***Ontario Disability Support Program Act,* *1997*, S.O. 1997, c. 25, Sched. B**

**Purposes of the 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.

**Definitions regarding eligibility:**

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.

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.

(2)  A determination under this section shall be made by a person appointed by the Director.

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| ***Decision*** | ***Provisions: Ontario Disability Support Program Act*** | ***Relevant International Human Rights/Principles*** |
| **Conditions for eligibility for assistance** | 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.  (2)  A person is not eligible for income support if,  (a) the person is dependent on or addicted to alcohol, a drug or some other chemically active substance;  (b) the alcohol, drug or other substance has not been authorized by prescription as provided for in the regulations; and  (c) the only substantial restriction in activities of daily living is attributable to the use or cessation of use of the alcohol, drug or other substance at the time of determining or reviewing eligibility.  (3)  Subsection (2) does not apply with respect to a person who, in addition to being dependent on or addicted to alcohol, a drug or some other chemically active substance, has a substantial physical or mental impairment, whether or not that impairment is caused by the use of alcohol, a drug or some other chemically active substance.  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. | Rights: social security; an adequate standard of living, including adequate housing and food.  Principles: inherent dignity of the human person; non-discrimination; equal rights of men and women; progressive realization; minimum core obligations. |
| **Determination of amount of assistance** | 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.  [**For formula, see O. Reg. 222/98, ss. 29-43.**](http://www.canlii.org/en/on/laws/regu/o-reg-222-98/latest/o-reg-222-98.html)  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.  [**For formula, see O. Reg. 223/98.**](http://www.canlii.org/en/on/laws/regu/o-reg-223-98/latest/o-reg-223-98.html) | Rights: social security; an adequate standard of living, including adequate housing and food.  Principles: inherent dignity of the human person; non-discrimination; equal rights of men and women; progressive realization; minimum core obligations. |
| **Power to make regulations** | 55.  (1)  The Lieutenant Governor in Council may make regulations,  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;  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;  11. prescribing classes of persons who are not eligible for income support or employment supports; | Rights: social security; an adequate standard of living, including adequate housing and food.  Principles: inherent dignity of the human person; non-discrimination; equal rights of men and women; progressive realization; minimum core obligations; effectiveness. |