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2509-06133 (Re), 2026 ONSBT 3073

Social
Benefits
Tribunal

Ontario

APPELLANT	
Appellant's Representative	Self-Represented
RESPONDENT	Director, Ontario Disability Support Program
Respondent's Representative	By Written Submissions
PRESIDING MEMBER	Bruce Davies
Hearing Date	22 July 2026
SBT File No.	2509-06133
Citation	2026 ONSBT 3073

DECISION

ISSUES

[1] The Appellant disagrees with the Director's 23 June 2025 decision under the *Ontario Disability Support Program Act, 1997* (the *Act*), to deny his request for a self-cleaning toilet with bidet.

[2] The Appellant also claimed that the Director's decision constituted discrimination on the basis of disability, was unfair, and was a reprisal for advocating his rights under the Ontario *Human Rights Code*.

[3] The Appellant's original Mandatory Special Necessities (MSN) Benefit Request form dated 30 January 2025 and signed by his family doctor requested a "toilet seat". The Director seemingly understood this as a request for a "toilet" because their 23 June 2025 decision denied the request on the basis that "ODSP does not pay for toilets". Their 6 September 2025 internal review decision stated that "Toilets and toilet seats are

not covered items under ODSP health-related benefits or the Mandatory Special Necessities (MSN) benefits”. After he filed his appeal the Appellant filed a new MSN Benefit Request form dated 23 February 2026 seeking a “self-cleaning toilet with bidet”. I am satisfied that it is fair to consider the request as being for a self-cleaning toilet with bidet.

DECISION

[4] Appeal denied.

PRELIMINARY ISSUE – APPELLANT’S SUBMISSIONS

[5] The Appellant filed written submissions by email dated 9 July 2026. They relied, in part, on 4 cases which he asserted supported his position. Two of the cited cases purported to be decisions of this Tribunal, one was a decision of the British Columbia Employment and Assistance Appeal Tribunal, and the fourth was a decision of the Saskatchewan Social Assistance Review Board. He did not include actual copies of those decisions with his submissions.

[6] I was unable to find those decisions in the course of my deliberations. I issued a Case Management Ruling dated 29 July 2026 in which I requested that the Appellant provide those cases to me within 7 days.

[7] He did not do that. Instead, on the evening of 29 July 2026 he submitted 14 separate emails to the Tribunal. These emails variously took at least the following positions, some of which are inconsistent with each other. They:

1. Expressed confusion as to what he had been requested to provide;
2. Sought an extension to at least 15 October 2026 to comply with the case management ruling;
3. Acknowledged that the decisions may not exist;
4. Suggested that the decisions may exist but are not publicly available;

5. Acknowledged that he did not have copies of the decisions, withdrew reliance on them, and requested that I finalize my decision; and,

6. Revised his previously-filed submissions to remove those cases.

[8] The Director, through counsel, responded to the Appellant's emails by email dated 4 August 2026. They advised that the Director's position was that the decisions in issue "were fabricated by AI". I assume "AI" in this context means "Artificial Intelligence".

[9] The Appellant responded with an additional 11 emails, each dated 6 August 2026. He acknowledged that he had used AI tools to generate his submissions and stated that he had done so in good faith. To the extent that the decisions in issue did not exist he disavowed reliance on them. He noted that he was not a lawyer and that his visual impairment precluded him from reading full decisions without AI tools. He included further additional written submissions. He also suggested that the Director's counsel had behaved unethically and unprofessionally in their response.

[10] AI tools may be very useful. The Tribunal's Rules of Procedure do not preclude parties from using AI tools. It is, however, incumbent on a party using AI tools to generate legal submissions to ensure by whatever means necessary that any court or tribunal decisions cited by those AI tools actually exist and support the propositions for which they are cited. If a party cannot do so they need to revise the submissions before filing them. This requirement applies equally to parties representing themselves as it does to parties who are represented by counsel. Courts and tribunals rely on all parties to file legal submissions which accurately state the law. The administration of justice is at serious risk if that expectation is not met.

[11] I accept the Appellant's statement that he relied on AI tools in good faith and find that he did not deliberately intend to mislead the Tribunal.

[12] I further accept that the Appellant does not have copies of the decisions in question and therefore could not provide them to the Tribunal. As a result, I have not relied on those cases to support the propositions set out in the Appellant's submissions for which the decisions were cited.

[13] I did not request revised submissions, and it would not be procedurally fair to the Director to consider such revised submissions now. I decline to consider the Appellant's revised submissions.

[14] I specifically reject the Appellant's suggestion that the Director's counsel's response was in any way unethical or unprofessional.

FACTS

[15] The following summary of facts is derived from the documentation in the Tribunal record and the testimony of the Appellant. The facts are not seriously in dispute.

[16] The Appellant is currently 39 years of age and in receipt of ODSP income support. He lives with his parents. His medical issues include irritable bowel syndrome which causes frequent diarrhea. He also has a significant visual impairment.

[17] He presently uses a standard toilet with a bidet in his home. Because of his visual impairment he finds it difficult to clean his bathroom so he relies on his parents to perform this household chore. He testified that he was concerned about the risk of spreading germs and infection caused by using an unclean toilet or bathroom because this could contaminate his family's home, which would be dangerous for his health and the health of his family members. The Tribunal record did not contain any documentation that such events had actually occurred to date or that the level of cleanliness of the Appellant's current toilet and bathroom posed a materially higher risk to health and safety compared to the level to be expected with the proposed fixtures.

[18] The Tribunal record also did not contain any documentation from the Appellant's doctor as to the reasons he felt that the self-cleaning toilet and bidet were medically necessary for the Appellant at this time.

[19] Details of the self-cleaning toilet and bidet the Appellant requested that ODSP fund or purchase for him were not included in the Tribunal record. He testified that he had researched online and that a suitable unit would cost between $800-$900. Once acquired the unit would need to be installed and he estimated that this could be done for an additional $100-200.

ANALYSIS and REASONS

[20] It is the Appellant’s onus under s. 23(10) of the *Act* to demonstrate that it is more likely than not that the Director’s decision was wrong.

[21] The *Act* and the regulations which are subordinate to the *Act* govern the ODSP. The Director is obliged to pay income support and benefits to ODSP recipients in accordance with the *Act* and regulations but is not authorized to do more. That is, the Director cannot lawfully pay any ODSP recipient income support or a benefit that is greater than mandated or is beyond the scope of the *Act* and regulations.

[22] Section 29(3) of the *Act* provides that “the Tribunal shall not make a decision in an appeal under this *Act* that the Director would not have the authority to make”. It follows that the Tribunal does not have the authority to enhance the ODSP at a program level.

[23] The Appellant’s written submissions filed on this appeal expressed his position succinctly as follows: “The Appellant does not simply have a visual impairment, nor do they simply have IBS; they suffer from the simultaneous intersection of both. A sighted person with IBS can clean a toilet. An able-bodied person with a visual impairment can manage standard hygiene. Forcing an individual who is both legally blind and suffers from IBS to navigate a standard toilet environment without automation guarantees exposure to biological hazard and contagious diseases”.

[24] The Appellant also advocated for a broad, liberal, and purposive interpretation of the legislation. I agree that this is required by binding authority including *Gray v Ontario (Director, Disability Support Program)*, (2002), 59 OR (3rd) 364 (CA). The Appellant has not, however, asserted a specific section of the *Act* or O. Reg. 222/98 which would cover his request.

[25] The Director’s submissions set out one possible regulatory provision. O. Reg. 222/98, s. 44(1) provides as follows in its relevant part: “The following benefits shall be paid with respect to each of the members of a recipient’s benefit unit … if the Director is satisfied that he or she meets the criteria for them and income support is being paid on

his or her behalf: 1. An amount for health benefits …iii. the cost of diabetic supplies and surgical supplies and dressings for members of the benefit unit, if the cost of the item is not otherwise reimbursed or subject to reimbursement”. This section has been expanded by ODSP Policy Directive 9.12 to cover the cost of “supplies prescribed by a licensed Ontario physician that are required as a direct result of a surgical, radiological or medical procedure or disease”.

[26] Assuming, without deciding, that a household fixture such as a toilet could be considered a “supply”, the difficulty with the Appellant’s position is that there is insufficient evidence on a number of aspects of his request to persuade me that the Director’s decision was wrong. First, I am not persuaded that the proposed self-cleaning toilet is medically necessary for this Appellant at this time. The MSN Benefit Request completed by his doctor asserted that he required a self-cleaning toilet, but nothing in that form or otherwise established why the doctor felt that he required it from a medical perspective.

[27] I accept that sanitary washroom facilities are important for disease prevention, but the Appellant has not persuaded me that his current toilet is regularly in an unsanitary condition or that he and his family members cannot clean his current toilet to an acceptable standard with a normal amount of effort. A self-cleaning toilet is not currently standard equipment in most Ontario homes, and the Appellant has been using a regular toilet for many years despite his intersecting visual impairment and IBS. I recognize that self-cleaning toilets use new technology but I find that the nature of the Appellant’s request required that he establish on a balance of probabilities that his hygiene needs are not being met with his present toilet and that they cannot reasonably be met without a capital expenditure on that new technology. He did not do so in the documentary evidence or his testimony.

[28] Nor has the Appellant persuaded me that there is any material incremental hygiene benefit from a self-cleaning toilet compared to his current toilet. It may well be more convenient and less work to keep clean but that is not the test the Director was required to apply.

[29] In addition, the Appellant did not provide documentation as to the specific self-cleaning toilet he requested. I find that it was incumbent upon him to provide some objective documentary evidence on this point including the toilet's specifications, cost, and commercial availability in Ontario as part of his request.

HUMAN RIGHTS CODE **CLAIMS**

[30] I turn now to the Appellant's claims under the Ontario *Human Rights Code*. The *Human Rights Code* does not protect persons from general unfairness. *Forde v. Elementary Teachers Federation of Ontario,* (2011) HRTO 189. Rather, in order to show discrimination under the *Human Rights Code* a person must establish that they experienced differential treatment based on one of the prohibited grounds set out in the *Human Rights Code* which had the effect of imposing a disadvantage on them not experienced by others. The only prohibited ground the Appellant relies on in this appeal is "disability".

[31] The Appellant's revised Form 4, filed after the pre-hearing on 26 February 2026, explained his Human Rights Code claims as being based on an allegation that his ODSP caseworker misled him about coverage, and also that he thought the Director's decision was "unfair and also reprisal for advocating [his] rights under Ontario *Human Rights Code*". The evidence did not support these claims. Even if the caseworker did misrepresent coverage for the toilet in question (which I do not find was made out), the caseworker could not properly bind the Director to pay for an item which I have found is not authorized by the *Act* or regulations. This is because the Director must make their decisions in accordance with the legislation.

[32] In addition, the evidence did not establish the necessary link between the decision under appeal and the prohibited ground of disability under the *Human Rights Code.* At its highest the evidence established that the Appellant was disappointed with the Director's denial of his request. The evidence did not establish that the Director made their decision in a discriminatory manner or other than in accordance with their obligations under the *Act*. The fact that the Director did not approve the Appellant's request is not sufficient to establish discrimination or reprisal.

ORDER

[33] The appeal is denied.

Signed by Bruce Davies

Date issued
August 10, 2026