



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

The Honourable Kamal Khera
Minister of Diversity, Inclusion, and Persons with Disabilities

September 23, 2024

RE: Submission on the proposed Regulations for the Canada Disability Benefit (CDB)

Dear Minister Khera,

Exactly four years ago, on September 23, 2020, the federal government promised "a new Canadian Disability Benefit modelled after the Guaranteed Income Supplement", a federal program which delivers maximum payments of more than \$1,000 per month. In the time since, members of this government have repeatedly promised a benefit that would lift hundreds of thousands out of poverty, while at the same time, moving further and further away from delivering on those promises at every critical step.

Most recently, the proposed Regulations for the Canada Disability Benefit, published in the Canada Gazette for public consultation on June 29, 2024, resulted in significant disappointment from the disability community.

I write today to share with you recommendations for the improvement of the proposed Regulations – shared with me by people with disabilities in my community, and across the country – via email, social media, and in-person. These recommendations are supported by organizations that serve people with disabilities, including ones in my community, like Extend-a-Family Waterloo Region, and national organizations, like Disability Without Poverty and Inclusion Canada – and are further reflected in petitions I have been proud to sponsor and present to the federal government, including petition e-4993, e-4777, and e-4667 – signed by thousands of people from across the country.

The recommendations, further detailed below, are as follows:

1. Remove barriers to application by automatically enrolling recipients of provincial and territorial disability support programs, as well as recipients of CPP-D, in the Canada Disability Benefit, and removing the requirement for applicants to hold a Disability Tax Credit certificate.
2. Further remove barriers to the application by replacing the proposed second application with a simple opt-out option for individuals who do not wish to receive the Canada Disability Benefit.
3. Support the independence and dignity of people with disabilities by means-testing the Canada Disability Benefit against the individual applicant's income alone.
4. Increase the maximum amount of the Canada Disability Benefit, to lift people with disabilities above the poverty line, taking into account the added costs of living with a disability.
5. Raise the income threshold to an amount that is above the poverty line, taking into account the added costs of living with a disability.
6. Fast-track the implementation and delivery of the Canada Disability Benefit.
7. Issue retroactive payments for recipients, dating back to when the Canada Disability Benefit Act received royal assent in June of 2023.

I urge you to listen to people with disabilities, and keep the promises made by this government in the 2020 throne speech and countless times since, by implementing these recommendations with the same urgency this government demonstrated it was capable of when introducing the Canada Emergency Response Benefit (CERB) in the pandemic.

Eligibility Requirements

A. Disability Tax Credit Requirement

As a result of my successful amendment to the Canada Disability Act, subsection F11 of the Act requires "an application process that is without barriers" - yet the proposed Regulations introduce a host of barriers to the application process. Most notably, the proposed Regulations would require an individual to have a valid Disability Tax Credit (DTC) certificate to be eligible for the Canada Disability Benefit (CDB).

The federal government's own Disability Advisory Committee (DAC), in their [Fourth Annual Report](#), made clear that the DTC is full of barriers, stating that: "from being aware that the DTC exists, through applying for and receiving the DTC certificate, to finally receiving the

DTC and potentially benefits from other programs, each step presents a potential barrier to applicants.” They further elaborate that “individuals are missing information and experiencing many barriers during the process of applying for the DTC” and “inconsistencies, and ambiguity in eligibility criteria for the DTC persist”.

Similarly, the [Kid’s Brain Health Network’s 2023 Disability Policy in Canada Report](#), created in collaboration with the Disability Policy Research Program and McGill University, cited significant barriers to accessing the DTC. Their report includes descriptions of barriers including lengthy processing times and inconsistent knowledge of staff, a lack of clear instructions and criteria, significant fees to have a medical practitioner fill out the form (if applicants even have access to a medical practitioner), the level of tenacity of an applicant’s doctor being the primary reason for a successful application, and a need to reapply for conditions that are life-long in nature.

As Catherine, a person with a disability, shared with me, “requiring those who may be eligible for the CDB to apply or reapply for the benefit will put significant strain on the already overworked health care professionals who have patient loads so large that paperwork issues are frequently placed as a last priority item by these professionals and will cause significant delays in the delivery of the benefit to those who are most in need.”

Together, these barriers not only significantly reduce the probability of a person with a disability successfully accessing the DTC, and subsequently the CDB, but would profoundly increase the amount of time before a person receives the help to which they are entitled.

In 2022 alone, the [Canada Revenue Agency received 133,558 calls](#) related to challenges accessing the Disability Tax Credit, with only 600 of these calls being redirected to navigators – indicating an already overburdened system.

The federal government has indicated \$4.48 million a year for five years starting in 2025-2026, and \$3.8 million per year after that, for community-based navigation services to improve awareness and uptake of all federal, provincial, and territorial programs available to working-age Canadians with disabilities.

According to Statistics Canada, as of 2022, 585,750 unique DTC certificates for working age (18-64) were active. [An estimated 40% of working-age adults with qualifying disabilities have access to the DTC](#). At this rate, even if the entirety of new navigation support funds were put solely towards navigating the DTC application process, only for the remaining working-age individuals who do qualify for the DTC, this would leave a meager \$4.32 per person per year. Even if navigators were paid the lowest possible wage in Ontario (the minimum wage is \$17.70 per hour in October 2024), and the entirety of funding went directly to wages, this would only amount to 16 minutes of support per person.

Instead of relying on the DTC, the federal government should use the information they already possess to automatically enroll provincial and territorial disability support program recipients and Canada Pension Plan Disability Benefits (CPP-D) recipients – with an option to

opt-out for those who do not wish to receive the benefit - thereby reducing barriers, while also reducing the strain on costly administrative resources. If the DTC is to be used to determine eligibility, it should be used as an additional option to apply – not the sole method to gain access to the CDB.

B. Additional Application

The proposed Regulations indicate a requirement for an additional, untested application once an applicant gains a DTC certificate, and that this second application would have to be repeated if at any point an applicant needs to reapply for the DTC.

This is deeply concerning, in light of the previously described need to reapply for the DTC, even for conditions that are life-long in nature.

The proposed Regulations cite that “the objective of the proposed Regulations is to enable payment of the Benefit as soon as possible, especially during a time when many Canadians are facing cost of living challenges”, yet this second application also adds further barriers and increases the amount of time before an applicant receives desperately needed support.

This second application should be removed in favour of an opt-out system for those who have met eligibility.

Benefit Amount Calculation

A. Definition of Income

The proposed Regulations indicate that the benefit is means-tested against family income.

Extend-a-Family Waterloo Region, an organization serving people with disabilities, referred to this measure as “dehumanizing” in their June 13, 2024 letter to Minister Khera.

[Disability Without Poverty, notes that this removes dignity and autonomy for people with disabilities, and could even threaten their safety.](#) They also note that this removes an applicant’s control of a critical portion of the application process, as an applicant’s cohabitating family members must file their taxes before an applicant can complete the application process.

Micheal, from my community, shared with me that “one of the many issues for disabled people is that they often get trapped in abusive relationships due to income levels. One cannot escape and set up an independent life free of abuse when they have no, or extremely limited, income of their own. Expecting a person's spouse/partner to completely support them not only adds stress to the relationship, but gives an abusive partner a way to trap and control them.”

The federal government should acknowledge that individuals with disabilities should have their own sources of income or financial resources, separate from their family, and mean-test the benefit against an applicant's income alone.

B. Maximum Amount

Statistics Canada reports the Low Income Measure (LIM) after-tax income threshold as \$28,863 for an individual and \$40,818 for a couple. Similarly, the Market Basket Measure (MBM), a measure used as Canada's poverty line that varies across regions, in Waterloo Region is calculated as \$26,839 for an individual and \$37,574 for a couple.

A person in my community who relies on the Ontario Disability Support Program (ODSP) for their sole income would, at maximum, receive \$1308 per month, or \$15,696 per year.

As Chad shared with me, "\$200 a month... isn't going to do much for disabled Canadians".

The maximum benefit amount of \$200 per month is insufficient to lift anyone relying on a provincial, federal, or territorial disability assistance program for their sole income above the poverty line. The benefit amount should be increased to lift recipients above the poverty line, keeping in mind the added costs of living with a disability.

C. Income Thresholds

Under the proposed Regulations, the income threshold is \$23,000 for an individual and \$32,500 for a couple (cohabiting spouse or common-law partner). The addition of the maximum benefit amount as proposed would result in an income of \$25,400 for an individual and \$34,900 for a couple.

As a result, the proposed maximum amount and income thresholds, even without calculation for the added costs of living with a disability, would keep recipients below the poverty line – in direct opposition to the objective of the benefit.

The threshold amount should be increased to lift recipients above the poverty line, keeping in mind the added costs of living with a disability.

Start of Benefits

In the administration of CERB during the pandemic, the federal government showed how quickly it can move in an emergency. People with disabilities in legislated poverty are in a state of emergency – they cannot wait any longer.

July of 2025 is simply too late. The federal government can and must do better.

The proposed Regulations indicate there will be no retroactive payments for months prior to July 2025. The disability community has repeatedly called for retroactive payments to date back to when the Canada Disability Benefit Act received royal assent, in June of 2023. The federal government should listen to and implement these calls.

Sincerely,

A handwritten signature in black ink, appearing to read "m. morrice". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Mike Morrice,
MP for Kitchener Centre