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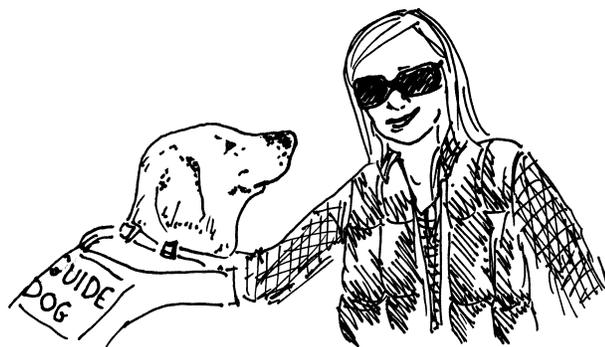
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TAKING CREDIT WHERE CREDIT IS DUE: THE DISABILITY TAX CREDIT

By Zoë Macmillan

Recently, a number of individuals have come to TAPS with forms from private companies offering to help them apply for the federal disability tax credit. These companies suggest large financial returns. However, they are often not as transparent about the percentage they charge on any monies the disabled person qualifies for. This article discusses the eligibility criteria for the disability tax credit, the benefits of qualifying for it, and how to apply without resorting to the help of private, for-profit companies.



What Is the DTC?

The disability tax credit (DTC) is a non-refundable credit that helps persons with disabilities or their supporting person reduce the amount of income tax they may have to pay. The purpose of the DTC is to provide for greater tax equity by allowing some relief for disability costs. If eligible, an individual or their support person can claim a non-

refundable credit totalling approximately \$1500 per year. The application and approval can be retroactive to the onset of disability. Tax returns can be refiled for up to ten years, which may trigger further refund. The DTC is not permanent and may be reviewed, particularly in cases of episodic conditions or ones likely to improve.

(See Tax Credit, page 4)

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COME VOLUNTEER IN TAPS' DISABILITY ADVOCACY PROJECT!

By Izzy Dehler-Hyde

The Volunteer Disability Advocacy Project (VDAP) has been a staple of TAPS since 2003. Every year, VDAP helps hundreds of clients navigate the long and arduous provincial disability application process in order to access life-changing financial and medical security. Many applicants have an understandably difficult time managing the almost 30-page disability application, and having the support of a volunteer advocate can make all the difference. Receiving provincial disability benefits can help individuals and families (re)gain income security by increasing their monthly income, giving them access to medical coverage, and providing a low-cost annual bus pass.

All volunteers take part in a rounded, engaging, and supportive training process. Volunteers attend

three 2-hour training workshops spread over the span of a week. During training, volunteers learn all about TAPS, income assistance, how to fill out a disability application, file management, and client—volunteer confidentiality. Volunteers also have the opportunity to develop their interviewing skills and get a sense of the client base they will be working with through interactive, team-based role playing scenarios. Volunteers are given a training manual which includes all the information covered in training, plus all the templates volunteers will need when they begin



working with clients. Training provides all the foundational information volunteers need, and after the initial six hours of workshops, volunteers have the opportunity to engage in more practical, hands-on training opportunities. They attend

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multiple observation sessions with experienced volunteer advocates where they have the opportunity to see disability advocacy work in action, ask questions, and receive mentorship. Volunteers can also request to have a more experienced volunteer or TAPS staff member sit in on their first client interview to provide support, guidance, and feedback. At this point, volunteers are ready to take on their own clients.

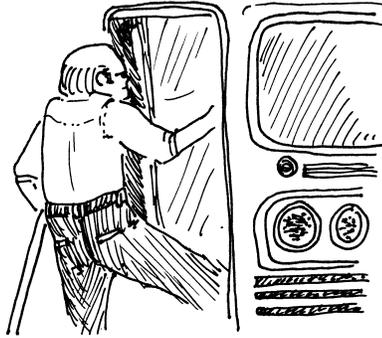
Under the guidance of the VDAP Coordinator, a newly trained volunteer can begin to meet with their own

(See Come Volunteer, page 6)

BUS PASS BLUES

In February, the government announced a modest increase of \$77 a month to individuals receiving Persons With Disabilities benefits (PWD), to begin in September, while also drastically changing important programs that improve access to transportation for many people with disabilities.

The BC Bus Pass Program currently offers an annual bus pass at a reduced cost of \$45 per year for disability assistance recipients in areas where BC Transit and Translink operate. The Special Transportation Subsidy (STS) provides a lump sum subsidy to people who reside in an area where the Bus Pass Program operates but who are unable to use public transit because of a disability, to help offset the cost of alternative transportation. Approximately 55,000 of the 100,000 provincial disability assistance recipients rely on one of these two transportation programs. TAPS works directly with people with disabilities, and is acutely aware of the importance of these programs in ensuring that people are able to move



about their communities, whether that be to shop for basic necessities, attend medical appointments, or take part in social gatherings.

Beginning September 1, 2016, those who rely on the bus pass program will be charged \$52 a month for a bus pass, leaving a real PWD rate increase of only \$25. Further, the government has said that it will still charge the \$45 per year “administrative fee” on top of the \$52.

Every year, clients who get the Special Transportation Subsidy receive a one-time payment, equivalent to \$66 per month. This year, in April, these clients will receive a prorated cheque for \$329. This represents five months of STS (April to August 2016). Clients will receive a letter to explain the prorated STS amount. Starting in September, these clients will

(See Bus Pass, page 7)

TAPS ADVOCATES

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How to Apply

Unlike other credits, individuals must first apply to Canada Revenue Agency (CRA) before claiming the DTC. The application process itself is quite simple. **Form T2201, Disability Tax Credit Certificate**, has two parts. Part A asks basic personal information of the applicant. More detailed information is required of those seeking to claim the amount on behalf of a disabled individual for whom they provide support. Part B must be completed by a medical practitioner.

Eligibility Criteria

A qualified practitioner needs to certify on the DTC Certificate that the applicant has a **severe** and **prolonged** impairment, as defined in the *Income Tax Act*.

Prolonged: has lasted, or is expected to last, a continuous period of at least 12 months

Severe:

- blind, or
- receives life-sustaining therapy, or
- *markedly restricted* in one basic activity of daily living, where all or substantially all of the time they are unable or it takes 3 times as long as a non-disabled person to perform, or
- *significantly restricted*

in two or more basic activities of daily living, where restrictions present all of the time or most of the time, and the cumulative effect of the restriction is equivalent to being markedly restricted in one basic activity.

“Basic activities” are vision, speaking, hearing, walking, bowel or bladder function, feeding, dressing, and mental functions necessary for everyday life. A person’s ability to perform these activities is assessed *with the applicant’s use of* assistive devices, therapy, and medication. This means, for example, if a person using a cane walks as quickly as a non-disabled person, then their walking ability is not considered restricted. Similarly, if a person functions restriction-free so long as they take their medication, they likely will not qualify.

Challenges to Qualifying

Just because an individual is eligible for provincial or federal disability benefits does not mean their DTC application will be approved. Qualifying for the DTC may be challenging depending on the nature of an individual’s disability, particularly when their ability to perform

TAPS’ SILENT WITNESS PROGRAM

Many of our clients find that appointments with the Ministry of Social Development and Social Innovation (MSDSI) can be stressful. Some find that having another person at their appointment lessens their stress and helps the appointment proceed smoothly. At TAPS, we have volunteer silent witnesses who can accompany individuals to ministry appointments. If you would like to be connected with a silent witness, call TAPS at 250-361-3521.

activities is evaluated with the use of devices and therapies. Unsurprisingly, a denial may be bewildering for those whose disabilities are deemed severe enough to qualify for Person With Disabilities or Canada Pension Plan Disability benefits.

A successful application truly depends on the ability of the applicant’s doctor to detail why their patient satisfies the criteria. Of critical importance is the practitioner’s understanding and ability to explain *how*

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(Cont'd from **Tax Credit**, Page 4)

their patient's impairment markedly or significantly restricts their ability to perform activities. This requires not only an understanding of the legislative definitions, but a thorough appreciation of the applicant's abilities and restrictions. If CRA is not convinced an applicant meets the DTC eligibility requirements, the doctor may be sent a questionnaire seeking additional, detailed information.



FEDERAL DISABILITY ADVOCACY PROJECT

TAPS' Federal Disability Advocacy Project can provide information on CPP-Disability, the Disability Tax Credit and the Registered Disability Savings Plan. If you would like to speak with an advocate about any of these benefits, or would like help applying, contact Zoë Macmillan at TAPS at 250-361-3521.

Benefits of the DTC

Likely the biggest benefit of DTC eligibility is the opportunity to establish a Registered Disability Savings Plan (RDSP). RDSPs allow disabled individuals to save for long-term financial security, and have added incentives such as government grants which match contributions up to \$70,000, and government bonds of \$1,000 per year for low income individuals. As well, PWD or income assistance benefits are not affected by any RDSP savings or withdrawals. RDSPs are considered exempt assets and any income withdrawn is treated as exempt unearned income.

How Can TAPS & FDAP Help?

With TAPS' **Federal Disability Advocacy Project (FDAP)**, the advocate provides clients with general information about the DTC and can further explore whether the DTC is an option. Most importantly, the FDAP advocate is able to help clients through the application process itself. For example, the advocate can draft letters to the client's practitioner outlining not only the DTC eligibility requirements, but also providing detailed information about their patient's challenges in

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performing basic daily activities. Clients are also encouraged to review the completed certificate with the advocate before submitting it, to ensure it is the strongest possible application.

If a client is approved for the DTC, the advocate can assist by corresponding with CRA to request a reassessment of past tax years. If the DTC application is denied or revoked, the advocate can assist with an appeal. This may involve filing a Notice of Objection and

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providing additional information in support of the application, such as medical letters of support. The advocate can also assist with readjustments to a client's DTC eligibility, for example, requesting a change to the date of onset of the disability if new medical information supports the claim.

Unlike private, for-profit organizations, TAPS does not charge clients for these services. Many "disability benefit firms", also known as disability tax credit promoters, offer help with DTC applications, and may even guarantee success. However, these services typically come at a large cost. Currently, legislation is being drafted which will set the maximum fee that DTC promoters can charge for helping prepare a claim. The goal is to protect often vulnerable individuals from such unscrupulous practices. ■

(Cont'd from Come Volunteer, Page 2)

clients and help them make sense of the application process. Through an extensive interview process, the volunteer gains an understanding of the client's disability and how it affects their life. This information is

WRITE FOR TAPROOT

We welcome articles from readers. Please make your article 600 words or less. Drop off or mail articles to Heidi at TAPS at #302 - 895 Fort Street, Victoria, BC V8W 1H7, or send by e-mail to volunteers@tapsbc.ca, or by fax to 250-361-3541. Please include your name and contact information.

used to draft a self-report for the client's application, which the volunteer and the client then review together. The volunteer also coordinates with physicians and reviews the client's completed application before it is submitted in order to achieve the best possible outcome. This position gives volunteers the opportunity to support marginalized clients who are often going through a very difficult time and to make significant and long-lasting transformations in people's lives.

In addition to being able to help create lasting change in people's lives, there are many other benefits of volunteering with VDAP. It is rare for folks in volunteer positions to be able to work directly and

PERSONS WITH DISABILITIES

TAPS has advocates who can help you apply for Person With Disabilities status (PWD) through the Ministry of Social Development and Social Innovation. TAPS can also help you with an appeal if you have applied and been denied. Call TAPS at 250-361-3521 for more information. If you are at the appeal stage, be sure to get in touch with us as soon as possible after receiving your letter of denial, and tell the receptionist you are calling about a disability appeal.

independently with clients one-on-one, and so volunteers have the opportunity to develop a very solid and useful skill base. Volunteers can develop and strengthen their interviewing, writing, interpersonal, organizational, and file management skills, which are advantageous skills for all sorts of other volunteering and employment opportunities. Volunteering in this project would also look great on a resume, and the

(See Come Volunteer, page 7)

(Cont'd from Come Volunteer, Page 6)

VDAP Coordinator can provide references when appropriate. I can tell you from firsthand experience that TAPS is an amazing organization to volunteer in (and did I mention there are always free cookies here?!?).

This volunteer position is open to people with all sorts of abilities, experience levels, and backgrounds; however, there are certain skills that are beneficial to have. VDAP volunteers should have proficient reading and writing skills, as writing is a large component of the position. It is also an asset to have basic computer skills. Volunteers need to be comfortable working one-on-one with vulnerable clients and have an ability to listen and to validate people's experiences. Additionally, volunteers should be comfortable working with clients whose beliefs, actions, and lifestyle may strongly conflict with their own, without bias or judgement. TAPS strives to give all volunteer applicants the opportunity to contribute to the VDAP program, and works closely with volunteers to help them develop and expand these skills.

If you are interested in becoming a VDAP volunteer, please email

volunteers@tapsbc.ca, call the office at (250) 361-3521, or fill out the online application form at <http://www.tapsbc.ca/volunteer-opportunities>. All applicants' contact information is passed on to the VDAP Coordinator, who will contact all the applicants once the training dates are set. Since training happens two to three times per year, you may not be contacted immediately. All volunteers are asked to commit to at least four hours a month, bearing in mind that the office is only open for volunteers to take clients Monday to Friday from 8:30 to 4:30. ■



(Cont'd from Bus Pass Blues, Page 3)

automatically receive the monthly PWD rate increase of \$77, which replaces the STS amount, leaving them a real increase of merely \$11 a month.

While the government maintains that its aim is to make the system fairer for people with disabilities who do not currently receive support for transportation,

the proposed changes are not the right approach. It has been almost a decade since the government has increased income assistance and disability rates—and at \$906 per month, disability assistance rates in BC are among the lowest in the country. With the government announcing projected surpluses into 2018 and the creation of a “prosperity fund,” we believe it is beyond time that all British Columbians should be supported to prosper.

TAPS urges the government to:

- bring back the \$45 per year bus pass for people with disabilities;
- eliminate the new \$52 per month bus pass fee;
- allow everyone receiving PWD benefits to keep the \$77 per month increase;
- introduce a rural transportation subsidy for those living outside the areas where the Bus Pass Program and Special Transportation Subsidy operate; and
- raise income and disability assistance significantly by October 1, 2016, to reflect the cost of living, and index rates to inflation. ■



ABOUT TAPS

TAPS was established and registered as a society in 1989 and serves the Greater Victoria area. We provide legal information and representation on issues relating to income assistance, provincial and federal disability benefits, residential tenancy, and employment standards. We also provide public legal education in these areas and on broader poverty issues.

You can reach us between 9:30 am and 4:30 pm, Monday to Friday, by phone at 250-361-3521 or in person at #302 - 895 Fort Street. The office is closed daily for lunch between noon and 1:00 pm and is closed to walk-in clients on Monday and Friday mornings.

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