



Community Advocacy & Legal Centre

CRIMINAL INJURIES COMPENSATION BOARD

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What is the Criminal Injuries Compensation Board (CICB)?

The [Criminal Injuries Compensation Board \(CICB\)](#) is a program funded by the Ontario government that provides compensation to survivors of violent crime, and those who have been harmed as the result of an injury to another (for example the children of a murder victim.)

Who can apply for CICB?

You can apply for CICB if you have suffered physical, mental, emotional or psychological injuries as a result of a crime of violence perpetrated against you such as:

- assault
- sexual assault
- child abuse
- domestic violence
- murder

To apply for compensation in Ontario, the crime must have taken place in Ontario. Other provinces have different compensation schemes.

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Your community legal clinic

Usually the person who applies ("the Applicant") is the person who suffered injuries as a result of the crime of violence. But if you need constant care by someone else or are a child, your caregiver or parent can apply for compensation on your behalf.

Must the offender have been charged or convicted of a criminal offence?

No, charges do not have to have been laid against an offender, nor is a conviction required. It is only necessary that a victim of crime show that it is more likely than not that a crime of violence occurred. This evidence could include a statement from a friend or family member, police incident report, letter from a doctor, counsellor, medical record, CAS records, etc. Also one conviction will usually be considered enough evidence that other similar crimes (e.g. domestic assaults) also occurred.

If the offender was convicted, CICB will accept that a crime of violence occurred.

Regardless of whether there is a conviction you must show that "more likely than not" your injuries are a result of that crime of violence and not from some other cause.

How do I apply?

You can write or phone CICB and ask for an application.

Criminal Injuries Compensation Board
439 University Avenue, 4th Floor
Toronto, Ontario M5G 1Y8

Telephone: (416) 326-2900 or 1-800-372-7463
Fax: (416) 326-2883

Or you can print an application yourself from their website: <http://www.sjto.gov.on.ca/cicb/forms-filing/>

When should I apply?

Your Application should be started with the CICB **within 2 years** of the crime. If you were a victim of sexual assault or domestic assault or were abused by someone you were dependent on there is no time limit for bringing a CICB claim.

The CICB often grants extensions of this time limit when there is a good reason (e.g. did not know about CICB, too upset to bring a claim). However, you should not rely on the extension and should apply within the 2 year time limit.

If you were injured as a child, the limitation period does not begin until you turn 18 years of age. Victims of childhood abuse have until they reach 20 years of age before they require an extension of time. If you were a victim of childhood sexual assault or abuse by someone you were dependent on (ie – a parent) there is no time limit.

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If there is a criminal case before the courts, you should get legal advice before you apply to CICB.

In most cases the time limit is extended if there is any credible evidence that a crime of violence occurred. This might include any of the reports or statements mentioned above. If the time limit is not extended, then the case will not proceed to a hearing. You may request a reconsideration of the decision to dismiss a case without a hearing.

Can I fill out the Application myself?

Yes. You can also have someone help you to complete the Application such as the Victim/Witness Assistance Program, a sexual assault centre, a shelter or a legal clinic. You can also hire a lawyer to assist you but only limited compensation may be awarded to cover legal expenses – normally \$400.

See the CICB Application Form and Guides for Application at <http://www.sjto.gov.on.ca/cicb/forms-filing/>

The guides are designed to address common questions applicants may have when completing the CICB's forms and include images of relevant forms and instructions on completion of particular sections.

The Guides are:

- **Guide for Injury Application Form**
http://www.sjto.gov.on.ca/documents/cicb/0310E_Application_guide.pdf
- **Guide for Death Application Form**
http://www.sjto.gov.on.ca/documents/cicb/0311E_Application_guide.pdf

It is important to provide as much detail as possible in your application.

If you missed work as a result of your injury and collected Employment Insurance, social assistance, Worker's Compensation or insurance payments, you will need to provide this financial information on your Application.

You will be asked to sign and date an "**Agreement and Authorization for Release of Information**" which is the last page of the Application Form. This allows the CICB to gather evidence.

What happens after I apply?

The CICB will send you a letter with your file number. You will need your file number to communicate with the CICB about your application.

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If you require an extension of time, a claims service representative will write to you requesting supportive evidence required to grant the extension, such as reports from counselors or statements from family/friends.

A compensation analyst will be assigned to your claim. S/he will ask you to submit documents that support your claim such as:

- medical reports
- therapy reports
- hospital records
- expense receipts
- lost wages
- witness statement or statement from someone you told about the abuse

The CICB will request police records, if applicable.

Obtaining the documents to process your claim can be time consuming. Some documents may be difficult to obtain. The CICB will pay the full cost for hospital records and up to \$100 for medical, dental or therapy reports.

What expenses can I apply for?

You can ask the CICB to cover the out of pocket expenses you incurred as a result of the injuries you suffered. They will not pay for damage to your property.

Expenses that may be covered include:

- medical bills
- prescription and other drug costs
- funeral expenses
- lost wages or lost income support
- support for a child born as a result of a sexual assault
- costs of therapy and counselling and other healing therapies including massage
- Interim Assistance – money for counselling while the application is processed

Will CICB notify the offender?

The CICB will notify the offender if there has ***not*** been a criminal conviction. When there has been a conviction CICB does not notify the offender.

To notify the offender the CICB sends out a letter to the last known address of the offender. CICB will never give the offender your contact information. The Board will only provide additional information (hearing date, copy of application) if the alleged offender requests it. A redacted copy of the application may be provided (deleting confidential information). Medical reports will not normally be provided to offenders.

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If the offender is notified and would like to attend the hearing, s/he has the right to attend and participate. At your request, the CICB will arrange for the offender to participate in the hearing by conference call (the offender is in a different building, so you will not have to face him/her). This is called an "electronic hearing".

Disclosure prior to the Hearing:

It is important to keep copies of all documents sent to the Board. However, you may request a copy of anything in your file. You must put the request in writing to the CICB. It is also a good idea to request a copy of the whole file or at least the police reports (obtained by the Board) prior to the hearing.

When will the hearing be?

Once all of the evidence is gathered a hearing date will be set. There are two types of hearings in addition to the "electronic hearing" described above:

- a documentary hearing, and
- an oral hearing

Where will the hearing be?

Oral hearings are held in 19 locations across the province: Belleville, Cornwall, Hamilton, Kenora, Kingston, Kitchener, London, North Bay, Orillia, Ottawa, Peterborough, Sault Ste Marie, Sioux Lookout, St. Catharines, Sudbury, Thunder Bay, Timmins, Toronto, Windsor. If you have to travel to a hearing your transportation expenses will be covered. You may request this the day of the hearing. You will be reimbursed when you receive your decision in the mail.

What is a documentary hearing?

A documentary or written hearing is based on the documents in the file only. You do not attend. It is a good idea to send in a victim impact statement highlighting the main facts about your case and reviewing the effects of the crime on your life.

If it is important to you to be heard in person by CICB, you may request to have an oral hearing instead of a documentary hearing. This request is normally granted.

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What is an oral hearing?

An oral hearing is a hearing that you attend and answer questions posed by the Board members. You are given a chance to tell your story and how the incident(s) affected you. The setting for the hearing is informal and the Board members are for the most part understanding and empathetic. The process can be emotionally draining. You may bring witnesses to testify on your behalf or friends and family members for support. A typical hearing takes between 1-2 hours.

Most hearings are closed to the public and protected by a publication ban in cases of abuse. Usually hearings proceed in a very informal interview style, not at all like a trial. Applicants are not required to give formal testimony but rather to confirm the information provided in the application and answer any questions the Board may have. Letters from witnesses and medical/counselling reports as well as proof of expenses are important. Witnesses can also be called to speak to the Board including police, but they are usually not necessary.

Offender Participation in the Hearing:

Alleged offenders who have not been convicted may choose to provide written evidence or participate in the hearing. You may request that the offender be present by telephone at a remote location in order to avoid any contact with you. You will want to request copies of any documents that were sent to the Board by the offender. Some alleged offenders are represented by counsel and allowed the right to participation in the hearing including cross-examining the applicant.

If there is an offender involved, seek legal advice before the hearing. The hearing may be conducted more formally if there is an alleged offender involved.

When will I receive a decision?

For a documentary hearing, you will receive a decision in writing approximately 4 months after the hearing. If you have been awarded monetary compensation, the award cheque will be attached to the decision. If you are dissatisfied with the decision made at a documentary hearing you may request an oral hearing.

For an oral hearing, the Board members will tell you if they can make a decision the day of your hearing. If they are able to do so, they will read you the reasons for their decision and tell you the amount of compensation you have been awarded. You will receive the award cheque 1 month after the hearing. You will not get a written copy of the reasons for the decision. If you require the reasons for decision in writing, you can request that within 15 days after the hearing. You will receive the written decision 4 months after the hearing with the award cheque attached.

If the Board members cannot make a decision the day of your hearing, you will receive a written decision approximately 4 months after your hearing and an award cheque will be attached if you have been awarded monetary compensation.

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How much can I be awarded?

CICB will award an amount for pain and suffering if they find you have been a victim of a crime of violence. The amount for pain and suffering is based on the extent of your emotional, physical and psychological injuries. The maximum award is \$25,000 and is rarely awarded. When there are multiple incidents, the CICB will usually give what is called a "global award" for the cumulative effects of all abuse suffered. In very rare circumstances, you might be awarded periodic awards of up to \$1,000 per month, which can be increased or decreased over time depending on the long-term effects of the injuries and the need for treatment. Awards vary depending on the severity of injuries.

Additionally, CICB may award you money for counseling. This money is not payable directly to you, but to the therapist of your choice, who bills the Board directly. This allows you to access counseling that has a fee attached to it, such as trauma counseling.

Will the award affect my welfare or disability cheque?

If the award is for "pain and suffering," it will not affect your social assistance benefits. You are required to report the award amount to Ontario Works or Ontario Disability Support Program. The portion of the CICB decision that states you received the award for pain and suffering should be forwarded to your caseworker with personal information blacked out (keep your name visible). The award money is exempt and will not be deducted from your benefit cheque. However, any interest earned on the award money must be reported and will be deducted from your benefit cheque. The money awarded for any other expenses should not come off your social assistance benefits. If this occurs you should object and get legal advice. You must keep track of how you spend the money if you are on social assistance, as you may be required to produce an accounting.

Could anything affect the amount of my award?

The CICB can take into account your behaviour if it directly or indirectly contributed to your injuries. They can also consider any other compensation or benefit paid to the victim. They might also consider your cooperation with or failure to report promptly the offence to the police.

Examples of what the Board may consider are:

- The victim's criminal activity e.g. drug deal, gang activity, other crimes committed before, during or after the injury, etc.
- The victim's own reckless behaviour or negligence
- The victim's failure to cooperate with police or the courts
- Whether the victim was compensated by another source

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Currently the Board is requesting criminal record checks whenever they have any knowledge that the victim may have been involved in crime. It may be wise not to volunteer information about any criminal charges if they were not related to the application. Criminal involvement by the victim may reduce or preclude compensation. The Board is required to consider the foreseeability and the proportionality between the illegal activity and the injury. A minor illegal act by the victim and an unforeseeable or severe injury should not preclude compensation. Seek legal advice if this is an issue.

Victims of child abuse or domestic violence are not normally penalized for failure to report or cooperate with authorities.

Do I need a lawyer?

You do not need a lawyer but a lawyer or a paralegal can be very helpful to guide you through a long and emotionally difficult process. If you have a low income, and reside in Hastings, Lennox & Addington or Prince Edward Counties you may be eligible for help from the Community Advocacy & Legal Centre. If you reside elsewhere your local community legal clinic may be able to help.

How long does the entire process take?

The process takes approximately 1 year. In cases where you need to ask for an extension of time because more than 2 years has passed since the crime of violence occurred or if there is more than one crime and/or offender (which is often the case with childhood sexual abuse survivors), the complexity of the case may mean it takes more than 1 year.

This "tip sheet" is adapted from materials originally prepared by Brena Parnes, a law student at Parkdale Community Legal Services Clinic and the Ontario Women's Justice Network and other materials prepared by Linda Tranter, lawyer, The Legal Clinic. It has been updated to August 2016.

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