

Ministry of
Community and
Social Services

Ministère des
Services sociaux
et communautaires



Social Policy Development Division
Ontario Disability Support Program Branch
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February 1, 2008

Terrance Green
Green & Vespry Law Office
200 - 190 O'Connor St.,
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Dear Mr. Green

Re: Thomasson v. Ontario

Further to your discussions with the lawyer from the Constitutional Law Branch, this letter is to indicate the Ministry's intention with respect to carrying out the decision of the Social Benefits Tribunal (SBT) on the deductibility of payments made to the individual that your client, Mr. Thomasson, has had working for him on his farm during the growing seasons.

The Ministry's understanding of the SBT decision is that payments made to a labourer who is needed to plant, harvest, or otherwise tend crops, on an occasional basis, are to be considered an approved expense necessary to the operation of the farm. These approved expenses are to be deducted in the calculation of net income from this farm business.

Furthermore, payments made to an employee who is required as a result of an ODSP recipient's disability needs in order to operate the farm business are considered an allowable business expense and may be deducted to calculate net business income.

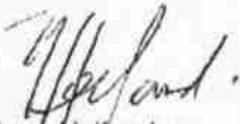
The Ministry will abide by the SBT decision that these payments are deductible as allowable business expenses and will apply this decision in respect of 2006 and 2007, and in subsequent years, provided Mr. Thomasson's circumstances do not change.

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In keeping with the decision, Mr. Thomasson will, in respect of 2008 and subsequent years, have to provide documentation to substantiate this business expense and any other disability-related expenses. ODSP recipients are responsible for recording and maintaining verification of all income and expenses associated with the business. All receipts must be available should the ODSP worker request them.

We trust that this assurance will be sufficient for you to accept that the issue in your Charter challenge is moot, and withdraw it.

Yours truly,



Norm Helfand
Director

- c. Susan Bihun, Regional Director, Eastern Regional Office, MCSS
Rebecca Givens, Counsel, Legal Services Branch, MCSS
Michael T. Doi, Counsel, Constitutional Law Branch, Ministry of the Attorney
General of Ontario