



Interim Assistance

Interim assistance may be available to persons who are waiting for a hearing before the Social Benefits Tribunal and are experiencing financial hardship.

The determination of interim assistance is a separate decision-making process from the appeal. Whether or not a person is successful in obtaining interim assistance has no bearing on the result of the appeal.

1. Effective Date

This Practice Direction is effective March 1, 2004.

2. Legislation

2.1 Sections 30, 32, Ontario Works Act, 1997.

Sections 25, 27, Ontario Disability Support Program Act, 1997.

2.2 The Social Benefits Tribunal is authorised to order interim assistance to be paid to an Appellant during the time it takes for the Tribunal to hold a hearing and issue a decision.

2.3 The Tribunal must be satisfied that the Appellant will suffer financial hardship while waiting for the hearing and decision.

2.4 If the Appellant loses at the hearing, any interim assistance paid will be assessed as an overpayment and may be recovered by the Administrator/ Director.

3. General Principles

3.1 Financial hardship is a primary consideration in assessing whether interim assistance should be granted.

	<p>3.2 Although the Tribunal does not pre-judge a case at the interim assistance stage, it does not grant interim assistance to a person who is clearly categorically ineligible under the legislation. It must consider legislation as well as relevant court decisions in assessing applications for interim assistance.</p> <p>3.3 Interim assistance Orders must be followed unless reversed or amended by the Tribunal.</p> <p>3.4 An interim assistance decision of the Tribunal may be opposed by following the objection procedure (see section 7).</p> <p>3.5 The legislation states that all conditions of eligibility must be met, other than a condition relating to the issue under appeal, while an Appellant is receiving interim assistance.</p> <p>3.6 Interim assistance generally includes basic financial assistance or income support and drug and dental benefits. Except in exceptional circumstances it does not include other benefits.</p>
<p>4. Applications for Interim Assistance</p>	<p>4.1 The Appellant must complete, as fully as possible, the Tribunal's "Application for Interim Assistance". This is section 4 of the Appeal Form. Failure to give complete information may result in delay in processing the request for interim assistance.</p> <p>4.2 An Appellant may apply for interim assistance at any time prior to a decision on the merits of the case being released by the Tribunal.</p> <p>4.3 If interim assistance is granted, an Order will be sent to the Administrator/Director.</p>
<p>5. Effective Date of Interim Assistance Orders</p>	<p>5.1 Interim assistance will be ordered from the date of the application for interim assistance. The Tribunal will not back date Orders for interim assistance except under unusual circumstances.</p>

6. Applications for Extensions of Interim Assistance

- 5.2 All orders for interim assistance are time limited with an opportunity for extension where appropriate.
- 6.1 An Appellant who requires an extension of interim assistance should write or telephone the Social Benefits Tribunal two weeks before the interim assistance Order is to expire and provide updated financial information.
- 6.2 If an extension request is not made before the interim assistance Order expires, a new application will be required. This may result in a delay or break in the assistance received by the Appellant.

7. Objections to Interim Assistance Orders

- 7.1 A party who objects to a decision regarding interim assistance shall write to the Chair of the Social Benefits Tribunal, setting out detailed reasons why the decision of the Tribunal should be reversed or amended. A copy of the letter should be sent to the other party.
- 7.2 A decision of the Tribunal regarding interim assistance is made primarily on financial grounds. This is not the time to argue the merits of the case that will be presented at the hearing.
- 7.3 The reasons for objecting will be assessed by the Tribunal and a written response will be sent to both parties as quickly as possible.
- 7.4 If the Respondent believes that an interim assistance Order should be reversed or amended, objections must be filed with the Tribunal upon receipt of the Order. If the Respondent does not object immediately then the Order must be implemented forthwith.

8. Implementation and Enforcement of Interim Assistance Orders

- 7.5 A Respondent may object to an Order at a later time if new information becomes available. However payments to the Appellant under the Order must continue until the Tribunal issues an Order either amending or reversing the original Order.
- 7.6 Only the Social Benefits Tribunal may reverse or amend an Order for interim assistance. A Respondent may not cease paying an Order unless the Tribunal so directs.
- 8.1 The Social Benefits Tribunal does not issue interim assistance cheques. The Administrator/Director is responsible for calculating the amount of interim assistance and issuing interim assistance cheques. The Appellant must contact his/her local office to receive interim assistance funds.
- 8.2 If a Respondent refuses to follow an interim assistance Order, the Appellant may ask the Tribunal to provide a certified copy of the Order. The Appellant may then file this Order with a court for enforcement purposes.