B, s. 39 (11).

Use of personal information

(12)  Personal information collected by a delivery agent for the purposes of this Act may be used by the delivery agent and by the Minister only for the purpose for which it was collected or for a consistent purpose or as authorized under this Act. 1997, c. 25, Sched. B, s. 39 (12).

Cost sharing

**40** The prescribed costs incurred under this Act shall be shared by Ontario, municipalities, and persons living in territory without municipal organization in accordance with the regulations. 1997, c. 25, Sched. B, s. 40.

Apportionment of Ontario’s costs

**41** (1)  The Director shall apportion the municipal share of the costs incurred by the Ministry under this Act in accordance with the regulations. 1997, c. 25, Sched. B, s. 41 (1).

Payment of Ontario’s costs

(2)  Each municipality shall pay to Ontario the amounts required to be provided by it under this Act with respect to the municipal share of the costs incurred by the Ministry under this Act. 1997, c. 25, Sched. B, s. 41 (2).

Penalty

(3)  Ontario may impose on a municipality the prescribed interest and penalty for non-payment of amounts payable under this section. 1997, c. 25, Sched. B, s. 41 (3).

Same

(4)  If a regulation made under this Act requires municipalities in a geographic area to pay their share of the costs incurred under this Act to a municipality or district social services administration board, the municipality or board may impose on any of those municipalities the prescribed interest and penalty for non-payment of amounts payable under this section. 1997, c. 25, Sched. B, s. 41 (4).

Collection, territory without municipal organization

**42** The amount required to be provided by persons living in territory without municipal organization with respect to the costs incurred under this Act may be collected under the Provincial Land Tax Act, 2006 as if the amount was tax imposed under that Act. 2006, c. 33, Sched. Z.3, s. 24.

**Section Amendments with date in force (d/m/y)**

[2006, c. 33, Sched. Z.3, s. 24](http://www.ontario.ca/laws/statute/S06033" \l "schedz3s24) - 1/01/2009

Payments to delivery agents

**43** The Minister shall pay to every municipality, district social services administration board, band or person that enters into an agreement under section 39 an amount determined under the agreement. 1997, c. 25, Sched. B, s. 43.

Deduction of amounts owed

**44** (1)  If a municipality or district social services administration board owes an amount to Ontario under this or any other Act, the Minister may deduct that amount from an amount  required to be paid under this or any other Act for which the Minister is responsible. 1997, c. 25, Sched. B, s. 44 (1).

Same

(2)  The Minister shall deduct an amount under this section in accordance with the regulations. 1997, c. 25, Sched. B, s. 44 (2).

Reduction, etc., of amounts under other Acts

(3)  The minister responsible for the administration of another Act may deduct from an amount payable to a person or body under the other Act any amount owed to Ontario under this Act. 1997, c. 25, Sched. B, s. 44 (3).

Interest and penalty

(4)  The Minister may charge a municipality or district social services administration board the prescribed interest and penalty if the municipality or board does not pay to Ontario an amount required to be paid under this Act. 1997, c. 25, Sched. B, s. 44 (4).

Fraud control unit

**45** (1)  The Director may establish a fraud control unit. 1997, c. 25, Sched. B, s. 45 (1).

Mandate

(2)  The fraud control unit may investigate eligibility of present and past applicants and recipients, including possible violations of this Act, the Ontario Works Act, 1997, the Family Benefits Act, the General Welfare Assistance Act and the Vocational Rehabilitation Services Act. 1997, c. 25, Sched. B, s. 45 (2).

Law enforcement

(3)  Persons engaged in investigations for the purposes of this section or section 46 shall be deemed to be engaged in law enforcement for the purposes of the Freedom of Information and Protection of Privacy Act and the Municipal Freedom of Information and Protection of Privacy Act. 1997, c. 25, Sched. B, s. 45 (3).

Eligibility review officers

**46** (1)  The Director may designate persons as eligibility review officers. 1997, c. 25, Sched. B, s. 46 (1).

Same

(2)  An eligibility review officer may investigate a person’s past or present eligibility for payments under this Act, the Ontario Works Act, 1997, the General Welfare Assistance Act, the Family Benefits Act and the Vocational Rehabilitation Services Act and for that purpose has the prescribed powers including, if it is so prescribed, the authority to apply for a search warrant and act under it. 1997, c. 25, Sched. B, s. 46 (2).

Family support workers

**47** (1)  The Director may designate persons as family support workers to assist applicants for income support, recipients and dependants in taking whatever action is necessary to pursue financial support from persons with a legal obligation to provide it. 1997, c. 25, Sched. B, s. 47 (1).

Same

(2)  Family support workers have the prescribed powers and duties including the authority to collect and disclose personal information for purposes of assisting in legal proceedings for support and in the enforcement of agreements, orders and judgments relating to support. 1997, c. 25, Sched. B, s. 47 (2).

Service co-ordinators

**48** (1)  The Director may approve an organization or a person as a service co-ordinator to provide or purchase employment supports in a specified geographic area for the purposes of this Act. 1997, c. 25, Sched. B, s. 48 (1).

Agreements

(2)  The Director may enter into agreements with service co-ordinators approved under subsection (1) for the provision of employment supports in specified geographic areas. 1997, c. 25, Sched. B, s. 48 (2).

PART V  
GENERAL

Assistance for children with severe disabilities

**49** The Director may provide financial assistance in accordance with the regulations to a person who meets the prescribed criteria to assist the person with extraordinary costs related to a child who has a severe disability. 1997, c. 25, Sched. B, s. 49.

Extended health benefits

**49.1**In order to provide an incentive to recipients of income support to become self-sufficient and to support persons who were recipients in remaining self-sufficient, the Director may provide extended health benefits in accordance with the regulations to former recipients of income support who are members of a prescribed class of persons for their benefit and for the benefit of their dependants. 2006, c. 19, Sched. E, s. 2 (5); 2009, c. 33, Sched. 8, s. 4 (6).

**Section Amendments with date in force (d/m/y)**

[2006, c. 19, Sched. E, s. 2 (5)](http://www.ontario.ca/laws/statute/S06019" \l "schedes2s5) - 22/06/2006

[2009, c. 33, Sched. 8, s. 4 (6)](http://www.ontario.ca/laws/statute/S09033" \l "sched8s4s6) - 15/12/2009

Notice

**50** If notice is given by ordinary mail, it shall be deemed to be received on the third day following the date of mailing. 1997, c. 25, Sched. B, s. 50.

Power to take affidavits

**51** The Director and any person or class of persons designated by the Director is, in the performance of his or her duties under this Act, a commissioner for taking affidavits within the meaning of the Commissioners for Taking Affidavits Act. 1997, c. 25, Sched. B, s. 51; 2020, c. 7, Sched. 4, s. 16.

**Section Amendments with date in force (d/m/y)**

[2020, c. 7, Sched. 4, s. 16](http://www.ontario.ca/laws/statute/S20007" \l "sched4s16) - 12/05/2020

Subrogation

**52** (1)  If a person suffers a loss as a result of a wrongful act or omission of another person and if, as a result of the loss, the person receives income support or employment supports under this Act, the Director or service co-ordinator is subrogated to any right of the person to recover damages or compensation for the loss. 1997, c. 25, Sched. B, s. 52 (1).

Same

(2)  A proceeding may be commenced in the name of the Director or service co-ordinator or in the name of the person who suffered the loss. 1997, c. 25, Sched. B, s. 52 (2).

Same

(3)  A claim under this section shall not exceed the total of,

(a) the costs incurred as a result of the loss for past income support or employment support provided to the person;

(b) the costs likely to be incurred as a result of that loss for future income support or employment support;

(c) the costs incurred as a result of that loss for social assistance provided under the General Welfare Assistance Act, the Family Benefits Act or the Ontario Works Act, 1997, or assistance under the Vocational Rehabilitation Services Act by the person responsible in each case for administering that Act; and

(d) the costs incurred as a result of that loss under a prescribed statute. 1997, c. 25, Sched. B, s. 52 (3).

Same

(4)  An applicant for or recipient of income support or employment supports shall forthwith notify the Director or the service co-ordinator, as the case may be, of any action brought against a person to recover damages or compensation for a loss referred to in subsection (1). 1997, c. 25, Sched. B, s. 52 (4).

Agreement with other jurisdiction

**53** (1)  The Minister may enter into an agreement with respect to the collection, use and disclosure of information with the following:

1. The Government of Canada or a department, ministry or agency of it.

2. The government of a province or territory in Canada or any department, ministry or agency of it.

3. The government of the United States or the government of a state of the United States or any department or agency of either.

4. A body that is an institution under the Freedom of Information and Protection of Privacy Act or under the Municipal Freedom of Information and Protection of Privacy Act.

5. The government of another country or a department or agency of it.

6. Other prescribed bodies. 1997, c. 25, Sched. B, s. 53 (1).

Disclosure of personal information

(2)  The Minister may disclose to a government or body referred to in subsection (1) personal information referred to in subsection (4) if,

(a) the disclosure is made in accordance with the agreement;

(b) the government or body administers or enforces a social benefit program or is conducting research related to a social benefit program or the information relates to the administration or enforcement of or research relating to the Income Tax Act, the Taxation Act, 2007, the Income Tax Act (Canada), the Immigration and Refugee Protection Act (Canada) or the prescribed Acts; and

(c) the government or body agrees to use the information only for the purpose of administering or enforcing a social benefit program or conducting research related to a social benefit program, the Income Tax Act, the Taxation Act, 2007, the Income Tax Act (Canada), the Immigration and Refugee Protection Act (Canada) or the prescribed Acts. 1997, c. 25, Sched. B, s. 53 (2); 2002, c. 18, Sched. D, s. 2 (1, 2); 2008, c. 19, Sched. V, s. 7 (1, 2).

Confidentiality

(3)  An agreement under this section shall provide that personal information collected, used or disclosed under it is confidential and shall establish mechanisms for maintaining the confidentiality and security of the information. 1997, c. 25, Sched. B, s. 53 (3).

Same

(4)  Subsection (2) applies with respect to personal information collected for the purposes of administering or enforcing this Act, the Ontario Works Act, 1997, the General Welfare Assistance Act, the Family Benefits Act or the Vocational Rehabilitation Services Act. 1997, c. 25, Sched. B, s. 53 (4).

No notice to individual required

(5)  Subsections 39 (2) of the Freedom of Information and Protection of Privacy Act and subsection 29 (2) of the Municipal Freedom of Information and Protection of Privacy Act do not apply with respect to information collected under an agreement under subsection (1) if,

(a) the information has been collected by data matching;

(b) notification to the individual would frustrate an investigation; or

(c) notification to the individual is not feasible. 1997, c. 25, Sched. B, s. 53 (5).

Collection of personal information

(6)  The Minister may collect personal information from a government or body with whom he or she has made an agreement under this section in accordance with that agreement. 1997, c. 25, Sched. B, s. 53 (6).

Personal information disclosed

(7)  A body under paragraph 4 of subsection (1) may disclose personal information in its possession to the Director if the information is necessary for purposes related to the Director’s powers and duties under this Act. 1997, c. 25, Sched. B, s. 53 (7).

Confidentiality provisions in other Acts

(8)  Subsection (7) prevails over a provision in any other Act, other than the Freedom of Information and Protection of Privacy Act or the Municipal Freedom of Information and Protection of Privacy Act, that would prevent such disclosure. 1997, c. 25, Sched. B, s. 53 (8).

Delivery agent bound

(9)  A delivery agent is bound by the terms and conditions of an agreement with a government or body referred to in subsection (1). 1997, c. 25, Sched. B, s. 53 (9).

Information about identifiable individuals

(10)  Information disclosed under this section shall not include the names of individuals unless information about identifiable individuals is necessary for purposes of the agreement. 1997, c. 25, Sched. B, s. 53 (10).

Disposition of personal information

(11)  An agreement under this section shall include a plan for the disposition of the personal information. 1997, c. 25, Sched. B, s. 53 (11).

Accuracy of information

(12)  The Minister shall take reasonable measures to seek assurances that information collected under this section is accurate and current. 1997, c. 25, Sched. B, s. 53 (12).

**Section Amendments with date in force (d/m/y)**

[2002, c. 18, Sched. D, s. 2 (1, 2)](http://www.ontario.ca/laws/statute/S02018" \l "schedds2s1) - 28/06/2002

[2008, c. 19, Sched. V, s. 7 (1, 2)](http://www.ontario.ca/laws/statute/S08019" \l "schedvs7s1) - 1/01/2009

Personal information, collection by Minister of Labour, Immigration, Training and Skills Development

**53.1**(1)  The Minister of Labour, Immigration, Training and Skills Development may collect personal information, including indirectly, on behalf of the Minister of Children, Community and Social Services in connection with the administration of this Act. 2023, c. 15, Sched. 6, s. 1.

Restrictions on access

(2)  For greater certainty, the authority conferred by subsection (1) is limited to the collection of personal information, and the Minister of Labour, Immigration, Training and Skills Development shall not access personal information collected under that subsection unless otherwise authorized by law to do so. 2023, c. 15, Sched. 6, s. 1.

Disclosure

(3)  The Minister of Labour, Immigration, Training and Skills Development may disclose personal information collected under subsection (1) to the Minister of Children, Community and Social Services for the purpose of administering this Act. 2023, c. 15, Sched. 6, s. 1.

Notice

(4)  If personal information is indirectly collected under this section, the notice required by subsection 39 (2) of the Freedom of Information and Protection of Privacy Act may be given by means of a public notice posted on a website of the Government of Ontario. 2023, c. 15, Sched. 6, s. 1.

**Section Amendments with date in force (d/m/y)**

[2023, c. 15, Sched. 6, s. 1](http://www.ontario.ca/laws/statute/S23015" \l "sched6s1) - 26/10/2023

Sharing of information

**54** The Minister and the Director may share with one another and with the Director and each delivery agent or delivery partner under the Ontario Works Act, 1997 personal information in their possession and collected under this Act, the Ontario Works Act, 1997, the Family Benefits Act, the General Welfare Assistance Act or the Vocational Rehabilitation Services Act if the information is necessary for the purposes related to their powers and duties under this Act or the Ontario Works Act, 1997. 1997, c. 25, Sched. B, s. 54; 2021, c. 25, Sched. 21, s. 25 (2).

**Section Amendments with date in force (d/m/y)**

[2021, c. 25, Sched. 21, s. 25 (2)](http://www.ontario.ca/laws/statute/S21025" \l "sched21s25s2) - 01/09/2023

Regulations

**55** (1)  The Lieutenant Governor in Council may make regulations,

1. prescribing the persons to be included in a benefit unit;

2. respecting the items, services and payments that may be included as benefits and determining who may be eligible for benefits;

3. respecting the determination of budgetary requirements, income and assets and the maximum value of assets permitted;

4. respecting the determination of the amount of income support to be provided and the time and manner of providing it, including who is eligible to receive the income support and how to determine what portion of income support is provided with respect to each person;

5. prescribing classes of persons eligible for income support for the purposes of subsection 3 (1);

6. prescribing the qualifications required of a person who may verify that a person is a person with a disability for the purposes of section 4;

7. prescribing what shall be considered to be authorized by prescription for the purposes of subsection 5 (2);

8. prescribing matters to be considered in determining what a substantial restriction in activities of daily living is attributable to for the purposes of subsection 5 (2);

9. respecting the conditions of eligibility for income support including, without limiting the generality of the foregoing,

(i) additional conditions relating to eligibility for income support,

(ii) information to be provided, including the time and manner of providing that information, verification of that information and home visits,

(iii) changes in circumstances,

(iv) the disposition of property,

(v) the obligation to obtain compensation or to realize a financial resource,

(vi) requirements to agree to reimburse the Ministry and to give assignments to the Director, and

(vii) a person’s status in the country;

10. respecting the determination of residence in Ontario;

11. prescribing classes of persons who are not eligible for income support or employment supports;

12. Repealed: 2009, c. 33, Sched. 8, s. 4 (7).

13. respecting applications for income support and the information to be included in an application;

14. requiring applications and other documents to be prepared in a form and manner approved by the Director;

15. respecting the consequences of failing to satisfy a condition of eligibility, including fixing periods of ineligibility;

16. respecting re-instating income support or returning it to its former level and the procedures that apply;

17. prescribing the procedures to be followed in determining the need for and appointing a person to act for a recipient under section 12 and providing measures with respect to the person’s accountability and reporting requirements;

18. prescribing rules for the payment of a portion of income support for the purposes of section 13 directly to a third party;

19. respecting the information to be included in a notice of decision regarding an overpayment, the calculation and recovery of overpayments and the maximum amounts which may be deducted from income support when recovering an overpayment;

20. respecting the reconciliation of overpayments among delivery agents where overpayments are owed to one delivery agent and recovered by another, and respecting overpayments recovered by reason of subsection 14 (3);

21. prescribing debts for the purposes of subsection 18 (2) and the priority of recovery;

22. prescribing additional matters that may be appealed under this Act;

23. respecting the requirement for and the procedures to be followed in conducting an internal review;

24. prescribing the time within which an internal review may be requested and, if requested, is to be completed;

25. prescribing the time within which an appeal to the Tribunal may be filed;

26. respecting the commencement, conduct and procedures for appeals to the Tribunal and the time within which decisions are to be rendered;

27. respecting the requirement to record evidence, whether by transcript or notes of members taken at a hearing;

28. respecting the record of proceedings for the purposes of proceedings before a court;

29. respecting the determination of interim assistance for the purposes of section 25;

30. prescribing the period within which a new appeal is not permitted for the purposes of subsection 29 (2);

30.1 governing appeals under this Act to the Divisional Court for the purposes of subsection 31 (1);

31. prescribing employment supports for the purposes of subsection 32 (1);

32. prescribing classes of goods or services not provided by the employment supports program;

33. prescribing the qualifications required of a person who may verify that a person is eligible for employment supports for the purposes of subsection 32 (2);

34. prescribing the elements of a competitive employment plan for the purposes of clause 33 (d);

35. respecting the determination of eligibility for employment supports and contributions toward the costs of those supports for the purposes of section 35;

36. prescribing circumstances under which employment supports may be suspended or cancelled for the purposes of subsection 36 (1);

37. prescribing standards for the dispute resolution process in subsection 36 (3);

38. respecting the provision of capital and operating grants to organizations for workshops and of operating grants to organizations for supported employment programs and their terms and conditions;

39. prescribing terms and conditions for the continuation or renegotiation of agreements for specialized services made under the Vocational Rehabilitation Services Act;

40. respecting agreements for delivery of income support, terms and conditions of those agreements, and payments to delivery agents for the purposes of section 39;

41. respecting the costs incurred under this Act to which cost sharing should apply and providing for how they are to be shared, including the apportioning of those costs among Ontario, municipalities and persons living in territory without municipal organization, and prescribing the municipalities to which cost sharing applies;

42. respecting the apportionment among municipalities in a geographic area of their share of the costs incurred under this Act and, for the purpose, prescribing the municipalities that must share in that apportionment and the manner in which that share shall be recovered;

43. providing for the recovery by Ontario from a delivery agent of any amounts paid by Ontario under this Act for which the delivery agent is liable or for the recovery by Ontario or a delivery agent from a recipient of income support or from his or her estate of amounts paid by Ontario or the delivery agent under this Act, and prescribing the circumstances and manner in which any such recovery may be made;

44. prescribing the powers and duties of eligibility review officers, family support workers and service co-ordinators and providing for the manner in which they shall exercise their powers and duties;

45. respecting the provision of assistance with respect to children who have severe disabilities for the purposes of section 49, including, without limiting the generality of the foregoing, issues related to eligibility, applications, determinations, reduction or cancellation of financial assistance and appeals;

45.1 respecting the items, services and payments that may be included as extended health benefits;

45.2 prescribing classes of persons who may be provided with extended health benefits;

46. respecting the giving of notice for purposes of this Act;

47. respecting subrogation rights under section 52;

48. defining any word or expression used in this Act that has not been defined in this Act;

49. prescribing any matter referred to in this Act as prescribed;

50. providing for the collection, retention, use, disclosure and safeguarding of privacy of personal information referred to in clause (4) (a). 1997, c. 25, Sched. B, s. 55 (1); 2006, c. 19, Sched. E, s. 2 (6); 2009, c. 33, Sched. 8, s. 4 (7-9).

Regulations, Minister

(2)  The Minister may make regulations,

1. prescribing standards a delivery agent is to meet in carrying out its functions and the procedures and practices to be followed by the delivery agent;

2. prescribing policy statements which shall be applied in the interpretation and application of this Act and the regulations. 1997, c. 25, Sched. B, s. 55 (2).

Classes of income support

(3)  A regulation made under paragraph 4 of subsection (1) may provide that some classes of income support are mandatory and must be provided to persons who are eligible and other classes of income support are discretionary. 1997, c. 25, Sched. B, s. 55 (3).

Information

(4)  A regulation made under paragraph 9 of subsection (1) may include a requirement that a person,

(a) provide evidence permitting identification of the person by means of photographic images or encrypted biometric information; and

(b) provide personal information about a third party that is relevant to determining the person’s eligibility. 1997, c. 25, Sched. B, s. 55 (4).

Periods of ineligibility

(5)  A regulation made under paragraph 15 of subsection (1) may provide for different periods of ineligibility for income support with respect to failure to comply with or meet different conditions of eligibility and with respect to repeated failures to comply. 1997, c. 25, Sched. B, s. 55 (5).

Same

(6)  A regulation made under paragraph 15 of subsection (1) may provide for a period of ineligibility as a result of a person’s conviction of an offence or crime in relation to the receipt of social assistance. 1997, c. 25, Sched. B, s. 55 (6).

Apportionment, payment by municipalities

(7)  A regulation under paragraph 42 of subsection (1) may require a municipality or district social services administration board in a prescribed geographic area to apportion the costs incurred under this Act in the geographic area among municipalities in that area and may require those municipalities to pay to the municipality or board their share of those costs. 1997, c. 25, Sched. B, s. 55 (7).

Apportionment of costs

(8)  A regulation made under paragraph 42 of subsection (1) may do one or more of the following:

1. Authorize municipalities in a geographic area to determine by agreement how their costs are to be apportioned, subject to the prescribed conditions.

2. Provide for an arbitration process for determining how the costs of those municipalities are to be apportioned.

3. Set out the manner in which the costs of those municipalities are to be apportioned. 1997, c. 25, Sched. B, s. 55 (8).

Same

(9)  A regulation under paragraph 1 or 2 of subsection (8) may,

(a) provide, on an interim basis, for the manner in which costs are to be apportioned and for the time and manner in which they are to be paid;

(b) permit an agreement or an arbitration decision to apply to costs incurred and paid before the agreement or decision is reached; and

(c) provide for the reconciliation of amounts paid on an interim basis. 1997, c. 25, Sched. B, s. 55 (9).

Same

(10)  Where a regulation under paragraph 3 of subsection (8) is retroactive, it may provide for the reconciliation of amounts paid. 1997, c. 25, Sched. B, s. 55 (10).

General or particular

(11)  A regulation made under subsection (1) may be general or particular in its application. 1997, c. 25, Sched. B, s. 55 (11).

Retroactive effect

(12)  A regulation made under subsection (1) is, if it so provides, effective with respect to a period before it is filed. 1997, c. 25, Sched. B, s. 55 (12).

Exception

(13)  Despite subsection (12), no provision in a regulation that imposes a penalty or sanction or decreases income support may be retroactive. 1997, c. 25, Sched. B, s. 55 (13); 2002, c. 18, Sched. D, s. 2 (3).

**Section Amendments with date in force (d/m/y)**

[2002, c. 18, Sched. D, s. 2 (3)](http://www.ontario.ca/laws/statute/S02018" \l "schedds2s3) - 26/11/2002

[2006, c. 19, Sched. E, s. 2 (6)](http://www.ontario.ca/laws/statute/S06019" \l "schedes2s6) - 22/06/2006

[2009, c. 33, Sched. 8, s. 4 (7-9)](http://www.ontario.ca/laws/statute/S09033" \l "sched8s4s7) - 15/12/2009

Biometric information

**56** (1)  Where this Act or the regulations authorize a person to collect or use personal information, biometric information may be collected or used only for the following purposes:

1. To ensure that an individual is registered only once as an applicant, recipient, spouse or dependent adult.

2. To authenticate the identity of an individual who claims to be entitled to income support.

3. To enable an individual to receive and give receipt for income support provided through a financial institution or other authorized provider.

4. To enable an applicant, recipient, spouse or dependent adult to access personal information.

5. To enable an individual to make a declaration electronically by voice or other means for any purposes authorized under this Act.

6. To match data in accordance with an agreement made under section 53 for the purpose of ensuring eligibility for income support. 1997, c. 25, Sched. B, s. 56 (1); 1999, c. 6, s. 47 (8); 2005, c. 5, s. 50 (8).

Same

(2)  Biometric information may be collected under this Act only from the individual to whom it relates, in accordance with an agreement referred to in paragraph 6 of subsection (1) or in accordance with section 54. 1997, c. 25, Sched. B, s. 56 (2).

Same

(3)  Biometric information shall not be disclosed to a third party except in accordance with,

(a) a court order or a warrant;

(b) an agreement under section 53 that is made for the purpose of ensuring eligibility for a social benefit program, including a social benefit program under the Income Tax Act, the Taxation Act, 2007 or the Income Tax Act (Canada); or

(c) section 54. 1997, c. 25, Sched. B, s. 56 (3); 2008, c. 19, Sched. V, s. 7 (3).

Same

(4)  Biometric information to be collected from the individual to whom it relates shall be collected openly and directly from the individual. 1997, c. 25, Sched. B, s. 56 (4).

Same

(5)  The Director shall ensure that biometric information can be accessed and used only by those persons who need the information in order to perform their duties under this Act and that it is not used as a unique file identifier or common personal file identifier, except as authorized under subsection (1). 1997, c. 25, Sched. B, s. 56 (5).

Same

(6)  The Director shall ensure that biometric information collected under this Act is encrypted forthwith after collection, that the original biometric information is destroyed after encryption and that the encrypted biometric information is stored or transmitted only in encrypted form and destroyed in the prescribed manner. 1997, c. 25, Sched. B, s. 56 (6).

Same

(7)  The Director shall not implement a system that can reconstruct or retain the original biometric sample from encrypted biometric information or that can compare it to a copy or reproduction of biometric information not obtained directly from the individual. 1997, c. 25, Sched. B, s. 56 (7).

Same

(8)  The only personal information that may be retained together with biometric information concerning an individual is the individual’s name, address, date of birth and sex. 1997, c. 25, Sched. B, s. 56 (8).

Same

(9)  For the purpose of section 67 of the Freedom of Information and Protection of Privacy Act and section 53 of the Municipal Freedom of Information and Protection of Privacy Act, subsection (3) is a confidentiality provision that prevails over those Acts. 1997, c. 25, Sched. B, s. 56 (9).

**Section Amendments with date in force (d/m/y)**

1999, c. 6, s. 47 (8) - 1/03/2000

[2005, c. 5, s. 50 (8)](http://www.ontario.ca/laws/statute/S05005" \l "s50s8) - 13/06/2005

[2008, c. 19, Sched. V, s. 7 (3)](http://www.ontario.ca/laws/statute/S08019" \l "schedvs7s3) - 1/01/2009

Electronic signature

**57** (1)  Where this Act or the regulations require an individual’s signature, one or more of the individual’s personal identification number (PIN), password, biometric information or photographic image may be used in the place of his or her signature to authenticate the individual’s identity and to act as authorization of or consent to a transaction relating to an application for or the receipt of income support. 1997, c. 25, Sched. B, s. 57 (1).

Same

(2)  If a person collects an individual’s personal identification number (PIN), password, biometric information or photographic image under this Act, it shall be recorded and stored in a secure electronic environment. 1997, c. 25, Sched. B, s. 57 (2).

No personal liability

**58** (1)  No action or other proceeding in damages shall be instituted against the Ministry, the Director or a delivery agent, an officer, employee of any of them or anyone acting under their authority for any act done in good faith in the execution or intended execution of a duty or authority under this Act or for any alleged neglect or default in the execution in good faith of any duty or authority under this Act. 1997, c. 25, Sched. B, s. 58 (1).

Liability of Crown

(2)  Subsection (1) does not, by reason of subsection 8 (3) of the Crown Liability and Proceedings Act, 2019, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject. 1997, c. 25, Sched. B, s. 58 (2); 2019, c. 7, Sched. 17, s. 131.

**Section Amendments with date in force (d/m/y)**

[2019, c. 7, Sched. 17, s. 131](http://www.ontario.ca/laws/statute/S19007" \l "sched17s131) - 01/7/2019

Offence

**59** (1) No person shall knowingly obtain or receive money or goods or services to which he or she is not entitled under this Act and the regulations. 1997, c. 25, Sched. B, s. 59 (1).

Same

(2)  No person shall knowingly aid or abet another person to obtain or receive money or goods or services to which the other person is not entitled under this Act and the regulations. 1997, c. 25, Sched. B, s. 59 (2).

Obstruction

(3)  No person shall obstruct or knowingly give false information to a person engaged in investigations for the purposes of section 45 or 46. 1997, c. 25, Sched. B, s. 59 (3).

Penalty

(4)  A person convicted of an offence under subsection (1), (2) or (3) is liable to a fine of not more than $5,000 or to imprisonment for a term of not more than six months or to both. 1997, c. 25, Sched. B, s. 59 (4).

**60** Omitted (enacts short title of this Act). 1997, c. 25, Sched. B, s. 60.

Note: Transitional provisions affecting the Ontario Disability Support Program Act, 1997 were enacted as Schedule D to the Social Assistance Reform Act, 1997. These provisions can be found at the end of the Ontario Works Act, 1997, being chapter 25, Schedule A.

Note: On a day to be named by proclamation of the Lieutenant Governor, Schedule D to the Social Assistance Reform Act, 1997 is repealed. (See: 2021, c. 25, Sched. 21, s. 21)

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