

Corporate Services Department
Regional Clerk's Office

MEMORANDUM

TO: Elma Stevenson - Committee Coordinator
Transit Committee

FROM: Susan Neill - Committee Coordinator
Community Services and Housing Committee

DATE: November 17, 2005

RE: Submission to Transit Committee
December 8, 2005

Regional Council at its meeting of November 17, 2005 adopted, without amendment Clause No. 2 of Report No. 9 of the Community Services and Housing Committee.

By its adoption of this Clause, Council directed that the attached submission regarding Mobility Transit be directed to the Regional Transit Committee for review and consideration.

/sn
Enc.
#183386

**PORTIONS OF THIS SUBMISSION
CONTAINING PERSONAL AND
PERSONAL HEALTH
INFORMATION HAVE BEEN
OMITTED FROM CIRCULATION**

21 Dunlop St., Ste. 200, Richmond Hill, Ontario L4C 2M6

Tel: 905-508-5018 • Toll free 1-888-365-5226

Fax: 905-508-7539 • www.clcyr.on.ca



**Community
Legal Clinic**
of York Region

"Legal Solutions for Low-Income People"

December 9, 2004

York Region Accessibility Advisory Committee

**SUBMISSION
MADE ON
December 9, 2004
AT PUBLIC CONSULTATION**

I am a Community Legal Worker with the Community Legal Clinic of York Region. The Clinic provides legal advice and representation to low income people living in York Region.

I first became involved with Mobility Transit back in February 2004, when I began hearing from various agencies and community members that they were having difficulties with the application, denial and appeals process through Mobility Transit of York Region. Since then, six different clients who have experienced serious difficulties with Mobility Transit have retained me.

I requested information from Mobility Transit regarding policies around application, denial and appeals on April 18, 2004 and was informed at that time that were policies and procedural guidelines that govern Mobility Transit, and that I would be sent of copy of these documents. I was not provided with that information, and I required these documents to assist in a client appeal. I proceeded to file a MFIPPA request On April 29, 2004. The response to this request alerted me to the fact that apparently there were no policies around these particular issues.

Since April 29, 2004 in representing clients, I continued to ask for relevant policy through the Mobility Transit Department, but to no avail. I requested policy once again On November 18, 2004, as I had understood the Transportation Department - Mobility Transit was in the process of developing one. I was informed that a draft policy was going to upper management at the Region of York, and should be ready approximately the end of November 2004. I have not yet seen or heard any such written policy.

I am extremely concerned about the barriers to applying for and maintaining Mobility Transit ridership. Below is a list of concerns that my clients have identified.

Applications

Time between when application is submitted by client and client is informed of eligibility can run from three months to over a year.

Notification from Mobility Transit to client regarding eligibility usually occurs as a result of client continuing to call Mobility Transit. There has been no written notification of status of application.

Applications that have been submitted have been lost by Mobility Transit. Due to the absence of clear timelines; and internal tracking policies, the applicant will not discover the loss until a subsequent inquiry, often weeks or months later. When clients are approved for Mobility Transit, they are not informed of the 'criteria' for three types of approval. (I.e. Temporary, permanent, day programs only.) Also, there have been situations where the client has received a ridership card that states 'permanent' and that has been changed subsequently without notice to the client.

Clients are not informed in writing as to their reasons for ineligibility. Also, clients are not informed of any appeal process.

Ongoing

Various clients were:

1. Not being notified that their files are up for review and what is involved with a file review.

Clients are not being provided with an opportunity to prevent. Even interruptions of short duration can have a devastating impact on the life of someone who depends on this service.

2. Not given notice of what Mobility Transit requires for the review.

This often results in a substantial interruption/ delay in client ridership rights and can be quite costly. The client is often required to make multiple visits to their doctors to have forms and/or letters completed, and often doctors charge a fee for each letter or form completed. As the client usually relies on friends and family to transport them to and from these appointments, those without such resort to taxis, which are expensive, but is often the only answer.

Clients are often asked to attend a meeting with Mobility Transit staff. Clients are not informed of the agenda and are sometimes unprepared, necessitating a further meeting and additional time and expense.

Clients are being asked oral questions that are sometimes confusing. This results in clients providing answers to questions they do not understand. There is not a mechanism in place to ensure that the client completely understands the questions that are being asked.

During the meetings with Mobility Transit staff clients have been asked what treatment they are undertaking in respect to their disability and recovery. This information is irrelevant to the client's eligibility and has been admitted to be that by Mobility Transit

staff. This line of questioning is invasive and can be intimidating to clients. It is indicative of the problems caused by no clear eligibility policy.

Mobility Transit has requested certain documentation prior to the meeting (via phone) and then at the meeting is requesting more medical information from the client. This request is based on information that Mobility Transit already had on file prior to the meeting. Again, this creates a longer delay for clients to get service, and can cost the client financially.

Clients have had ongoing service terminated without any warning. In fact, clients usually find out they have been terminated when they are actually attempting to book a ride.

General Office Contact

While representing clients on their Mobility Transit issues I have experienced difficulty getting responses in a timely manner. For example, I did not receive any response to a letter requesting information on status of client's ridership, written or verbal for a four-month period.

I am in the process of collecting various case scenarios that I would be more than happy to share with the Committee.

Conclusion

I strongly urge and encourage the Accessibility Advisory Committee to recommend development of a predictable, written policy for the Transportation Department - Mobility Transit and to ensure that the policy is clear on eligibility requirements and processes for applications, reviews and appeals to ensure that Mobility Transit is accessible and barrier free. Many individuals in York Region, who have a disability, depend on this service for day to day living. Without this service, individuals can suffer from isolation, disconnection from community, poor health and impaired independence. I strongly urge the Accessibility Advisory Committee to take a lead on the review of this vital service to people with disabilities in York Region.

Thank you for taking the time to read this.

Sincerely,

Kim McKinnon
Community Legal Worker

Story 1 - J.

March 2004-Application completed for Mobility plus transit (visual impairment)

April 2004-Letter sent by Mobility Plus to applicant that clarification from physician was needed.

April 2004-Application re-submitted and approved with permanent status.

October 2004-Transportation arranged with Mobility Plus for approved rider to take son with autism to an appointment.

Oct. 18, 2004- J. received letter from taxi driver from Mobility Plus indicating that as no obvious disability was observed, a meeting was being arranged for November 18 with new application required for review of eligibility.

Nov. 2004-J. calls Mobility Plus indicating that as English is not her first language she would like the meeting to be rescheduled to accommodate an interpreter, the date available is Nov. 11, one week earlier than scheduled. Request denied.

Nov. 2004- YSSN worker calls and leaves Sharon Doyle message indicating that another date should be arranged for a meeting that can accommodate interpreter for J. or Mobility Plus should ensure that interpreter is available Nov. 18 as they have called the meeting and J. has provided sufficient notice that this is a need of hers. No accommodation made.

Nov. 16- J. injures her back and calls Mobility Plus stating she definitely cannot attend the Nov. 18 meeting but would like another date scheduled.

Nov. 26-J.receives call to come in for meeting, no interpreter arranged. When J. calls to arrange Mobility Plus transit, informed membership was cancelled Nov. 17. J. inquires as to how she will be able to attend this meeting if membership is cancelled, Sharon indicated they will reinstitute for the meeting. J. also inquires to the status of her cheque for which she paid for fares in advance at the beginning of November. Informed that cheque will be returned after meeting.

Story 2 - C.

- Aug. 5- Mobility Application faxed to Mobility office
- Aug. 11- Received copy of faxed application via mail to appropriate case manager that stated "unable to read attached application" signed by Irene. Forms although not as clear as an original were entirely legible.
- Aug. 11- Re-faxed application to Mobility.
- Aug. 15- Family received response that applicant did not meet the criteria.
- Contacted Community Legal Clinic for assistance.

Important to be aware that the condition cited in the application by the doctor is degenerative and was listed as being of moderate severity at this time with a significant progression occurring in the last four years. No contact from Mobility was made to determine how this condition that is physical in nature affects this young woman's functional abilities, which are fairly significant.

Story 3 - Jennifer

My name is Jennifer [REDACTED] and I have a daughter, Lianna, who is twenty years old with special needs. Lianna has Down syndrome and can be easily distracted. She fears loud noises and becomes disoriented in traffic.

We applied for Mobility Plus January 17, 2005 and received a decision by mail that she was denied service on February 4, 2005. The letter did not explain the reason that Lianna was denied service, just to phone if you wished to appeal. We appealed this decision, but I got nowhere on the phone. I sent a letter of appeal, but I did not receive any notification or format for an appeal. We received a written decision for the appeal, again denying Lianna service. I sent a letter to Mobility Plus and the Mayor of Aurora, Tim Jones, explaining the story. Mobility Plus replied and said that that they would send guidelines. I still have not received guidelines, just denial letters. There has never been a face-to-face meeting and they have never met Lianna. Recently, I sent a letter to Wilf Morley, Chair of the York Region Accessibility Advisory Committee, requesting aid and referrals

Not being able to access Mobility Plus is a barrier for my daughter. It feels like they want her to vegetate in front of the television. There are no hard and fast rules, which makes it even harder. If there were rules and policies it would make more sense. There is no justification for eligibility. Two children may be exactly the same, but they only allow one. This is not right. How are decisions regarding eligibility made – what basis????

Lianna currently takes a bus to school, and has since she was six years old. Lianna has never taken public transportation in her life. The bus comes directly to our house. I am there to supervise her on and at school there is someone to receive her. Mobility Plus zeroed in on this in her application – that she needs an “attendant” to get to the bus. But, this is to get to the bus, not to ride on the bus. The Mobility Plus application is very tricky by limiting your answers to their questions. There are no attendants on Lianna’s current bus, but the bus comes directly to our house. If Lianna had to walk down the road to the bus stop, I would worry about her, as she is very friendly and would become distracted. Mobility Plus says that Lianna should take conventional transit with an attendant. Lianna needs the bus to come directly to her house. Lianna does not need an attendant on the bus, just to get to the bus, so she should be eligible for Mobility Plus. I stressed in the appeal letter that an attendant on the bus is not needed. Lianna needs regular transportation, like she has for school. I don’t want her to be dependent on anyone else. Why have I sent her to school all these years then – just to be dependent on someone else???? It just does not make sense. I have not been given a reason for an attendant. If there was a reason, I could accept it. But, there is not. There are no guidelines.

Our kids have limitations, however these should be due strictly to their mental/physical abilities not due to some association, which should be there to assist them to their individual best capability.

Also, in the winter, Lianna does not have great personal mobility. When it is icy it is hard for her to physically walk to the bus stop. Lianna also cannot transfer buses and is unable to read.

I have supplied letters from her doctor and people from Lianna's school, who see her everyday, that recommend her being eligible for Mobility Plus, so it is a genuine and proven need. But their expertise is ignored. If someone seems "ok," and parks in a handicap parking lot with a sticker, which means a doctor has verified they need to park there, who am I to judge? This should be the same for Mobility Plus.

I have been told to get Lianna in a day programme, but I cannot get her in without knowing she has transportation. It is like a cat chasing its tail. I have been hooked up with services and programmes towards employment for Lianna. Lianna is quite independent now while she is in school, but there is no guarantee that she can go to these programmes next year. When it comes time for my child to feel like she is contributing, she can't. What does this say? It is disheartening. If Lianna realized the battle we've been facing, she would be disheartened as well.

I have called taxi companies and I will need to organize a taxi company, but there is no guarantee to get the same driver, which imposes more risk to safety. The bus is better because drivers are screened. As well, the bus has more than one person on it.

I have been in Canada for four years, and I would not have incurred these problems in Australia that I have had here in Canada. Canada was forefront with one of the original Down Syndrome Associations, so naturally I assumed that services such as this would be forthcoming with backup services for young adults like Lianna.

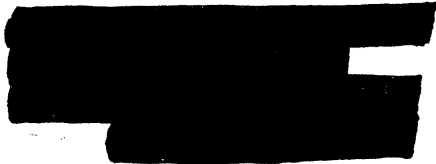
It's very fatiguing and wearying. I have commitments like everyone else, and a child with special needs. I have a son who goes to college and needs my time. I work far from home, or I would do Lianna's transportation myself. But, I can't, I have to work. THIS BEING THE ONLY REASON THAT I AM NOT HERE IN PERSON TODAY!!! I am a sole parent. The world does not make it any easier, but you don't get the back up you need. I am doing my best for her, but it is very fatiguing as you have to fight for everything!!!

Everyone needs transportation. I am asking for Lianna to be a contributing member of society. I will keep on nagging, go to the newspapers, and join with other mothers in the same situation. I am baffled, and other mothers are

concerned that they will have to deal with the same thing. It is discouraging. All parents want what is best for their kids. Do they think our kids are second-class citizens that don't deserve to be treated fairly like ordinary taxpayers? I have no choice but to fight and will continue to do so.



October 4, 2005



Mr. Wilf Morley
York Region Accessibility Advisory Committee
17250 Yonge Street
Newmarket, ON L3Y 6Z1

Dear Mr. Morley,

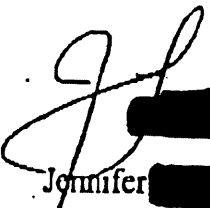
I am hoping that you might be able to assist me with my plight of obtaining Mobility Plus for my handicapped Down Syndrome daughter.

As you will see from the attached, I have been on this trail since February 2005 and quite frankly, am getting most desperate. Being a sole parent and working the hours that I do, cannot assist my daughter with transportation when she leaves school in May 2006. I am at a cross roads - as I am unable to obtain work for her if she has no transportation, and apparently my daughter does not qualify for Mobility Plus.

Any assistance or leads that you might be able to give me would be greatly appreciated.

Anticipating a favorable reply.

Sincerely



Jennifer 

Encl. 5

12 Home | My Page | Hotmail | Shopping | Finance | People & Chat

Sign Out

Web Search:

LISTEN

Hotmail

Today

Mail

Calendar

Contacts

Jennifer_ferr@hotmail.com

Reply | Reply All | Forward | Delete | Junk | Put in Folder | Print View | Save Address

From: Drew, Brian <Brian.Drew@york.ca>

Sent: September 2, 2005 12:38:33 PM

To: "Jennifer" <jones@town.aurora.on.ca>

CC: "Gordon, Don" <Don.Gordon@york.ca>, "Doyle, Sharon" <Sharon.Doyle@york.ca>

Subject: RE: REPLY TO YOUR EMAIL MAY 10, 2005

This response has been prepared to address your August 31 email to Mayor Jones. On May 11, 2005, I sent an email to you in response to your original email to Mayor Jones dated May 2, 2005 concerning your daughter-Lianna's application for Mobility Plus service. In that response, I pointed out that YRT Mobility Plus (a specialized transit service), is for residents of York Region who, due to physical or functional limitations, are unable to board, ride or disembark from a conventional accessible transit vehicle. The Region's transportation services, both Conventional and Specialized, are not attendant care services. If a person requires an attendant to use these services it is the responsibility of the parent, guardian, caregiver, etc to supply the attendant. If a person has no physical disability and has other functional limitations that, with the assistance of an attendant, can enable them to use conventional transit then they would be directed to use conventional transit.

In Lianna's application, it is indicated that she can use conventional transit but with an attendant as supported by the health care professional assessment. Mobility Plus service is not a school bus service and involves different daily travel patterns, pickup and drop-off combinations based on a share-ride transit operation as well as having different risk and claims management requirements.

I want to also mention that part of the eligibility for service guidelines is the provision for travel to specifically designated Day Programs (operated within the Region) for those individuals with cognitive impairment. Specifically, applications are approved for travel to these locations only. No attendant is required to travel on the vehicle with the applicant. However a commitment is required to ensure that the applicant has someone to see them off and receive them upon their return. This is required at both ends of their journey. Failure to provide or meet this requirement would result in the applicant's removal from service. If this is of interest in Lianna's situation then I would ask that you contact Ms. Sharon Doyle at 905-762-1282 ext 5634 for further details.

Brian Drew
Manager, Specialized Services

YORK REGION TRANSIT
50 High Tech Road, 5th Floor

Richmond Hill, ON L4B 4N7
tel: 905-762-1282 ext. 5643
fax: 905-762-2110
brian.drew@york.ca

-----Original Message-----

From: Jennifer [REDACTED]
Sent: Wednesday, August 31, 2005 12:18 PM
To: tjones@town.aurora.on.ca
Cc: Gordon, Don; Drew, Brian
Subject: REPLY TO YOUR EMAIL MAY 10, 2005

(6)

Dear Mayor Tim Jones,

Thank you for your reply. However, here is another example of the lack of concern and follow up - to date I have received no information by mail from Brian Drew/Sandra Doyle as promised during my telephone conversation with them in early May 05.

I however would like to point out the following:

Lianna attended both public and high school accessing the specialized bus system

Throughout her use of the specialized bus system Lianna did not require an attendant at any time.

The mobility service would be utilized as a transition from her school bus system to the community.

I am seeking a service which mimics or supports the same transportation service Lianna has used in the past, with great success.

Throughout public/high school Lianna has **never experienced a difficulty** utilizing the specialized bus system.

An attendant has never been necessary.

Lianna has always been greeted at her destination and drop off when using the specialized bus system.

As stated in my verbal conversation with Mobility Plus, Lianna does not have a physical disability - i.e. she is quite capable of getting on and off the bus, however she does have a functional disability. If she were to take regular transit, she could be easily distracted to get off the bus with a stranger that befriended her and suffer not only getting lost, but goodness knows!!! She has a speech problem and would find it difficult to explain where she was going even if someone tried to assist her if she were lost. Although Lianna has no physical disability, due to Down Syndrome - Lianna is not the best re her Gross Motor Skills - she tends to be clumsy on her feet, has difficulty walking great distances especially in the winter. **Would an attendant carry her?**

If she were to take regular transportation, she would have to walk from home to the bus stop (in all weather conditions), stand when no seating available, be confused with new people, new noises everyday on the bus, the bells going off in the bus for all the passengers' stops, and have to transfer from one bus to another (as would most likely be the case) and then after a day's work do the same all over again. Perhaps if you had Down Syndrome and wore a hearing aid/ were unsteady on your feet/and more susceptible to colds etc/ unable to speak legible - **you may think you were eligible for Mobility Transportation.**

The school bus comes for Lianna each morning and every afternoon drops her off. She is capable of embarking/disembarking the bus herself and tries her utmost, to be an independent as possible. If Mobility Transit were allocated for her, she would adapt accordingly.

<http://by104fd.bay104.hotmail.msn.com/cgi-bin/getmsg?msg=07D32D97-6456-42C0-92> .. 21/09/2005

14

Uptown Health Centre

5

July 4, 2005

To whom it may concern:

To Whom It May Concern:

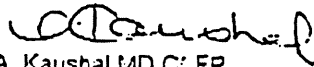
Lianna [REDACTED] is a regular patient of mine since 2003. As you are aware she has a history of Down's Syndrome and Hearing Loss. As a result of these 2 conditions it is not safe for her to travel by transit alone. She can easily become confused at times and has difficulty processing information. She also may experience problems in situations requiring memory.

Lianna also suffers from some motor instability making it unsafe for her to walk any long distances.

I think Lianna requires overall assistance when using Public Transit and without it would suffer greatly from becoming more independent.

I hope you take the above information into consideration.

Yours sincerely,



A. Kaushal MD C: FP

[Home](#) | [My Page](#) | [Hotmail](#) | [Shopping](#) | [Finance](#) | [People & Chat](#)[Sign Out](#)Web Search:

MSN Hotmail

[Today](#)[Mail](#)[Calendar](#)[Contacts](#)

jennifer_ferr@hotmail.com

[Reply](#) | [Reply All](#) | [Forward](#) | [Delete](#) | [Junk](#) | [Put In Folder](#) | [Print View](#) | [Save Address](#)

From : <tjones@town.aurora.on.ca>

Sent : May 10, 2005 2:42:10 PM

To : <jennifer_ [REDACTED]>

CC : <don.gordon@region.york.on.ca>

Subject : Re: Letter re: Lianna

[Up](#) | [Down](#) | [X](#) | [Lianna](#) | [Inbox](#)[Attachment](#) : MobilityPlusLetterreLianna.doc (0.02 MB)

<<Mobility Plus Letter re Lianna.doc>>

Dear [REDACTED]

Thank you for your letter regarding your concerns with YRT access transportation. I have spoken with Mr. Don Gordon who has reviewed your letter with his staff and offer the following information. The Region's Access transit is available to those who are unable to use regular transit as a result of physical or functional disability. If anyone requires attendant care, it is the responsibility of the passenger to have such provided. As I understand it, to ensure that the access services are utilized most efficiently, those that are able to use conventional transit with attendant care are encouraged to do so as opposed to the specialized transit.

In rereading your letter, you indicate that you do not see Liana as requiring any assistance, yet also infer that she may be easily distracted and disoriented. If it is felt that she does require an attendant in these cases, then the Regional policy would apply. I would ask that you explain this clearly to Mr. Gordon, whom I have copied with this response should this not be the case. Liana must be understood to have a functional or physical disability that does not require an attendant to qualify for our specialized transit.

Thank you
Mayor Tim Jones

[Up](#) | [Down](#) | [X](#)[Up](#) | [Down](#) | [X](#) | [Lianna](#) | [Inbox](#)Notice: Attachments are automatically scanned for viruses using Trend Micro products  TREND MICRO

Get the latest updates from MSN

[Home](#) | [My Page](#) | [Hotmail](#) | [Search](#) | [Shopping](#) | [Finance](#) | [People & Chat](#)

© 2005 Microsoft TERMS OF USE Privacy Statement Anti-Spam Policy

16

May 2005.

(3)

JENNIFER [REDACTED]
[REDACTED]
[REDACTED]

Dear Mayor Tim Jones,

My name is Jennifer [REDACTED] and this is my story of my experience with Mobility Transit for my daughter.

My daughter is 20 years old and has Down Syndrome. Due to her mental disability, Lianna is unable to take public transportation and can be easily distracted. She fears loud noises, and almost becomes disorientated when in traffic.

We applied to the Mobility Transit in early January 2005 and received a reply dated February 4, 2005. The reply although prompt, stated "Mobility Plus is a public transportation service for residents of York Region, who due to a physical or functional limitation, are unable to board, ride or disembark from a regular transit bus. If an applicant has a cognitive disability and no physical disability and requires an attendant while traveling we suggest they use regular public transit as YRT Mobility Plus is not an attendant care service."

The letter stated that if you had any questions or concerns to contact them and they would gladly discuss the decision with you.

I did this to no avail – they just repeated their statement above and when I asked them to send me their policies determining the criteria between physical/cognitive disabilities, said they had no official policy but would send me something in the mail. I spoke to Brian Drew and Sandra Doyle. I explained that Lianna did not require an attendant, however as she was deemed necessary for an individual pickup and drop off by the school board and since I can claim her with a Disability Tax Credit Certificate – though it unfair that she should be excluded.

Definition of Disability: *"Physical or mental condition that limits a person's movement, senses or activity."* OXFORD DICTIONARY

My daughter along with these other young adults like herself, cannot help the affliction imposed upon them, however wish to feel and contribute to society as best they can – but cannot do so without assistance. Why do we school these children if as young adults, we abandon them.

What prerequisite/qualifications do these Policy Makers at Mobility Transit have?

2

As I am a sole parent, with the closest working relative some 20 kms. Away, have no alternative but to work and therefore cannot hold a job and assist my daughter on public transportation.

Yours sincerely,

Jennifer [REDACTED]

18



February 4, 2005

Ms. Lianna [REDACTED]

Dear [REDACTED]

Thank you for your recent application for use of the YRT Mobility Plus service. YRT Mobility Plus is a public transportation service for residents of York Region, who due to a physical or functional limitation, are unable to board, ride or disembark from a regular transit bus. If an applicant has a cognitive disability and no physical disability, and requires an attendant while travelling, we suggest they use regular public transit as YRT Mobility Plus is not an attendant care service.

All applications, including the medical information provided, are reviewed to ensure compliance with the above criteria. Upon review of your application, the criteria for eligibility have not been satisfied and we are therefore unable to approve your application.

If you have any questions or concerns relating to the decision, please contact us at 905-762-1282, extension 5634, and we will gladly discuss them with you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brian Drew'.

Brian Drew
Manager, Specialized Services

BD/ig

Copy to: S. Doyle, Supervisor Scheduler/Dispatcher

Story 4 - Marg

My name is Marg [REDACTED] and I have been a foster mom for thirty years.

I first applied for Mobility Plus Transit about three and a half years ago. I applied for my children, John and Anne¹. John is currently 24 years old and has Down Syndrome. Anne is fifteen years old and has Spinal Bifida and is in a wheelchair. We originally applied for John and Anne to be able to go to camp together. On the application, I wrote that they needed each other – John can lift Anne, and Anne is the brains. We applied so that each could have their own Mobility card.

It took one to two months for a reply. We were notified of the decision by a letter in the mail.

John was denied service and could not ride because *he was not disabled enough*. It was advised, but not specified, that he should use regular transportation with or without an attendant. No reason for this was provided. If John had to ride a regular bus with an attendant, we would have to pay at least ten dollars per hour, as well as pay two fares. This is impractical. John cannot ride the conventional bus on his own. He is too vulnerable. He does not understand and is not capable of riding a bus. He would go anywhere. John does not have good speech, he would not know directions and he is not good at crossing roads. John has stepped into traffic in the past. Also, he is methodological and slow. A fast-paced bus would not be good for him. John does not know colours and he can barely write his name. Some protection would be provided with special transportation. But, because he does not need a wheelchair and he can walk, Mobility Plus thinks he should take the regular bus.

Anne was sent a Mobilty Plus card, but could only ride Mobility Plus transit with an attendant. Anne is a B-student. She has a friend, who is the same age and with the same condition, who rides on her own, with lower marks in school. The doctor has written a letter that says she does not need an attendant. There is an "A" at the end of her name on her card, so if she does not have an attendant she is not allowed on. No reason was provided for why Anne needs to have an attendant. It seems that Mobility Plus decides on their own with no guidelines.

So, we sent Anne on Mobility Plus with John as her attendant. The bus drivers were ok with that and they did not say anything.

John, also, needed the bus for going to work. Kathy Wood from Community Living went to bat for him, because he could not ride, and appealed the denial decision. John had to go to an interview to determine his capacity. We were successful up to a point. It ended up that John could ride Mobility Plus for work only.

¹ Names have been changed to respect and protect confidentiality.

John rode the bus for awhile. It always was too late or too early, up to one hour, and would drop him off in different spots. We phoned and asked where the bus was, and they said they were going to get other pick-ups. John was going to work and needed to be there on time. We paid twelve dollars per week for this and we were frustrated. We stopped using Mobility Plus once John changed his work.

John and Anne joined the YMCA in Newmarket. Again, John would ride with Anne as her attendant. Mobility Plus was either too early or too late. If they were dropped off at YMCA half an hour early than there was no one there, or if they were picked up half an hour late the staff would have to wait.

Once, a bus driver decided that John should not be on the bus as an attendant, so he would not drive them. Anne insisted and so he eventually did. I phoned Mobility Plus to inquire about the situation, and the driver was fired for this.

One day someone told on Anne and John, and we received a letter in the mail that John could not ride Mobilty Plus anymore under any circumstances. So, because John could no longer ride, there was no reason to use Mobility Plus. So, I now drive John and Anne every week to go to YMCA. Now, we do not use Mobility Plus at all. We cannot send Anne because she needs an attendant, which again equals two bus fares and an hourly wage.

We have not pursued access to Mobility Plus because what is the point? John cannot ride and the bus is always either too early or too late.

It feels like Mobility Plus is taking advantage of disabled people. It makes me annoyed. People who are disabled are on a limited budget through ODSP (Ontario Disability Support Program). They cannot take advantage of the Mobility Plus service because they cannot afford to. Many even have to book all their appointments at the same time to afford to use the service.

I would like to see my kids be able to take the bus on their own. Anne cannot ride Mobility Plus on her own. Not all the buses are wheelchair accessible. She is fifteen and if she wants to go out, like to the mall, she needs me to take her and pick her up. She has **no freedom**.

In a dream world I wish my children could take the bus like everyone else, but I cannot send John on a regular bus, so there we will always need special buses. Maybe more people with special needs would venture out if they had a trustworthy way to get out. In the winter, people hibernate because they do not get the transportation they need. They are not all lucky enough to have friends or family to rely on, especially the older generation. So, the only way to get out is the bus. There is a need for more respect for our people with special needs.

Story 5 - M.

Oct/Nov/03-application submitted for Mobility Plus transit.

Jan. 16/04-Discussion with M that application had been denied.

Jan. 21/04-Conversation with Sharon Doyle. Discussed that some information had been overlooked during initial application. Sharon indicated that M would have to completely re-apply.

Jan. 23/04-New application completed.

Feb. 4/04- New application plus letter of support faxed to Mobility Plus.

Feb. 24/04-Letter received from Mobility Plus approving request.

Mar. 19/04-When trying to book Mobility Plus, informed that attendant was required.

Mar. 25/04-Letter forwarded to Mobility Plus requesting a review of attendant designation.

Apr. 19/04-Left message for Brian Drew requesting clarification of attendant designation.

Apr. 26/04- Conversation with Brian Drew. Will forward me to Sharon Doyle who will review eligibility.

Apr. 27/04- Conversation with Sharon Doyle stating that seizure disorder and developmental disability were reasons for attendant designation. Discussed that seizures were controlled but Sharon stated if could not guarantee that a seizure would not occur then could not control who got on Mobility Plus. Discussed that could not guarantee anyone would never have a seizure and that people on public transit were not asked for their medical diagnosis before paying the bus fare. Sharon wanted to know what M would do if she were dropped off in the wrong location. I stated that M would use her cell phone and read the street sign. I reminded Sharon that M attended Humber college and that no one monitored her from class to class, so she was able to get around independently as long as rest periods are available should she begin to tire. Sharon stated she was not in agreement of removing the attendant designation due to the risk but will forward the case to her manager for review.

May 14/04-Left message for Brian Drew regarding review of attendant designation.

May 17/04- M received letter stating need for attendant in order to ride Mobility Plus.

May 25/04-Contacted Community Legal Clinic.

Aug./04- Meeting arranged to appeal attendant designation, Brian, Sharon and Irene present from Mobility Plus Transit. Kim McKinnon, M., a friend of M and YSSN support worker also present. Questions were asked with regard to whether M could ride conventional transit independently, what would she do if she were dropped off in the wrong location. Brian stated that people with diagnosis of developmental disability were given the attendant designation. Brian indicated that decision would be made with regard to the attendant designation in two to three business days.

Sept./04-M. returns to school but with no decision with regards to attendant designation. After numerous attempts to contact, on Sept. 14, more than two weeks later than stated, decision is rendered by Brian Drew to Kim McKinnon that application is denied. Brian stated eligibility was in question now as well, meeting did not just consider attendant designation but no one informed of this.

To date, family has not received written notification of the decision rendered from the meeting that took place in August.

Support Worker - Kim

Hello. My name is Kimberly Thorn and I am a Developmental Services Support Worker at York Support Services Network, an agency that provides Case Management Services to people with developmental disabilities and/or mental illness. I have worked in this capacity in the southern part of York Region for two years and can directly attest to difficulties that the people I support have encountered during this time frame. I am also aware that each of my sixteen colleagues in the south office have all experienced issues with trying to access this service for the people they support.

A variety of concerns have arisen when trying to obtain ridership on Mobility Plus, beginning with a prolonged wait for a response to the application, sometimes well over thirty days. In other cases, applications are returned to the case manager via mail, indicating they are not legible but were obviously legible enough to be sent back to the appropriate case manager. These applications therefore must be re-submitted with another delay while awaiting a response.

Once the applicant does receive a response, the letter often indicates that they are ineligible but does not review specifically as it applies to them on what basis they were denied. The letter states in bold typeface that Mobility Plus is for residents, who due to a functional or physical limitation cannot board, ride or disembark from regular transit. It also states that after reviewing the application, the criteria was not satisfied and so Mobility Plus was unable to approve the application. Be aware that people with a developmental disability or mental illness have physical and functional limitations that preclude them from accessing conventional transit which may require some knowledge of or research into the person's diagnosis. For example, I support a young woman with cerebellar atrophy, a degenerative condition that affects balance and coordination plus causes tremors in her extremities, leading to many unpredictable falls. These physical and functional limitations recently warranted full funding by the Assistive Devices Program for a completely adapted computer through Bloorview MacMillan's Communication and Writing Aids program. This same young woman applied to Mobility Transit during the same time period and was deemed ineligible for Mobility Plus Transit because she did not satisfy the physical and functional limitations criteria.

Those people who do receive letters that indicate they were approved are not always aware that this is with an attendant designation, which requires them to provide their own attendant while riding Mobility Plus. Attendant designations are simply denoted with the letter "A" after the rider number, but the reason for the designation is never addressed in writing by Mobility Plus transit. Often people are unaware of this stipulation because their own doctor did not indicate a need for an attendant on the application and so do not recognize this requirement until they attempt to book a ride or when the taxi arrives to take them and they are denied the ride as there is no attendant present to accompany them.

In either of the above situations, the letters received by applicants do not list the appeal process to follow if they wish to have the decision reviewed. These letters can also be very confusing to some people as it is signed by Brian Drew but the number and extension listed in the letter actually forwards the applicant to Sharon Doyle, with the reason for this not clearly explained.

Many case managers have followed up on behalf of the people they support to discuss with Brian Drew or Sharon Doyle the appeal process and request clarification on the decision cited in the letters received. It is often necessary to place several calls as these are not always promptly returned. Once you are able to connect, reasons cited for the need for an attendant on Mobility Transit have included; a concern for the safety of the drivers and the ability to control who rides Mobility Plus, questions arose about whether case managers could guarantee someone would not have a seizure when riding Mobility transit or specifically what would the rider do if they were dropped off in the wrong location as this happens frequently and so an attendant is needed. Some case managers have encountered stipulations to ridership that included obtaining a letter from a psychiatrist stating the applicant was stable on medication and limitations to people with developmental disabilities use of Mobility Transit to solely day programs, not for going to colleges, attending medical appointments nor to attend faith services.

In some instances, appeal meetings have occurred but often only after the Community Legal Clinic has advocated on behalf of the applicant for a review of the decision. Information is not provided from Mobility Plus about the appeal procedure to the person, which understandably can make it an anxiety producing situation. The appeal meetings occur with three representatives from Mobility Plus who are the same persons involved in making the initial decision. I have personally witnessed these representatives form questions using confusing terminology, have observed that some representatives from Mobility Plus will not look at the applicant over the course of the appeal procedure and have left these proceedings with the person I am supporting asking whether the Mobility Plus staff were trying to trick them.

For those individuals who managed to obtain ridership in the past, often these were granted on a temporary basis which required people, who are on a fixed income, to return to their doctor and request new forms be completed every three months at their own expense. Doctors are frustrated because they had indicated in the initial application or by the very nature of the diagnosis, the condition is permanent and question the medical qualifications of the persons making the Mobility decisions and why their own qualifications are not being recognized as this is their patient whose health they have been monitoring over time.

I would like to review with you, in conclusion, the impact that the lack of accessible transportation can make in a person's life. I support a woman, who is

now twenty-nine, receives ODSP income supports and who applied to Mobility Transit due to her health condition. She was granted ridership but with an attendant required, which she could not afford and that Mobility Plus would not provide to her. An appeal of the attendant designation occurred and upon rendering the decision as to the outcome, which this woman never did receive in writing and took two weeks longer than stated in the appeal meeting, she was deemed completely ineligible for the program, despite what her doctor had stated in the application with respect to her health. Because she could not take conventional transit and her mother was experiencing poor health herself which limited her ability to drive, this woman quit college despite starting her second year of a two year program, became increasingly isolated and dependant upon her mother having "good" days to take her places, was referred for an anger management course because she had begun to injure herself when frustrated which was happening with more frequency and subsequently requested counselling after admitting to suicidal thoughts. Obviously, while not all of these issues can be directly attributable to lack of transportation, one can see the connection and the domino effect that is created when such situations arise.

What I have reviewed with you today are instances where people have had the assistance of York Support Services Network and the Community Legal Clinic in advocating for Mobility Plus service but we have not always been successful despite our efforts. There are people out in the community who are not connected to services who I am certain have also experienced difficulties and wonder how they fared in trying to navigate through Mobility Plus' system. Changes need to occur in how Mobility Plus service is managed because the eligibility criteria and policies are not clear which prohibits a fair and equitable process for all applicants.

Thank you.

Various Municipalities' Accessible Transit Service Policies

The Community Legal Clinic of York Region (CLCYR) has researched other accessible mobility transit/transportation programs throughout the province. The established policies of other municipalities below are meant to aid you in your policy recommendations to the York Region Transit Mobility Plus.

Various municipalities have specific policies for:

- eligibility criteria,
- amount of time a response will be provided within concerning a decision of eligibility,
- places that a person may ride, and
- appeal process concerning eligibility decisions

Eligibility Criteria

Overall, the majority of municipalities have policies concerning eligibility for physical disabilities, as regulated by the Province of Ontario. The eligibility criteria for ridership for people with physical disabilities states that:

- Paratransit is a service for persons who have physical disabilities that result in their inability to use regular/conventional bus service. This refers to persons who are physically unable to:
 - (i) Board on a regular bus, which involves climbing or descending three steps or,
 - (ii) Walk a distance of 175 metres (approximately 200 yards, 500-600 feet, or one city block), unassisted.
- Persons with mental, emotional or cognitive disabilities, epilepsy, or the elderly or blind, may be eligible for specialized transit, on the basis that they have physical/functional disabilities that prevent them from boarding regular buses or walking a distance of 175 metres.

(Ajax-Pickering Transit Authority – Specialized Services, Barrie Accessible Community Transportation Services, Fort Erie Mobile Service, Grand River Transit Mobility Plus, Kingston Access Bus, North Bay Para-us Service, OWLS – Orillia's Special Needs Busing, Peterborough Handi-Van, Peel Transhelp, Paratransit System of St. Catharines, Sarnia Care-A-Van, Sault Ste. Marie Para-Bus Transit, Sudbury Handi Transit, Thorold Paratransit Service, Woodstock Paratranist Services)

In addition,

- Grand River Transit Mobility Plus includes all people who are registered with the Canadian National Institute for the Blind (CNIB).
- OWLS – Orillia's Special Needs Busing' eligibility criteria includes if a person cannot board a regular taxi.
- Sarnia Care-A-Van includes all people who are blind from November 1 to March 31.

- Sault Ste. Marie Para-Bus Transit includes people who are receiving dialysis treatments.
- Woodstock Paratransit Services' eligibility criteria includes persons who are in wheelchairs, use two canes or crutches, or use walkers, or persons who are legally blind as being **immediately** eligible. They also include persons unable, with **dignity**, to use the regular transit buses.

Concern should be taken in establishing a policy that is inclusive of people who experience mental health, or emotional, disabilities (*i.e.*, issues concerning noise, amount of people/passengers, proximity, etc.) and cognitive disabilities (*i.e.*, ability to read, understand directions, attention spans, memory, etc.).

Registration/Response Time

The various municipalities' accessible transit services state that registration, or a response/decision of eligibility to an initial application will occur within 48 hours (Kingston Access Bus), or up to two (2) weeks (Woodstock Paratransit Services) or four (4) weeks (Paratransit System of St. Catherines) in other municipalities.

Trip Rides

The various municipalities' accessible transit services include trips to:

- Medical, or dental appointments (including dialysis)
- Physiotherapy and other therapy treatments
- Work/Employment
- School/Educational
- Shopping
- Recreational Activities
- Personal Appointments

(Fort Erie Mobile Service, London Transit Specialized Services, Woodstock Paratransit Services)

In truth, York Region Transit Mobility Plus should not have the authority to limit, or decide upon, where a person using Mobility Plus should be able to travel to (actual geographical distance notwithstanding). On conventional public transit, riders are not asked where they are planning to go and based on their answer either accepted or denied transportation. The same right should be upheld for Mobility Plus riders, who have the right to determine where they go and for what reason.

Appeal Process re: Eligibility Decisions

Various municipalities have established appeal processes that require appeals, concerns and complaints to be made in writing and directed to various units. These

municipalities have established specific and separate units from the accessible transit services to review ALL appeals.

- Ajax-Pickering Transit Authority – Specialized Services appeals are reviewed by the Transit Advisory Committee.
- London Transit has established an:
 - Accessible Public Transit Service Advisory Committee (APTSAC) to advise and assist in promoting and supporting the development and delivery of accessible public transit services for individuals of all disabilities, as well as a
 - Specialized Transit Services Appeals Committee, that operates independently from the APTSAC and the transit administration, to hear and recommend on appeals from individuals who want reconsideration of a decision with respect to service qualification.
 - The terms of references for both committees may be found at:
<http://www.londontransit.ca/Committees.htm#first-section>