



## Tribunals Ontario

### Social Benefits Tribunal

## Important information about the Social Benefits Tribunal's Appeal Process

### Step 1 – When to file your appeal

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- You must request an internal review before you can appeal your decision to the Social Benefits Tribunal (SBT).
- You have 30 days from the date you received your written decision from the Ontario Disability Support Program (ODSP) or the Ontario Works (OW) office to request this internal review.
- The ODSP or OW office has 30 days to complete and provide you a written internal review decision.
- When you receive your internal review decision, you have 30 days from the date you receive the decision to file your appeal to the SBT. The SBT may extend the time for filing the appeal up to 1 year, if it is satisfied that there are reasonable grounds for the extension.
- If the ODSP or OW office does not provide you an internal review decision within 30 days of it being requested, you can file an appeal to the SBT after the 30 day time period.

### Step 2 – How to file your appeal

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To file your appeal, you must complete the form called “**Appeal**” (**Form 1**) which is available at:

- The SBT's website: [tribunalsontario.ca/sbt](http://tribunalsontario.ca/sbt)
- The SBT's office in Toronto or by calling the SBT
- Community legal clinics
- Your local ODSP or OW office

### Step 3 – How to send us your Appeal (Form 1)

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**By fax:**

416-326-5135

**By mail or in person:**

Social Benefits Tribunal  
15 Grosvenor Street, Ground Floor  
Toronto, Ontario M7A 2G6

### Step 4 – What happens next

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- You will receive a letter from the SBT confirming that your Appeal (Form 1) was received. The letter will also include your Social Benefits Tribunal file number. This file number is important and is your reference number for your appeal. The letter provides information on how to seek legal help from a Community Legal Clinic if you decide you need it.

- A second letter, a Notice of Hearing, will be sent to you within two months of when the SBT receives your appeal. This letter will tell you the date, place and time of your hearing.

## **Step 5 – How to Prepare for your Hearing**

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- To prepare for your hearing, gather any documents and related evidence you want to present at your hearing. You must send copies of your documents and evidence to the office that made the decision you are appealing and to the SBT. Documents and evidence must be filed 30 days before your hearing for disability eligibility cases, and 20 days before your hearing for other ODSP and OW cases. It is important that you keep a copy of the documents for yourself.
- Your documents should be readable, double spaced and have margins on both sides of the page. The pages must be numbered. If you have more than one document, include a cover page that lists each document and gives its page number.
- Use the Statement of Delivery (Form 7) to provide proof that your documents were delivered to the ODSP or OW office.
- For disability appeals you will need to send any new medical documents to the Disability Adjudication Unit and the SBT together with a New Medical Information (Form 5).
- At least 20 days before your hearing send the ODSP or OW office a list of your witnesses. Send the list to the SBT at the same time.

## **Frequently Asked Questions**

### **What is the Social Benefits Tribunal?**

The SBT is part of the Social Justice Tribunals Ontario. The SBT hears appeals by people in Ontario who disagree with a decision made by the ODSP Director or an OW Administrator that affects:

- Their eligibility for social assistance, or
- The amount of social assistance they receive.

The SBT is an independent body that operates at arm's length from the Ministry of Community and Social Services. It is separate and apart from the Ministry.

SBT hearings are held throughout the province. Most hearings are heard by one member of the SBT.

An SBT member is the person responsible for overseeing the hearing, hearing both parties' submissions, reviewing the evidence and issuing a written decision on your appeal.

### **What's the cost for filing an appeal?**

There are no costs for filing an Appeal (Form 1) with the SBT

### **What is an internal review?**

If you do not agree with a decision by ODSP or OW, you can ask for a review of that decision. That is called an internal review. The person who does the review will not be the same person who made the first decision about your case. You have to ask for an internal review before you can appeal to the SBT.

Information on how to request an internal review is available from your local ODSP or OW office.

## **When will my hearing take place?**

You will receive a Notice of Hearing letter with the date, time and place of your hearing within two months of filing your appeal. The length of time until a hearing may vary; generally, it will be several months from when you filed your appeal.

## **I want to change the date of my hearing. What do I do?**

You must write to the SBT to ask for a new hearing date and explain why you need a new date. If it is less than two weeks from the date of your hearing, you will have to go to the hearing and ask the SBT member (the decision maker at your hearing) to change the date.

## **How do I get legal help?**

Community Legal Clinics are funded by Legal Aid Ontario (LAO) to provide legal services for low-income individuals and families. If you want help from a community legal clinic, it is important to contact the clinic as soon as possible. These clinics are very busy and will need time to set up appointments with you to review your file and obtain any documents they think are important to your case.

To find a Community Legal Clinic near you, visit LAO on the web at: <http://www.legalaid.on.ca>. Click on “Getting Legal Help” and then “Community legal clinics”

Or call LAO at:

Toll-free: 1-800-668-8258

Toronto area: 416-979-1446

Toll-free TTY: 1-866-641-8867

Toronto area TTY: 416-598-8867

## **What is interim assistance?**

Interim assistance is financial help you may be eligible to receive while you are waiting for your appeal to be completed, if you should experience financial hardship. To apply, fill out pages 3 and 4 of the Appeal (Form 1) with information about your income and expenses. You must provide verification of this information to the SBT.

The SBT will review this information to determine if you are eligible for interim assistance. You will be notified in writing by the SBT if interim assistance is granted or not.

Your local ODSP or OW office will be notified of this decision too. If you are granted interim assistance, your local ODSP or OW office is responsible to provide you the interim assistance, unless your local office files an objection to the SBT.

## **What happens if I am granted interim assistance and lose my appeal to the SBT?**

If you were granted interim assistance and lose your appeal, the interim assistance you had received will be treated as an overpayment by your local ODSP or OW office and may have to pay it back.

## **What is an Early Resolution Opportunity (ERO)**

The ERO provides both parties to an appeal before the SBT with an early opportunity to try to resolve the appeal before the formal SBT hearing process begins.

Not every case is suitable for the ERO. If your case qualifies, a “Notice of Early Resolution Opportunity” letter will be sent to you and the other party (ODSP or OW).

All parties must agree to the ERO for a session to take place. For more information about the ERO, you may refer to the Practice Direction on Early Resolution Opportunities, or contact the SBT.

### **How do I withdraw (close) my appeal?**

You must write to the SBT to request your appeal to be closed. The SBT will send you a letter confirming that your appeal has been closed.

### **When will I receive the decision about my appeal?**

The SBT Member who heard your appeal has 60 days to make a written decision. Your decision will be mailed to you. You can call the SBT at any time to find out if a decision has been mailed to you. The SBT cannot tell you the decision on the phone.

### **What happens if I lose my appeal?**

If you lose your appeal and feel the SBT made an error in its decision, you can seek a reconsideration of the SBT's decision within 30 days of receiving the SBT's decision. The SBT may extend the time for requesting a reconsideration hearing if it is satisfied that there are reasonable grounds for the request. No request for reconsideration may be made more than one year after the date of the SBT's decision.

You must complete an "Application for Reconsideration". The Application for Reconsideration is available at the SBT's website or by calling the SBT directly.

The SBT will review the application and determine if a new hearing should be held or not. The SBT will send you a decision letter stating if a new hearing will be scheduled or not.

Your ODSP or OW local office can also ask for an Application for Reconsideration of a decision.

If you lose an appeal or an Application for Reconsideration is not granted by the SBT, the money you received as interim assistance will be treated as an overpayment by your local office, and you will have to pay it back.

An appeal of a SBT's decision may be made to Divisional Court within 30 days after receiving the SBT's final decision. A decision can only be appealed on an error in law.

### **What happens if I win my appeal?**

If you win your appeal, the decision that you appealed will be overturned. This means for example that:

- If your income support was cancelled, your assistance will be restored.
- If you are found "to be a person with a disability", a letter will be sent from the Disability Adjudication Unit (DAU) advising of the new decision and the local ODSP office will contact you.

A copy of the SBT's decision will be sent to your local ODSP or OW office. The office must implement the decision of the SBT, even if the local office plans to challenge the SBT's decision through an Application for Reconsideration or on an appeal to the Divisional Court.

### **I need an interpreter or accommodation. What do I do?**

The usual process for the SBT is to receive requests in writing, please contact the SBT office for information on accommodation requests. However, if circumstances demand a different method of communication, you should contact the SBT by telephone.

## **Are the SBT hearing sites accessible?**

Our offices and services are accessible as set out in the Accessibility for Ontarians with Disabilities Act, 2005. If you have any accessibility needs, please contact our office as soon as possible.

## **Who can I speak to if I have a question?**

You can call the SBT at:

- Toll-free      1-800-753-3895
- Toronto        416-326-0978

# My Appeal Information

Use this space to keep track of your appeal information.

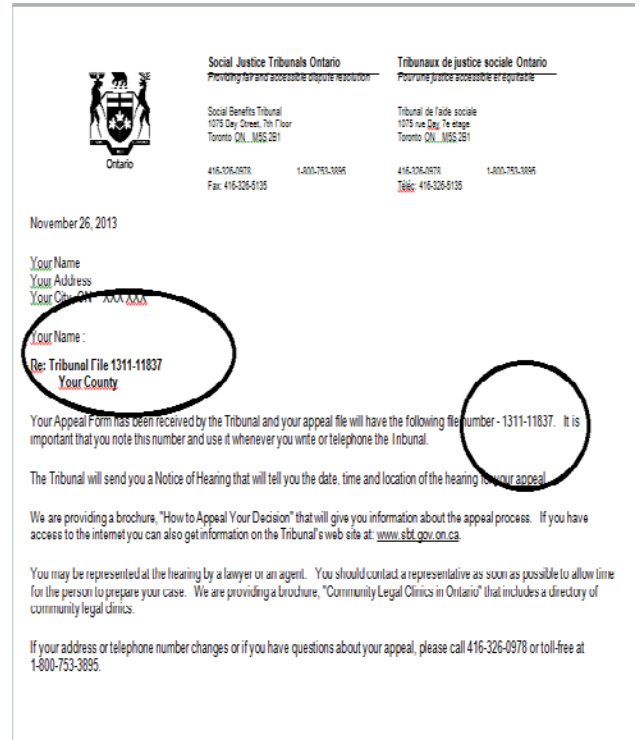
Appeal File Number: \_\_\_\_\_  
 (You will find this on the acknowledgement letter we send you after you have sent in your appeal (Form 1). It will be located in the space highlighted by the circle in the picture on this page) → →

Hearing Date and Time \_\_\_\_\_

Hearing Location: \_\_\_\_\_

(These pieces of information will be on your Notice of Hearing. This will be sent to you between 1-2 months after you have filed your appeal. An example of the Notice of Hearing is shown in the picture below)

Last day to submit evidence: \_\_\_\_\_  
 (This will be 30 days before your hearing for DAU eligibility for disability cases and 20 days for other ODSP and OW cases)



November 26, 2013

**Appellant**  
 To: Your Name  
 Your Address  
 Your City, ON XXX XXX

**Respondent**  
 AND: Director, Income Maintenance Branch  
 Your Local Office, MCSS  
 XX Some Street  
 City, ON XXX XXX

## NOTICE OF HEARING

The Social Benefits Tribunal will be conducting a hearing on an appeal of Your Name, Tribunal File 1311-11837 (Your County).

The hearing will be held on:

Date: November 14, 2013

\*Time: 9:00 AM

Location: SBT - Toronto  
 1075 Bay Street, 7th Floor  
 Toronto, ON M5S 2B1

*\*You must come to the hearing at the time marked on this Notice and be prepared to wait until your case is called.*

**Important Note:** Your appeal may be denied if you fail to attend your hearing and there is no reasonable explanation for your absence.

Any written information such as documents or submissions that you want the Tribunal to have for the hearing must be sent to the Tribunal and the other party before the hearing, in accordance with the timelines in the legislation. Failure to meet this deadline may mean that your documents will not be considered at the hearing.

If this appeal has been resolved or if circumstances have changed and a hearing is no longer required please call (416) 326-0978 or toll free at 1-800-753-3895.

## CONTACT the SBT

### Address

15 Grosvenor Street, Ground Floor  
 Toronto, Ontario M7A 2G6

### Phone

Toronto: 416-326-0978  
 Toll-Free: 1-800-753-3895  
 Fax: 416-326-5135

Appeal Resolution Officer: \_\_\_\_\_

Phone Number: \_\_\_\_\_

(Fill this in once you speak to your Appeal Resolution Officer/ARO)