



Neighbourhood Legal Services

LONDON AND MIDDLESEX

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January 30, 2019

The Honourable Diane LeBouthillier, Minister of National Revenue
Confederation Building, Room 207
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Mme. LeBouthillier,

RE: Disability Tax Credit and Registered Disability Saving Program Reform

I am writing to you on behalf of the team at Neighbourhood Legal Services (London & Middlesex) and the clients we serve. Upon reading the June 2018 Senate report entitled "Breaking Down Barriers," we would like to offer our support to the recommendations made by the committee. These recommendations reflect essential changes to the Disability Tax Credit (DTC) and Registered Disability Savings Plan (RDSP). As a poverty law clinic, we work with many Canadians with disabilities and have repeatedly noted the difficulties they face caused by barriers in the implementation of the Disability Tax Credit and the Registered Disability Savings Plan. These programs are failing the individuals they were designed to help. I want to commend the creation of the Disability Advisory Committee; it is absolutely a step in the right direction. Though, like the report states, much more is needed. **Please adopt all the recommendations included in the "Breaking Down Barriers" report, especially those outlined below.**

Disability Tax Credit:

In regards to the Disability Tax Credit specifically, the report notes that criteria for the DTC are much stricter for mental functioning than physical functioning. Several impairments must be taken together, rather than only one physical activity limitation. This is unfair to individuals struggling with their mental health. At our clinic, the vast majority of our clients have mental health concerns. The current DTC criteria and forms are disproportionately unfair to these individuals. For this reason, we strongly support the recommendation to change the eligibility requirements so that limits to mental functioning need not be present together (recommendation #3). This would make the eligibility requirements more equitable for individuals with disabilities related to their mental health. Changes to the application forms may also be needed to rectify inequality as the form currently lists many more areas of "severe" related to physical conditions than mental.

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future. RSDP's also allow family members and others to ensure their loved one has a secure financial future following their passing.

A possible resolution for this common problem is found in recommendation #9, which suggests that the eligibility for the RDSP be reformed to include anyone who receives provincial or territorial income support. This would mean that anyone found ineligible for the Disability Tax Credit but still receiving disability support would not be forced to collapse their savings. Further, any recipient of Canada Pension Plan-Disability should be found eligible for the RDSP. This would increase access to the RDSP, another goal suggested by the committee.

Overall, the recommendations made in the "Breaking Down Barriers" report are strong and would likely increase the quality of life of Canadians with disabilities. Many of the suggestions would particularly benefit individuals with disabilities living in poverty. As a poverty law clinic that works directly with these individuals, we felt it important to express our support and rationale for these recommendations. Please **adopt these recommendations** as a necessary way of supporting vulnerable Canadians.

Yours truly,

Tori Craig
BSW Student

Mike Laliberte
Acting Executive Director