



Community Advocacy & Legal Centre

CRIMINAL INJURIES COMPENSATION BOARD

(UPDATED: JUNE 2007)

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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
- criminal harassment
- child abuse
- domestic violence
- murder

To apply for compensation in Ontario, the crime must have taken place in Ontario. Other provinces have similar 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 (e.g. a parent) can apply for compensation.

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 if charges were laid. However, you need to be able to show that it is "more likely than not" that the crime of violence occurred. If the offender was convicted, CICB will assume that the crime of violence occurred and it will be easier to proceed with your case.

Regardless of whether there is a conviction, you must show that "more likely than not" that 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. You will need to provide:

- detailed information about when the crime of violence occurred
- the name of the offender
- location of the crime
- if you received medical treatment or counselling

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

Website: <http://www.cicb.gov.on.ca>

When should I apply?

Your Application must usually be started with the CICB **within 2 years** of the crime. The CICB often grants extensions of this time limit when there is a good reason (e.g. adult survivor of childhood sexual abuse, did not know about criminal injuries compensation, too badly injured). However, you should not rely on the extension and should, if possible, start applying within the 2 year time limit.

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If you were injured as a child, the limitation period does not start to run until you turn 18. Then the two years starts to run.

If the criminal case is still before the courts, you should get legal advice before you apply. Normally, you would request an Application but then ask that your case be put on hold until the court case is over with.

Can I fill out the Application myself?

Yes. But you can have someone help you to complete the Application. It is helpful to have the assistance of someone who knows how CICB works like the [Victim/Witness program](#), sexual assault centre, the shelter or a legal clinic. You can also hire a lawyer to assist you but only limited compensation might be awarded to cover legal expenses.

Additionally, the CICB has posted three information packages, called "**Application Tips**", on its website, at <http://www.cicb.gov.on.ca/en/tips.htm>.

These packages 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 three packages are:

- **Application Tips for Personal Injury** (http://www.cicb.gov.on.ca/resources/Tips_Personal_Injury.pdf)
- **Application Tips for Fatal Injury** (http://www.cicb.gov.on.ca/resources/Tips_Fatal_Injury.pdf)
- **Form Completion Checklist** (<http://www.cicb.gov.on.ca/resources/Checklist.pdf>)

It is important to provide as much detail as possible in your application. This can be daunting, but without all this information, it makes it harder for the CICB to evaluate your claim properly.

You will also have to complete an Authorization for the Release of Information form so that the CICB can also gather some of the evidence. You will also have to provide information about any benefits you received during the claim period such as Employment Insurance, social assistance, worker's compensation or insurance payments, for example.

What happens after I apply?

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

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

The CICB will also investigate your case to try and get evidence such as:

- police records
- court conviction records

You should be aware that getting the documents to process your claim is very time consuming. Some documents can be difficult to obtain. The CICB will pay the full cost for hospital records and up to \$100 for medical, dental or therapy reports. It is easier to send the CICB special forms for completion to the professionals who treated you. The CICB will pay the professional who completed them directly, so you are not out of pocket for the expenses.

It often takes 1-2 years to gather the evidence for your Application.

What expenses or compensation can I apply for?

You can ask for the CICB to cover the expenses you incurred as a result of the injuries you suffered. They will not pay for damage to your property. They will award an amount for “pain and suffering”. In abuse and assault cases, this is usually the biggest part of the compensation awarded after a hearing.

Expenses that will be covered include:

- medical bills
- prescription and other drug costs
- funeral expenses
- lost wages
- lost income support
- support for a child born as a result of a sexual assault
- costs of therapy and counselling and, in some suitable cases, other healing therapies including massage

As notes above, an amount for pain and suffering will normally be awarded based on the extent of the emotional, physical and psychological damages.

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Will CICB notify the offender?

Usually the CICB will notify the offender. This is because the [Compensation for Victims of Crime Act](#) requires the CICB to attempt to notify the offender. However, in cases of sexual assault, child abuse, domestic assault, elder abuse or homicide, the CICB will not notify the offender if there has been a conviction. If there has not been a conviction but there are special circumstances (such as fear for your safety etc.), you can ask for a "waiver" for the offender not to be notified. This request is not often granted but the CICB will usually offer to hold an "electronic" hearing instead.

To notify the offender, the CICB usually sends out a letter to the last known address of the offender.

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 means of a conference call (the offender is put in a different building, so the Applicant will not have to face him/her). This is called an "electronic hearing".

When will the hearing be?

Once all of the evidence is gathered a hearing date will be set. The hearing usually occurs within 6 months after all of the evidence is gathered. 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?

Most hearings are held in Toronto but the Board does travel to cities like Belleville and Kingston now. Sometimes you have to wait longer to have a hearing locally. If you have to travel to a hearing, your travel expenses will be covered.

What is a documentary hearing?

A documentary hearing is based on the documents in the file only. You do not attend. Two Board members will make a decision based on all of the documents you have provided. It is a good idea to send in a "submission" about your case, and at the clinic, we always do this. We detail the main facts about the case, and review the effects of the crime on your life and ongoing health.

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The Board is more frequently recommending documentary hearings to save time. If you are dissatisfied with a decision made at a documentary hearing, you are allowed to request an oral hearing afterwards.

You can also request a documentary hearing if you do not want to attend an oral hearing. However, if the CICB feels that there is not enough evidence before them so that they can make a decision, they will require you to attend an oral hearing.

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 of what happened and how it has affected you. The setting for the hearing is usually informal and the Board members are for the most part understanding and empathetic. However, despite empathetic Board members, the process is not easy and 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.

When will I receive a decision?

The Board members will send you a written decision within 2-4 months after the hearing. If you have been awarded monetary compensation, the cheque will be included.

How much can I be awarded?

The maximum award is \$25,000 per occurrence. This maximum award is not often given. 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 and most awards are well under \$10,000.

Will the award affect my welfare or disability cheque?

If the award is for "pain and suffering," it will not affect your social assistance amount. Your Ontario Works (or Ontario Disability Support Program) caseworker will need to know the amount of the award. However, they do not have to see the CICB decision. At the legal clinic, we usually write a letter to the caseworker explaining the award and that it is exempt. However, they must know the amount so that it can be considered an "exempt" asset and not be used to disqualify you from social assistance. You may find that the interest on the award, if the award is not spent, may be considered as income for social assistance purposes. The money awarded for any other expenses (with the exception of health care expenses) should not come off your social assistance benefits. You should object to this and get legal advice as this would be wrong.

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Could anything affect the amount of my award?

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

Do I need a lawyer?

You do not need a lawyer but a lawyer or a legal worker can be very helpful to guide you through a long and emotionally difficult process. If you have a low income, you may be eligible for help from the Community Advocacy & Legal Centre, Legal Aid Ontario or the Victim/Witness Assistance program.

How long does the entire process take?

The process is quite long. It takes approximately 2-3 years. In cases where you need to ask for an extension of time because more than two 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 2-3 years.

*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. It has been updated to June 2007.

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