

## OTHER THINGS TO KNOW ABOUT THE APPLICATION

- » Completing the application and explaining what happened to you is a very time consuming process. It is best to gather your supporting documents before filing the application to avoid delays in the process.
- » You may find filling out the application or going through a hearing to be re-traumatizing, so it is best to work through this process with a counsellor or a therapist who has experience with sexual violence.
- » The process takes approximately one year from beginning to end.
- » If you receive social assistance, a CICB award may impact your payments. Specifically, if you are awarded money because you lost wages or were unable to work, that amount may be deducted from your social assistance. Money for pain and suffering, however, will not be deducted. You must tell your OW or ODSP caseworker in writing about any CICB award you receive.

## WILL THERE BE A HEARING?

- » Recently, the CICB has started relying primarily on written applications and supporting documents.
- » If the CICB needs more information to make its decision, a hearing may be scheduled where you will tell your story, your friends and family can testify, and the CICB can ask questions about the incident, your injuries and the costs to you.
- » Hearings are generally open to the public, but in cases of sexual assault, child abuse or gendered violence you can request a closed hearing.
- » You may also want to bring a professional court support worker to the hearing with you to support you and answer any questions you have along the way.
- » If you require an interpreter at the hearing, you can request one when you complete your application.

## WILL MY ABUSER KNOW ABOUT MY APPLICATION?

- » If the offender has a criminal conviction for the crime done to you, the CICB will not tell them about your application.
- » If the offender has not been convicted, the CICB will tell them about your application. The offender will have a chance to respond in writing, and even go to the hearing (if there is one) to ask you questions.
- » If you are afraid of the offender, you can request that they not be notified of your claim (see Part 6 of the application).
- » The CICB will advise you before the hearing if the offender will be present. You may want a lawyer to help you prepare if the offender will be at the hearing.
- » The CICB will not give the offender your contact information or address.

## WHAT HAPPENS NEXT?

- » The CICB will send you its decision about 2 to 4 months after your documents are reviewed or a hearing takes place.
- » If you are awarded compensation, a cheque will be attached to the written decision. If your claim is denied, the CICB will provide reasons for denying it.
- » If you are not satisfied with the decision or award, you should contact the CICB right away to find out how you can appeal the decision.
- » You may want to seek a legal opinion if you want to appeal.

# MAKING A CLAIM TO THE ONTARIO CRIMINAL INJURIES COMPENSATION BOARD

Not Okay Project

## A Fact Sheet for Survivors of Sexual Violence



In partnership with



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## WHAT IS THE CRIMINAL INJURIES COMPENSATION BOARD (CICB)?

The CICB is an administrative body funded by the government that can give up to \$25,000 to survivors of violent crime. More than 50 per cent of awards each year are for survivors of sexual or domestic assault.

Any money you receive will not come from the offender, who will not be criminally charged as a result of your application.

## AM I ELIGIBLE TO MAKE A CICB CLAIM?

You can apply for compensation if:

- » You are 18 years of age or older;
- » You are a survivor of a violent crime, including sexual assault, domestic violence or another form of gendered violence (such as child sexual and/or physical abuse or incest);
- » The crime took place in Ontario; and
- » You were physically, psychologically or emotionally injured as a result.

You can make a claim whether or not you called the police to report the crime or the offender was charged or convicted.

There is no time limit on making a claim for sexual violence.

If the violent crime occurred in another province, go to the Canadian Resource Centre for Victims of Crimes website (<https://crcvc.ca/for-victims/financial-assistance/>) to see how to make an application in that province.

## WHY SHOULD I MAKE A CICB CLAIM?

You may be able to get money for counselling or therapy services, medical or dental costs, treatment expenses, the cost of travel to treatment, loss of income or support, the costs of raising a child born as the result of a sexual assault, and pain and suffering.

The maximum award you can receive is \$25,000. If the CICB decides you should receive some compensation,

the amount you receive will depend on the facts of your case and the seriousness of your injuries, so you should not go into the process assuming you will receive the maximum amount of money.

This is not a criminal process; no one will be charged and you will not have to testify as a Crown witness.

## HOW DO I MAKE A CLAIM?

1. Download the 'Application Form for an Injury' on the Social Justice Tribunals Ontario website ([www.sjto.gov.on.ca/cicb/forms-filing/](http://www.sjto.gov.on.ca/cicb/forms-filing/)). You can fill it out on a computer or by hand. Refer to the 'Guide for Application Form for an Injury' on the same web page to help you fill out the application.
2. You need to prove to the Board that it is more likely than not that a crime of violence occurred and that your injuries resulted from that crime.
3. Completing the application form may be difficult and even traumatizing, but a detailed application makes it easier for the CICB to understand the violence that was done to you. It is important to provide as much detail as possible about the crime and the impact it has had on you, including:
  - a. The specific dates, times, and locations (if known)
  - b. Descriptions of all physical, emotional and psychological injuries
  - c. Need for medication or any kind of therapy and whether it is helping
  - d. Changed relationships with your partner, children, friends and family
  - e. New concerns about dating, going out, taking part in community activities
  - f. Difficulties with daily life, work, school, or other responsibilities
4. You should include supporting documents if you have them, such as:
  - a. Medical or therapy records about your injuries
  - b. Letters from friends or family
  - c. Invoices/receipts for costs related to your injuries

d. Police reports, courts orders (probation and/or restraining order, or peace bond for example), a victim impact statement, or court decisions if the offender has a criminal court conviction for the violence done to you or for a similar violent crime done to you or someone else

5. Fax, mail, email or drop off a copy of the application and supporting documents to the address listed on the first page of the application. Be sure to keep the originals for your own records.
6. The CICB will send you a letter confirming that it received your application. It will contain your case number which you must use if you need to send any more documents or if you call for updates on your case.
7. Remember to contact the CICB if your phone number or address changes. A form for this can be located on the website.

## WHERE CAN I GET HELP COMPLETING THE APPLICATION?

- » Your local legal clinic, rape crisis centre, or women's shelter may be able to help you fill out the application or gather your supporting documents. Some of these include: the Barbra Schlifer Commemorative Clinic and Aboriginal Legal Services in Toronto, Community Legal Aid Services Program (CLASP) in North York, Hamilton Community Legal Clinic, The Legal Clinic in Perth, and the Community Advocacy and Legal Centre in Belleville.
- » The CICB may do a criminal record check on you, so if you have ever been the subject of a criminal investigation or have been convicted of a crime, it is a good idea to talk to a lawyer to help you prepare your application.
- » You must provide signed consent to allow the CICB to gather more information about your case from other people, such as doctors, police, and insurance companies, if the Board needs it. If you have questions about signing this agreement, it is a good idea to talk to a lawyer for help with your application.