



The “Special Needs” Planner

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Maximizing ODSP Benefits Clarified

Over the past few months, our office has received a number of requests for information regarding the maximization of ODSP benefits for people who are living in the family home. It seems that people are being told that they can increase the ODSP entitlement from \$708 per month to \$930 by simply entering into a rental agreement in which the parents become the landlord and the child becomes the renter. Under a rental arrangement, the maximum benefit could be increased to \$930. Further, people are being told that the ODSP requirement for this to work is that their child need only be “capable” of purchasing his or her own food and be “capable” of cooking their meals, even with some assistance or on an infrequent basis. This sounds too good to be true and in many cases, it is too good to be true. When we explored the issue in depth with the Policies Branch of the ODSP, we discovered several important things.

A letter from Debbie Moretta, Director, Ontario Disability Support Program, stated: “To be considered a renter, a recipient does not necessarily need to be living in self-contained quarters, but must purchase and prepare his/her own food. The landlord is not involved, directly or indirectly, in facilitating the provision of meals to the recipient. The recipient is solely and completely responsible for obtaining meals and can make choices as to how meals are obtained/prepared. (Emphasis added) If the landlord is responsible for providing the food, the recipient is considered a border.”

Furthermore, under Directive 6.3 of the Ontario Disability Support Program Policy Directives, it states that: “If the recipient purchases and prepares food separately for himself/herself and his/her dependants, then the recipient is in a rental situation.”

What this all means is that if we as parents prepare the meals for our family and our family member receiving ODSP benefits sits with us and enjoys those meals, then we are not in a rental arrangement as defined by the ODSP regulations regardless of whether or not a rental agreement exists. Your child is not entitled to the increased ODSP amounts. If you are considering entering into one of these rental agreements, proceed with caution. Be certain that your child fits into the category of renter since the ODSP can, and will demand that overpayments of benefits be reimbursed and in some cases they may initiate fraud investigations. Caveat Emptor!!!

ODSP to Increase:

On May 18th, the Ontario Government presented its 2004 Budget. It’s hottest issue for people with disabilities is that it proposes an increase in ODSP benefits of 3%. This means that the maximum benefit will now be \$958 from \$930 and the boarder benefit will rise to \$729 from \$708. This is the first increase in 11 years and hardly offsets the increases in the cost of living of an estimated 18% over the same time period but it is a step in the right direction.

RRSP Update:

In our last issue, we shared some Breaking News with our readers surrounding changes to the Income Tax Act which were proposed in February 2003. These changes would allow RRSP’s and RRIF’s to be transferred to a person with a disability without triggering tax. Unfortunately, the proposed changes have not yet been passed into law and there is some question of whether or not they will in fact become law. Our recommendation is that people hold off on changing their plans until such time as the Government implements the changes. We’ll keep you informed.

Playing the Game

The following is a very moving story that has brought a tear to many eyes. Its source is unknown.

At a fund raising dinner for a school that serves learning-disabled children, the father of one of the students delivered a speech that would never be forgotten by all who attended. After extolling the school and its dedicated staff, he offered a question. "When not interfered with by outside influences, everything nature does is done with perfection. Yet my son, Shay cannot learn things as other children do. He cannot understand things as other children do. Where is the natural order of things in my son?"

The audience was stilled by the query. The father continued. "I believe, that when a child like Shay comes into the world, an opportunity to realize true human nature presents itself, and it comes, in the way other people treat that child."

Then he told the following story: Shay and his father had walked past a park where some boys Shay knew were playing baseball. Shay asked, "Do you think they'll let me play?" Shay's father knew that most of the boys would not want someone like Shay on their team, but the father also understood that if his son were allowed to play, it would give him a much-needed sense of belonging.

Shay's father approached one of the boys on the field and asked if Shay could play. The boy looked around for guidance and, getting none, he took matters into his own hands and said, "We're losing by six runs and the game is in the eighth inning. I guess he can be on our team and we'll try to put him in to bat in the ninth inning." In the bottom of the eighth inning, Shay's team scored a few runs but was still behind by three.

In the top of the ninth inning, Shay put on a glove and played in the outfield. Even though no hits came his way, he was obviously ecstatic just to be in the game and on the field, grinning from ear to ear as his father waved to him from the stands. In the bottom of the ninth inning, Shay's team scored again. Now, with two outs and the bases loaded, the potential winning run was on base and Shay was scheduled to be next at bat. At this juncture, would they let Shay bat and give away their chance to win the game? Surprisingly, Shay was given the bat. Everyone knew that a hit was

all but impossible because Shay didn't even know how to hold the bat properly, much less connect with the ball. However, as Shay stepped up to the plate, the pitcher moved in a few steps to lob the ball in softly so Shay could at least be able to make contact.

The first pitch came and Shay swung clumsily and missed. The pitcher again took a few steps forward to toss the ball softly towards Shay. As the pitch came in, Shay swung at the ball and hit a slow ground ball right back to the pitcher. The pitcher picked up the soft grounder and could have easily thrown the ball to the first baseman. Shay would have been out and that would have been the end of the game. Instead, the pitcher took the ball and turned and threw the ball on a high arc to right field, far beyond the reach of the first baseman.

Everyone started yelling, "Shay, run to first! Run to first!" Never in this life had Shay ever made it to first base. He scampered down the baseline, wide-eyed and startled; Everyone yelled, "Run to second, run to second!" By the time Shay rounded first base, the right fielder had the ball. He could have thrown the ball to the second-baseman for the tag, but he understood the pitcher's intentions and intentionally threw the ball high and far over the third-baseman's head. Shay ran toward second base as the runners ahead of him deliriously circled the bases toward home. Shay reached second base, the opposing shortstop ran to him, turned him in the direction of third base, and shouted, "Run to third!" As Shay rounded third, the boys from both teams were screaming, "Shay, run home!" Shay ran to home, stepped on the plate, and was cheered as the hero who hit the "grand slam" and won the game for his team.

"That day," said the father softly with tears now rolling down his face, "the boys from both teams helped bring a piece of true love and humanity into this world."

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