

Ontario Disability Support Program – Income Support Directives

7.2 Death of a Recipient

Summary of Policy

The decision to refuse, suspend or cancel income support or to reduce income support on the death of a member of the benefit unit are final decisions that can not be appealed.

Legislative Authority

[Section 57, paragraph 2 of the ODSP Regulation](#)

Summary of Directive

This directive explains how to determine and pay a deceased recipient's income support for the month in which he/she died.

Intent of Policy

To ensure that, upon the death of a recipient, the last month's income support is paid to the appropriate person.

Application of Policy

This policy with respect to a recipient's income support only applies in the month in which the recipient dies.

- Proof of death must be obtained as soon as possible and copied to the file.
- The last month's income support must be paid to the appropriate person, for the month in which the recipient dies.
- The person assuming responsibility for the estate must provide proof of authority usually called a Certificate of Appointment of Estate Trustee with, or without, a will.

Single Recipient

- The income support for the month in which a single recipient dies will be the last month of income support and should be for full shelter and basic needs less any overpayment recovery.
- The amount due is to be paid as follows:
 - If there is a will, the income support is to be made payable to the estate trustee and sent to him/her.
 - If there is no will, and a person has been appointed as the estate trustee, then the income support is made payable to the estate trustee. If there is no estate trustee but someone is assuming responsibility for the estate and/or funeral and can show proof of paying for the funeral, e.g. next of kin, the balance of income support should be made payable to that person. This should be done only after it is clear that no one is seeking to be appointed as estate trustee.

Recipient with a Spouse and/or Dependent Children

- If there is a spouse, the income support for the month in which the recipient dies should be for full shelter and basic needs less any overpayment recovery and should be re-issued to the surviving spouse or dependant.
- In subsequent months, the surviving spouse is only responsible to repay his/her portion of an overpayment that was split 50/50 at the time it was incurred. The 50 percent attributed to the deceased (less any recovery) may be recovered from the assets of the deceased's estate and the unrecoverable balance would be recommended for write off. The 50 percent attributed to the surviving spouse may be recovered through automatic deduction of income support or financial assistance if the spouse continues on social assistance.
- If the dependant is incapacitated or under 18, Ministry staff will complete a Form 1046 "Appointment of Trustee". If a trustee is appointed for the dependant, the last month's income support is to be re-issued to the trustee.

Recipient Trusteed to the Office of the Public Guardian and Trustee

- Where the OPGT is the guardian of property/trustee for an Ontario Disability Support Program recipient who dies, the OPGT has authority to exercise the

powers of an estate trustee until notified of another person's appointment as personal representative.

- As a result, staff should contact the OPGT for an update in relation to the deceased recipient's estate.
- If the OPGT advises that it has not been notified that someone else has been appointed to administer the deceased recipient's estate, the income support payment should be sent to the OPGT.
- Where the OPGT advises that an estate trustee has been appointed, the income support should be paid to that person upon receipt of proof of authority to administer the estate (e.g. Certificate of Appointment of Estate Trustee)

Recipient Who Was Resident in an Institution

- If the recipient was in an institution when he or she died, then the institution should be paid the per diem for the days during which the recipient resided in the institution. If the recipient had a trustee who received income support for him or her, then the trustee may pay the institution for the per diem.

Arrears Payment

- If arrears are owing, proof of authority e.g. Certificate of Appointment of Estate Trustee must be obtained before paying the arrears to the person assuming responsibility for the estate.
- If it is determined that arrears are owing to a single deceased recipient and there is an outstanding overpayment, the amount of the arrears is applied to recover the overpayment. Any remaining balance is paid out according to the direction outlined under Single Recipient.
- If it is determined that arrears are owing to a deceased recipient who had a spouse, and/or dependant(s) at the time of his/her death, the arrears payment is issued to the surviving spouse or dependant.
- If there is an outstanding overpayment, the arrears payment should still be issued to the spouse and/or dependant(s). The overpayment should be recovered as outlined in Directive 11.1 Recovery of Overpayments.

Hyperlinks associated with this Policy Directive

Related Directives:

[3.1 Consolidated Verification Information Requirements](#)

[7.1 Extension of Income Support](#)

[10.2 Trustees](#)

[11.1 Recovery of Funds](#)