

Guide to:

Criminal Injuries Compensation Board



What is the Criminal Injuries Compensation Board?

The Criminal Injuries Compensation Board (“CICB”) gives money (compensation) to people harmed by violent crimes. The crime must have happened in Ontario.

Who can the CICB help?

The CICB gives money (compensation) to two categories of people:

- i. People who are victims of a violent crime, and
- ii. People whose family members died in a violent crime.

What is a “violent crime”?

A violent crime includes offences such as assault, sexual assault, domestic assault (e.g. abuse by a spouse/partner), child abuse, murder, attempted murder, firearm offences, poisoning, and arson.

Can I apply to the CICB if I am under 18?

Yes you can apply if you are under 18. The CICB rules say that a youth can apply on their own, or with a legal representative, or with a litigation guardian.

When do I have to apply?

Generally, you must apply **within two years** of the injury. But if you were under 18 when you were injured, then you need to apply before you turn 20 years old. If you don't discover an injury until sometime after the crime, then you need to apply within two years of discovering the injury.

There is no time limit and you can apply at any time if the injury happened because of sexual violence; or if it was your parent or guardian or partner (such as a boyfriend or girlfriend) who hurt you.

If you miss the deadline, you can ask the CICB for an extension to give you more time, but the CICB does not have to give you the extension.

Will anyone find out that I made a claim?

If the person who committed the crime was found guilty in criminal court, they will not be told about your CICB application and they will not participate in the process.

If the person who committed the crime was not found guilty, then they will be told about your application.

CICB hearings are public but in some situations they can be private, like for safety reasons or if the claim involves sexual assault or abuse. If you want your hearing to be in private, say so on your application form.

If I am the victim, what can I get money for?

The CICB can give money to victims of violent crimes for many things, including:

Physical injuries – You can ask for money to pay for medical care if you were physically hurt by the crime. The injuries must be serious, for example, broken bones, serious cuts, and serious damage to your body.

Psychological injuries – This is for emotional or mental harm you have from the crime. The injuries must be serious. Usually you will need to have a report from a doctor or counsellor to prove that the crime caused the harm.

Pain and suffering – This is when a physical or psychological injury causes you to have problems participating in activities or doing things you enjoyed before the injury. For example, a leg injury that prevents you from being able to walk for very long or play your team sports. Pain and suffering is often the largest part of the money people get.

Employment problems – If the crime caused problems for you to be able to do your work, in part or in whole, you can ask for your lost income.

Child care - If you got pregnant and have a child as the result of a sexual assault, you can ask for money to support the child.

If my family member died, what can I get money for?

The CICB can compensate family members for many things, including:

Lost income – You can ask for money to cover living expenses if the person who died used to pay those expenses for you, for example, if the person was your parent. Expenses can include rent, bills and food.

Counselling – This is money you have spent on counselling or therapy to help you because of the death.

Other expenses – These are expenses that are directly related to the death, for example, funeral expenses.

Nervous shock – This is when a person who had a close relationship to the victim actually saw the crime or saw the scene of the crime and the shock causes the person psychological harm. Usually you will need a report from a doctor or counsellor to prove that the crime caused you to experience nervous shock.

If you are not sure whether your injuries or losses qualify for compensation from the CICB, you should speak a lawyer (see end of pamphlet).

How do I apply to the CICB?

To make a claim, you have to fill out the appropriate CICB application forms. There are two types of application forms: one for injuries and one for deaths.

You can get the forms on the CICB website: <http://www.cicb.gov.on.ca/en/faq.htm>.

Or you can call the CICB and they can send you blank forms in the mail:
1-800-372-7463.

Once the application form is completed, you fax or mail it to the CICB or drop it off in person. Details will be listed on the forms.

For help filling out the form you can contact:

- i. a lawyer (see end of pamphlet), or
- ii. the Victim Support Line: 1-888-579-2888 or 416-314-2447.
Website: services.findhelp.ca/ovss/

What happens after I submit the application form?

The CICB will look at your application and might ask you to get some other documents. For example, if you saw someone for counselling or therapy, then the CICB might ask

you for a report from the person who treated you. Or you might be asked to provide receipts for the expenses you claim.

What happens after my application is completed?

After the CICB is satisfied that they have all the materials they require, a decision maker (called an “adjudicator”) will decide whether you will have a written hearing or oral hearing.

What happens at a written hearing?

If the adjudicator feels they can make a decision based only on the documents you have provided, they will review the materials and make a decision about whether you qualify for compensation, and if yes, how much money to give you.

When might I have an oral hearing?

If the adjudicator wants you to give information about your claim and answer questions in person (give “evidence”), they will hold an oral hearing. An oral hearing is similar to a trial. You will be given the date, time, and location of the oral hearing.

Oral hearings are held in different towns and cities across Ontario. The CICB will usually choose the location closest to you. Sometimes the CICB will offer you an earlier hearing date if you agree to travel to a location further away from you; but you don’t have to agree if you don’t want to travel that far.

Can I have a lawyer for my claim?

Yes. You can have a lawyer help you fill out the application forms and get any documents you might need. The lawyer can also go to an oral hearing with you.

Who will be at the oral hearing?

You have a right to be at the oral hearing, and you can bring people to support you.

If you have a lawyer, your lawyer will also go to the hearing with you and speak on your behalf. In some cases, the lawyer can go for you so that you don’t have to go; and if you are under 18, you do not need to go to the hearing if you do not want to.

The person who committed the crime is allowed to attend the hearing, but this person will not be in the same room as you. They will speak to the adjudicator over a speaker phone or on video while everyone is listening.

If you believe there are other people who should be there to give relevant information to the adjudicator, you must tell the adjudicator in advance. If the adjudicator decides to hear from that person, the adjudicator will give you a document for the person called a summons. The summons will tell the person that they are required to come to the hearing.

Are oral hearings open to the public?

Oral hearings are usually open to the public, which means that anyone can attend. If you asked for the hearing to be private on your application form, you should remind the adjudicator at the start of the hearing that you asked for it to be private.

How much money can I get?

The maximum amount of money that the CICB can give you for one incident is \$25,000 for each person that is injured or killed. If more than one person is injured or killed in one incident, the CICB can pay out a total of \$150,000 for the entire incident. If there are more than six people who are injured or killed, then the \$150,000 might have to be divided among the people who qualify for compensation.

Who pays me and how do I get the money?

The money is paid to you by the CICB. The person who committed the crime does not pay any money.

If you are under 18, the money might be held for you by the Accountant of the Superior Court of Justice. When you turn 18, the Accountant's office will contact you to tell you how to get the money. If you move to a new address before you turn 18, you should let the Accountant know.

If I am receiving Ontario Works (OW), do I have to tell OW about the money from CICB?

You should tell OW if you receive money from the CICB. OW will allow you to keep up to \$25,000 from the CICB for pain and suffering or expenses without adjusting your OW

payments.

What if I disagree with the CICB's decision?

If a single adjudicator heard your application, you can make a written request for a review hearing. You must request the review hearing **within 15 days** of receiving the decision. Two new adjudicators will be responsible for the review hearing. The new adjudicators can make the same decision, a different decision, or change the amount of money you were given.

If two or more adjudicators made a decision about your application, you can appeal to the Divisional Court of the Superior Court of Justice. You must appeal **within 30 days** of receiving the decision. You cannot appeal to the court about the amount of money you get. You can only appeal to the court if there is a legal issue that was not properly handled at the hearing. You should talk to a lawyer if you want to appeal.

Is it possible to get the CICB to change the amount of money I get?

You can only ask the CICB to change the amount of money you were given if there is new evidence or if the circumstances change. This is called a variation.

For example, you might ask for a variation if the CICB gave you money for medical expenses based on a quote from a doctor, but it turned out that your medical expenses were more than the quote. You should talk to lawyer if you want to ask for a variation.

Where can I get more information about the CICB?

The CICB is part of the Social Justice Tribunals of Ontario. More information is available on their website: www.sjto.gov.on.ca/cicb

FOR HELP FINDING A LAWYER:

Justice for Children and Youth - www.jfcy.org, 416-920-1633 or 1-866-999-5329
Services for young people under 18 or homeless youth under 25

Lawyer Referral Service - www.lsuc.on.ca/lrsr, receive up to 30 min free advice.

Community Legal Clinics - www.legalaid.on.ca, locate and contact the clinic closest to you

OTHER SERVICES:

Kids Help Phone - www.kidshelpphone.ca, 1-800-668-6868, phone and online support

211 Ontario - www.211Ontario.ca, dial 211 from any phone

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Organizations should feel free to add local resources:

This pamphlet gives general information only.
Speak to a lawyer about your situation. March 2017



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