

## **YORK REGION TRANSIT MOBILITY PLUS ELIGIBILITY APPEAL PANEL TERMS OF REFERENCE**

### **1.0 MANDATE**

The York Region Transit Mobility Plus Eligibility Appeal Panel shall be established to hear appeals from applicants who have been deemed ineligible to receive Mobility Plus service. The appeal process is intended to ensure that applications are dealt with in a fair and transparent manner, and decisions are made in accordance with established criteria.

#### **1.1 York Region Transit Mobility Plus Mandate**

YRT Mobility Plus provides specialized public transit services to individuals who, due to a physical or functional limitation, are unable to use conventional transit services.

### **2.0 DEFINITIONS**

#### **2.1 “appeal” means:**

to apply for review of an application by the York Region Transit Mobility Plus Eligibility Appeal Panel after an applicant has been deemed ineligible or eligible with restrictions. The appeal must concern a decision regarding eligibility, level of eligibility, or type of assistance required. Three (3) conditions must be met before the Eligibility Appeal Panel accepts an application for review:

- (a) The appeal must be made within 40 days following receipt of the initial decision;
- (b) The appeal must be made by the applicant or his/her representative;
- (c) The decision contested must be based on the analysis of the complete file including the original application.

#### **2.2 “conventional public transit” means:**

Accessible fixed route public transit and includes the family of services offered by York Region Transit, including Viva.

#### **2.3 “level of eligibility” means:**

The level of Mobility Plus service (set out in Attachment 2) for which the applicant is eligible based on the information provided in the application.

#### **2.4 “medical practitioner” means:**

Someone who practices medicine as a licensed physician, or who is a licensed optometrist/optamologist, certified rehabilitation specialist, chiropractor, physiotherapist, registered occupational therapist, licensed physical therapist, registered nurse, certified psychologist, or a social worker.

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**2.5 “person from the disabled community” means:**

Someone with a physical disability, or functional limitation, including visual, sensory or cognitive disabilities.

**2.6 “physical or functional limitation” means:**

any condition, either short term or long term (e.g. paraplegia), that prevents the individual from using conventional transit services and may include physical, visual, sensory, and cognitive disabilities, as well as individuals undergoing dialysis treatments.

**2.7 “shared-ride” means:**

- (a) the linking of two or more passengers into a single vehicle;
- (b) other customers may be on board during the trip;
- (c) route of travel may be altered so other customers can be accommodated;
- (d) vehicle may stop and pick up other passengers as it travels to a destination all within the parameters set by the Region.

**2.8 “specialized” means:**

pre-booked, shared-ride, door-to-door transit services.

**3.0 RESPONSIBILITY**

The primary responsibility of the Eligibility Appeal Panel is to review applications for use of the Mobility Plus Service.

The Eligibility Appeal Panel will render its decision on an appeal on the basis of new information provided by the applicant and/or a clarification of previously submitted information.

**3.1 Eligibility Criteria**

Decisions of the Eligibility Appeal Panel must be based on the following eligibility criteria as approved by Regional Council:

An individual is eligible for Mobility Plus if he/she is unable to use conventional public transit due to a physical or functional limitation. Eligibility is considered on a case by case basis and is not based on a particular disability, nor is it based on income level or lack of accessible conventional public transit in the applicant’s area.

Applications who are otherwise ineligible for Mobility Plus because they are able to use the conventional public transit, may be eligible for trips to/from approved day programs/work placements. Written confirmation from a placement agency is required.

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The level of eligibility is to be determined based on the information in the application and any additional information provided to the Panel.

Appeals based simply on compassionate grounds will not be considered.

The Eligibility Appeal Panel may be asked to review the application form and suggest changes.

### **3.2 Declarations**

Eligibility Appeal Panel members will be expected to carry out their duties in an objective manner and must declare any personal interests or potential conflicts when carrying out their duties. Members are required to maintain confidentiality with respect to Appeal Panel proceedings and to adhere to the provisions of the Municipal Freedom of Information and Protection of Privacy Act.

### **4.0 APPEAL PANEL APPOINTMENT ELIGIBILITY CRITERIA**

The Eligibility Appeal Panel will consist of three (3) members: a Medical Health Practitioner (appointed), and 2 persons from the Disabled Community (appointed).

The three (3) appointees must be current residents of York Region, Canadian citizens, and at least 18 years of age.

They must also have the ability to meet at least once a month, including during business hours.

Appointees must have a demonstrated history of community service in York Region.

### **5.0 QUALIFICATIONS**

Each appointee will have:

- (a) An understanding of the different types of disabilities and the functional characteristics of each.
- (b) An understanding of the eligibility criteria for York Region Transit Mobility Plus.
- (c) An awareness and understanding of the principles supporting the development and delivery of accessible conventional public transit and specialized public transit.
- (d) An understanding of the Appeal process.

### **6.0 TERM OF APPOINTMENT**

The term of appointment will be one year, and may be renewed annually for a total term of four (4) years, in which case it shall coincide with the term of Regional Council. Vacancies will be solicited from the community at large, through an application process, with expertise and experience specific to the needs of the Eligibility Appeal Panel. Appointments shall be confirmed by Regional Council.

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Vacancies before the term is complete will first be filled from the review of prior applications and, if not successful, from an appeal to the community at large for further applicants. The Regional Chair shall have the authority to appoint individuals to vacant positions.

Membership will be reviewed annually by Regional Council, and will be evaluated based on the members' ability to carry out panel responsibilities and based on their attendance.

## **7.0 QUORUM**

A quorum for a meeting shall be all three (3) of the appointed members.

## **8.0 CHAIR**

The Chair will be on a rotating basis with each member of the Panel taking a turn.

## **9.0 VOTING**

The decision(s) of the Eligibility Appeal Panel will be final and shall be based on a majority vote. Decisions will be rendered within 40 days of receiving the appeal request. The decision is without further appeal for one (1) year unless the Eligibility Appeal Panel receives additional information affecting the person's ability to access conventional transit (e.g. accident, surgery, dialysis, etc.) or there is a change in medical status that may affect the person's eligibility.

The Panel will endeavour to reach decisions by consensus but if consensus is not reached, a decision will be determined by majority vote.

A record shall be maintained of all Eligibility Appeal Panel meetings and decisions taken.

## **10.0 MEETINGS**

Meetings are to be held at the South Services Centre located at 50 High Tech Road, Richmond Hill or the Administrative Centre at 17250 Yonge Street, Newmarket. Meetings are closed to the public.

### **10.1 Resources**

Staff support for the Eligibility Appeal Panel will be provided by the Transit branch, Legal Services and the Regional Clerk's Office, which will maintain a record of all meetings. Other Regional departments and branches will be consulted on an as-needed basis.

## **11.0 ATTENDANCE AT MEETINGS**

Attendance of all three (3) members is required in order for a hearing to proceed. Members are required to notify the Clerks office promptly if they are unable to attend a scheduled meeting due to unforeseen circumstances.

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**12.0 AGENDAS**

Agendas will be based on the Appeals requested. All Appeals will be numbered and will not be identified by name.

**13.0 REIMBURSEMENT OF EXPENSES**

- (a) Members of the Eligibility Appeal Panel serve without remuneration, but will be compensated by the Region for any approved travel expenses related to carrying out their duties as an appointee.
- (b) Members who are persons with disabilities will be provided with the resources related to their disability and that are deemed necessary for them to fully participate in the Panel (e.g. sign language interpretation services, Braille translation services, transportation, support care services, etc.).

**14.0 EVALUATION AND REVIEW**

The Terms of Reference for the Eligibility Appeal Panel shall be approved by Regional Council and will be reviewed after the first year with input from the Region's Accessibility Advisory Committee. They may be modified after the release of the regulations of the Accessibility for Ontarians with Disabilities Act, 2005, and/or the repeal of the Ontarians with Disabilities Act, 2001. Such modifications shall be approved by Regional Council.

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