

Ontario Disability Support Program - Income Support Directives

11.4 - Portability of Overpayment

Summary of Legislation

The authority for portability of overpayments between programs and between delivery agents was introduced through the *Ontario Disability Support Program Act, 1997* and the *Ontario Works Act, 1997*

An overpayment made to a recipient, dependant spouse under other social assistance programs may be recovered by deductions to ODSP income support.

Legislative Authority

[Section 14 \(3\) of the ODSP Act](#)

Summary of Directive

This directive provides an overview of the policy on overpayment portability between Ontario Works delivery agents and Ontario Disability Support Program (ODSP) offices.

Intent of Policy

To ensure that an overpayment is recovered effectively and fairly.

Application of Policy

Standards

The overpayment must be calculated accurately, fully documented and recorded on file. Appropriate documentation of the overpayment calculation, the reasons(s) for the overpayment and the affected period must be on file to support an overpayment decision.

Written notice must be given to the recipient of the amount of the overpayment, the reason, the period for which it was incurred and their right to ask for an internal review and to appeal.

If a recipient had a dependent spouse when an overpayment was incurred, the Director must give notice in writing to the spouse of the amount of the overpayment, the reason and the period for which it was incurred and their right to ask for an internal review and to appeal.

Overpayment Portability

Any overpayment incurred under the *Ontario Works Act 1997*, *Ontario Disability Support Program Act, 1997*, *General Welfare Assistance Act* or the *Family Benefits Act*, is recoverable if the recipient and dependent spouse moves between programs or between delivery agents throughout Ontario.

The Service Delivery Model Technology (SDMT) permits electronic transfer of overpayment information between:

Ontario Works delivery agents and Ontario Disability Support Program (ODSP) offices; and

Ontario Works delivery agents throughout Ontario.

Overpayments continue to be portable between ODSP offices.

Recovery will be through automatic deduction of basic financial assistance/ income support where the case is ongoing.

This policy also applies if an applicant is reapplying for social assistance. If he/she had incurred an overpayment in the same or a different social assistance program, he/she will be informed that deduction of past overpayments will begin with the first social assistance payment.

Hyperlinks Associated with this Policy Directive

Related Directives:

[11.1 Recovery of Overpayments](#)

[11.2 Overpayments Due to Excess Assets](#)

[11.3 Spouse's Overpayment](#)