



## Ontario Works &/or Ontario Disability Support Program Discretionary Benefits: Cooling Devices

### OVERVIEW

As the frequency of extreme heat events occurs, the need for cooling devices increases. Those without access to cool spaces during extreme heat events can be subjected to prolonged exposure. Such exposure can cause loss of internal temperature regulation which can lead to various negative health effects or, in some cases, death.<sup>1</sup>

The impacts of extreme heat events disproportionately effect certain vulnerable populations, such as the elderly, low-income earners, and individuals with existing health vulnerabilities.<sup>2</sup> Members of these groups may be benefactors of Ontario Works (OW) or the Ontario Disability Support Program (ODSP).

Recipients of OW or ODSP may be eligible to obtain a cooling device as a discretionary benefit.<sup>3</sup> The ability to do so, including eligibility requirements and other restrictions, will be explored in detail below.

### 1. DISCRETIONARY BENEFITS FOR PERSONS RECEIVING OW &/or ODSP

Persons receiving support through any of the following programs can apply for discretionary benefits for needs other than financial assistance:

- *Ontario Works Act, 1997*
- *Ontario Disability Support Program, 1997*
- *Assistance for Children with Severe Disabilities*

Discretionary benefits can cover medical devices, supplies, and items not covered by any of the aforementioned programs.<sup>4</sup> Discretionary benefits are provided on a case-by-case basis and at the discretion of the Administrator.<sup>5</sup> The Administrator also

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<sup>1</sup> Jacqueline E. Cardoza, “Heat-Related Illness Is Associated with Lack of Air Conditioning and Pre-Existing Health Problems in Detroit, Michigan, USA: A Community-Based Participatory Co-Analysis of Survey Data” (2020) 17:16 Int. J. Environ. Res. Public Health 5704.

<sup>2</sup> Ibid.

<sup>3</sup> *Ontario Works Policy Directives* [https://www.ontario.ca/document/ontario-works-policy-directives/71-summary-benefits#:~:text=Discretionary%20benefits%20are%20provided%20on,Assistance%20\(%20TCA%20\)%20is%20being%20paid](https://www.ontario.ca/document/ontario-works-policy-directives/71-summary-benefits#:~:text=Discretionary%20benefits%20are%20provided%20on,Assistance%20(%20TCA%20)%20is%20being%20paid)

<sup>4</sup> Don Valley Legal Clinic, *Discretionary Benefits for Recipients of Ontario Works and Ontario Disability Support Program* (April 2023), online: <https://www.donvalleylegal.ca/blog/discretionary-benefits-for-recipients-of-ontario-works-and-ontario-disability-support-program/>.

<sup>5</sup> Ministry of Children, Community and Social Services, “*Ontario Works Policy Directives*” (08 September 2022), online: <[https://www.ontario.ca/document/ontario-works-policy-directives/71-summary-Canadian Environmental Law Association](https://www.ontario.ca/document/ontario-works-policy-directives/71-summary-Canadian%20Environmental%20Law%20Association)

determines the amount provided.<sup>6</sup> Importantly, discretionary benefits are intended to cover one-time costs and are not provided on an ongoing basis. As such the cost of running and operating the air conditioner, including any necessary repairs, is not covered as a discretionary benefit.<sup>7</sup>

## 2. COOLING DEVICES AS DISCRETIONARY BENEFITS

Cooling devices, such as air conditioners, can be obtained with a prescription from a nurse practitioner or physician. A diagnosis is required and it must indicate that a cooling device is required as a part of a treatment plan. It is pertinent that the prescription indicates that failure to obtain this device would result in a hospitalization or a severe risk to life.

Current medical conditions that are recognizing as requiring a cooling device include:

- cancer
- chronic heart or chronic lung conditions such as Chronic Obstructive Pulmonary Disease (COPD)
- heart or neurological conditions
- HIV
- people on dialysis
- people with chronic mental disorders on medication
- severe asthma

If a prescription can be obtained the expense of an air conditioner or portable fan may be covered in whole. However, there will be a maximum limit on the expenses and only one air conditioning unit per family will be covered.

The legislative authority for discretionary benefits comes Section 59 of Regulation 134/98 of the *Ontario Works Act, 1997* which enables Ontario Works delivery agents to provide a program of discretionary benefits to eligible recipients.<sup>8</sup>

## 3. FOR MEDICAL CONDITIONS NOT LISTED

The above list of eligible medical conditions is not exclusionary. If a person can obtain a prescription from a health care provider, they may still qualify for an air conditioner.

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<sup>6</sup> Ministry of Children, Community and Social Services, “*Ontario Works Policy Directives*” (08 September 2022), online: <[https://www.ontario.ca/document/ontario-works-policy-directives/71-summary-benefits#: - :text=Discretionary%20benefits%20are%20provided%20on,Assistance%20\(%20TCA%20\)%20is%20being%20paid](https://www.ontario.ca/document/ontario-works-policy-directives/71-summary-benefits#: - :text=Discretionary%20benefits%20are%20provided%20on,Assistance%20(%20TCA%20)%20is%20being%20paid)>

<sup>7</sup> Ministry of Children, Community and Social Services, “*Ontario Works Policy Directives*” (08 September 2022), online: <<https://www.ontario.ca/document/ontario-works-policy-directives/77-other-benefits#>>

<sup>8</sup> *Ontario Works Act, 1997*, S.O. 1997, c. 25, Sched. A.; O. Reg. 134/98, s. 59 (1).

Administrators have discretion to authorize items on a case-by-case basis. A variety of other health conditions can be severely exacerbated by prolonged exposure to extreme heat. For example, elderly populations may have existing conditions and age specific factors that can make them particularly vulnerable.<sup>9</sup> Therefore, it is important to disclose any relevant medical conditions to the physician or nurse practitioner when seeking a prescription for this purpose.

Depending on the nature of the request, it is possible that one or several steps may be necessary. For those receiving OW, only a letter is required. For ODSP recipients, a letter is first required. It is then possible that they will be asked to complete a Mandatory Special Necessities Benefit Request Form which will require a signature from the party providing the prescription.<sup>10</sup>

#### 4. HOW TO SUBMIT A REQUEST

Recipients of OW or ODSP must submit a form to the Administrator for the geographic area where they reside.<sup>11</sup> Along with the form, applicants must also submit a prescription from a health care practitioner and an estimate of the item requested.<sup>12</sup> Evidence to support the cost of the item can include advertisements from local stores. Upon submitting the request, applicants must ensure that their names and Member IDs are clearly written on all documents.<sup>13</sup> OW and ODSP recipients across the province are eligible.

#### 5. FOR THOSE NOT RECEIVING SOCIAL ASSISTANCE

Many municipalities across Ontario also offer similar programs to those who are non-social assistance recipients but who are still considered low-income.<sup>14</sup> Individuals applying for cooling devices through these programs must complete municipality specific forms.

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<sup>9</sup> National Institutes of Health, “Heat-related health dangers for older adults soar during the summer” (27 June 2018), online: <<https://www.nih.gov/news-events/news-releases/heat-related-health-dangers-older-adults-soar-during-summer>>

<sup>10</sup> Ministry of Children, Community and Social Services, “Ontario Disability Support Program policy directives for income support” (08 September 2022), online: <<https://www.ontario.ca/document/ontario-disability-support-program-policy-directives-income-support/912-mandatory-special>>

<sup>11</sup> *Ontario Works Act*, 1997, S.O. 1997, c. 25, Sched. A, 59 (3).

<sup>12</sup> City of London, “Ontario Works” (2023), online: <<https://london.ca/living-london/community-services/ontario-works>>

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.