

Social Benefits Tribunal



How to Appeal Your Decision

If you disagree with a decision that affects the amount of or your eligibility for social assistance, you may ask the Social Benefits Tribunal to hold a hearing where you can present your case.

The Tribunal is an independent, quasi-judicial body that hears appeals concerning social assistance, as set out in the Ontario Works Act, 1997 and the Ontario Disability Support Program Act, 1997.

THE APPEAL PROCESS

MAIL: Social Benefits Tribunal
1075 Bay Street, 7th Floor
Toronto ON M5S 2B1

Tribunal Telephone Contact Centre: Toronto and area: 416-326-0978
Toll-free: 1-800-753-3895
TTY: 416-325-3408
TTY (toll free): 1-800-268-7095
TTY (Ottawa): 613-566-2235

FAX: 416-326-5135

WEBSITE: www.sbt.gov.on.ca

Computer terminals are available at the Tribunal office to access our website only.

FORMS

Appeal Forms are available at the Tribunal office and on our website, at all Ontario Works (OW) and Ontario Disability Support Program (ODSP) offices and community legal clinics.

BEFORE YOU FILE AN APPEAL

Before you may file an appeal with the Tribunal, you must request an internal review from the office that made the original decision concerning your social assistance. If you do not request an internal review, you may not appeal a decision to the Tribunal.

You have 30 days from the date you receive the original decision to request an internal review. Your request must be in writing.

The Social Benefits Tribunal does not conduct internal reviews.

THE APPEAL PROCESS

FILING AN APPEAL

You may appeal to the Tribunal if you disagree with a decision that affects the amount of, or your eligibility for social assistance, and when:

1. you have requested and received an internal review decision, or
2. you have requested but not received an internal review decision within 10 days of your request.

From the date of either (1) or (2) above, you have 30 days to file an appeal. You must use the Social Benefits Tribunal Appeal Form (see the section entitled Forms for availability).

If you do not file your appeal within this period, you will have to explain why you are filing late and the Tribunal will decide at the appeal hearing whether or not to proceed with your appeal.

INTERIM ASSISTANCE

Interim assistance is financial aid you may be eligible to receive while waiting for your hearing. To qualify, you must be experiencing financial hardship. It is helpful to provide detailed financial information and documents to support your claim, for example, proof of arrears in rent, an eviction notice or unpaid bills. To apply, complete section 4 of the Appeal Form.

The Tribunal notifies you in writing whether or not you have qualified. If interim assistance is ordered, your local office issues your cheques. The Social Benefits Tribunal does not issue cheques.

Receiving interim assistance does not affect the outcome of your appeal. However, if you lose your appeal, you may have to repay your interim assistance.

THE APPEAL PROCESS

LAWYERS AND REPRESENTATIVES (LEGAL AND NON-LEGAL)

It is not necessary to have someone represent you at the hearing, but if you prefer representation, find a lawyer or other representative as soon as possible. Hearings will not be rescheduled because of delays in seeking assistance.

Before the Tribunal can speak with your lawyer or other representative, you must give us written authorization. Until we receive your authorization, we will communicate only with you about your appeal.

The pamphlet *Where to Get Help with Your Appeal*, available at the Tribunal office or on our website, will give you more information about representation.

AFTER YOU FILE AN APPEAL

The Tribunal processes your appeal and schedules your hearing. Prior to your hearing, you will receive the following:

1. An acknowledgement letter stating:
 - ♦ your Appeal File Number. This number appears on all our correspondence to you. Use it on all your documents and letters to us and have it ready when calling the Tribunal;
 - ♦ the name of your Appeals Resolution Officer (ARO) who is the person assigned to manage your case. Direct your questions about your appeal to the Tribunal Contact Centre or call the Tribunal's main switchboard and follow the recorded instructions; and
 - ♦ the pamphlet *Where to Get Help with Your Appeal*.
2. A letter about *interim assistance*, if you applied for it, telling you whether or not you have qualified.
3. A *Notice of Hearing* telling you where and when your hearing will be held.

THE APPEAL PROCESS

SUBMISSION FROM YOUR LOCAL OFFICE

The Tribunal asks for a submission from the office that made the original decision which you are appealing. This submission gives the reasons why the local office made its decision.

If a submission is written, you have the right to receive a copy of it. At the hearing, you will have an opportunity to provide evidence to show why you think the decision is wrong.

YOUR DOCUMENTS

Use any documents you think will help you present your case. File copies of your documents with the Tribunal and with the office that made the original decision at least 20 days before the date of your hearing. You may deliver them in person, by mail or fax. Documents not received by this deadline may or may not be used at the hearing.

Medical Documents - If you are appealing a denial or cancellation of benefits under ODSP because the Director decided that you are not a person with a disability, and you have additional medical documents for the hearing, the documents must be submitted to the Disability Adjudication Unit and the Tribunal as soon as possible and no later than 30 days before the date of your hearing.

You are responsible for getting the documents you want to use at your appeal. If you need additional documents from your OW or ODSP office, from your doctor or others, you may authorize your lawyer or other representative to help you.

KEEPING YOUR FILE UP TO DATE

It is important that you keep your file up to date. Notify the Tribunal Contact Centre by telephone or your ARO in writing when your address or telephone number changes or when your personal or financial circumstances change. Also notify your local office of any changes.

THE APPEAL PROCESS

Use your Appeal File Number and indicate your OW or ODSP office on your letters.

WITHDRAWING YOUR APPEAL

Notify the Tribunal Contact Centre or your ARO immediately if you decide to withdraw your appeal for any reason. Also notify the office that made the original decision if you withdraw your appeal.

Have your Appeal File Number ready when you call.

THE HEARING

It is important that you appear for your hearing on the date and at the time you have been given in your Notice of Hearing. If you do not appear, the hearing may go ahead as scheduled and you will not have a chance to present your case. If you fail to appear and do not have a reasonable explanation, you will almost certainly lose your appeal.

PLACE

The Tribunal holds hearings across Ontario. Your hearing may be in your community or in a neighbouring community. If you think you will have trouble getting to the hearing, contact the Tribunal Contact Centre or your ARO as soon as you receive your Notice of Hearing.

TIME

Hearings are scheduled for one and a half hours, longer in some cases. To ensure that you have enough time for your hearing, let the Tribunal Contact Centre or your ARO know if you are bringing a witness or if there are other reasons why you may need more time. It is your responsibility to be on time for your hearing.

SPECIAL NEEDS

If you require special equipment, services or assistance, contact the Tribunal Contact Centre or your ARO well in advance of the hearing, if possible, so that arrangements can be made.

THE APPEAL PROCESS

INTERPRETERS

Hearings before the Social Benefits Tribunal are conducted in English and French. If you or one of your witnesses does not speak or understand English or French you must bring an interpreter with you to assist you in the hearing. The interpreter may be someone from a community organization offering this service, a family member, friend or a member of the clergy. The interpreter should speak your native language and the language of the hearing, either English or French. If you are unable to arrange for an interpreter to attend the hearing, please call the Tribunal Contact Centre or your Appeal Resolution Officer (ARO) as soon as possible. The Tribunal will arrange interpreter services for you.

TRANSPORTATION COSTS

The Tribunal may, under certain circumstances, pay the cost of transportation to the hearing. Please notify the Tribunal Contact Centre or your ARO with your request in order that the Tribunal can make an assessment and the decision on providing costs can be made.

WHO MAY ATTEND A HEARING?

- The Presiding Tribunal Member(s)
- You, the Appellant
- Respondent(s) from the office that made the original decision
- Any witnesses
- Any lawyers and legal or non-legal representatives
- Interpreters – when required

The Presiding Tribunal Member makes the final decision about who can attend your hearing.

THE APPEAL PROCESS

PRESENTING THE CASE

A Tribunal hearing is not a formal court proceeding.

The Presiding Tribunal Member introduces those attending and briefly explains how the hearing will proceed.

Both parties have an opportunity to present their cases.

You will be asked to promise to tell the truth and may be required to answer questions. You will be allowed to ask questions of the other side.

THE DECISION

The Tribunal does not give its decision at the hearing. The Presiding Tribunal Member reviews the evidence after the hearing and issues a written decision. A copy of the decision will be mailed to you.

RECONSIDERATION HEARING

Either party may request a reconsideration of the Tribunal's decision by submitting an Application for Reconsideration, with reasons, to the Tribunal within 30 days of receiving the Tribunal's decision.

COURT APPEALS

You may appeal the Tribunal's decision to the Divisional Court on questions of law. You may wish to get legal assistance to do this.

If you have any comments or suggestions about the operations of the Tribunal, please send them in writing to the Tribunal office.

Additional information about the Social Benefits Tribunal is available on our website at www.sbt.gov.on.ca.

The information presented here is for general guidance and convenience; it is not meant to be a final interpretation of the legislation.

Disponible en français.