

# Ontario Disability Support Program - Income Support Directives

## 2.4 - Absent from Ontario

### Summary of Legislation

A recipient who is absent from Ontario for more than 30 days, is not eligible for income support unless the absence is considered necessary.

### Legislative Authority

[Section 7 of the ODSP Regulation](#)

### Summary of Directive

An absence for more than 30 days can be considered necessary if the absence is required for:

- health related reasons;
- attendance at a post-secondary institution outside of Ontario; or
- in exceptional circumstances.

It is important to note that approval to leave the province for less than 30 days is not required.

### Intent of Policy

To ensure that income support is provided only to persons who are not absent from Ontario for more than 30 days, unless the absence is considered necessary.

### Application of Policy

### Standards

A recipient's request to leave the province for more than 30 days must be noted on file. Information regarding the reason for the absence, the departure and return date, and the decision to approve or deny are required on file. In the absence of verification, a declaration can be completed.

The ODSP Caseworker and ODSP Manager have delegated authority to approve absences for more than 30 days.

- The ODSP Caseworker can approve a 3 month absence.
- The ODSP Manager approves absences in excess of 3 months.

## **Necessary Absences**

### **Health Related Reasons**

A written request to leave the province for a period greater than 30 days for health related reasons may be approved if:

- the purpose for the absence is to receive necessary medical treatment outside of Ontario that is prescribed by a physician; and
- the medical treatment is an out of province or out of country insured service under the Ontario Health Insurance Plan;
  - the person provides a letter from the Ministry of Health and Long-Term Care verifying that he or she is approved for the insured service under the Ontario Health Insurance Plan.

It is the recipient's doctor who submits an application to MOHLTC for approval of OHIP coverage. Once approved, OHIP will forward the approval letter to both the doctor and the recipient.

If it cannot be verified that the absence from Ontario for a period greater than 30 days meets the criteria above, then income support should be suspended until he/she returns to the province or terminated if the stay is indefinite.

### **Post Secondary Education**

Written approval to attend a post secondary institution outside of Ontario may be provided by the ODSP Caseworker for absences up to three months. The ODSP Manager approves absences that are greater than 3 months, up to 12 months for attendance at a post-secondary institution.

Before commencing each academic year of study, recipients must return to their local or regional office to update their file and apply for an additional extended absence to maintain income support. An assessment of the budgetary requirements will be completed. Budgetary requirements will be reviewed and entitlement continued based on the needs of the recipient (and any members of the benefit unit). Income support may be continued, reduced, suspended or

cancelled based on the assessment. The cost and need to maintain a place of residence to return to at the end of the absence should be considered.

## **Exceptional Circumstances**

Written approval for an exceptional circumstance can be provided when it is necessary for the recipient to be with his or her caregiver who is vacationing, or required to be outside of Ontario.

Attending to family matters outside of the province, such as serious illness/injury/death, can also be approved as an exceptional circumstance. Recipients should provide an expected date of return that is within a reasonable time frame based on the circumstance.

When a return to Ontario is delayed due to circumstances beyond the recipient's control such as a serious illness or transportation issue, approval can be provided as an exceptional circumstance once verification is provided to the caseworker.

If prior approval is not provided, the absence of more than 30 days should be reviewed and a determination made as to whether the absence could be considered necessary. Factors to consider for retroactive approval include whether the absence meets the criteria as set out above for necessary absences. Other factors for consideration include whether the recipient maintained their accommodation while absent.

Where an absence of more than 30 days is retroactively approved, the recipient's income support is reviewed to determine if an adjustment is required to ensure the amount of income support received accurately reflected the budgetary requirements of the recipient while absent. For example, where a recipient did not maintain their accommodation while absent, the recipient would only receive a basic needs amount.

An absence for health related reasons cannot be considered an exceptional circumstance as absences for health reasons are defined in the regulation.

**Note:** In a board and lodge situation, where the recipient did not maintain their board and lodging, the basic needs amount is provided.

Where an absence of more than 30 days is not retroactively approved, an overpayment is calculated starting at day 31 onward. For example, where a recipient leaves Ontario on November 1st and returns to the province on January 7th, an overpayment should be calculated and applied for the period from day 31 (December 1st) through to the day the recipient returns.

There may be exceptional cases where a recipient should be made either temporarily ineligible or cancelled on the basis of an extended unapproved absence from Ontario, in addition to an overpayment. For example,

- Where a recipient notifies ODSP staff in advance that they will be out of the province for several months with the intent to return, and the absence is unapproved, the recipient may be considered temporarily ineligible.
- Where a recipient is absent for an extended period of time (e.g. 8 months) without prior or retroactive approval, income support may be cancelled and an overpayment applied.