



Title:	Accessible Transportation Services Eligibility Appeal Procedure		
Document #:	<i>PW-TR-ATS-P-006-006</i>	Document Level:	<i>Level IV</i>
Issue #:	<i>1.0</i>	Issue Date:	<i>April 2024</i>

1 PURPOSE

The Accessible Transportation Services (ATS) Eligibility Appeal Procedure (the “Procedure”) addresses the work of Eligibility Appeal Panel members and the work of ATS staff to accomplish referrals to the Eligibility Appeal Panel, as outlined below.

ATS provides specialized transportation to people with disabilities or health conditions who are unable to use conventional public transit. Eligibility for accessible transportation is considered on a case-by-case basis, according to an individual’s functional abilities.

The ATS Eligibility Appeal Panel (the “Eligibility Appeal Panel”) shall ensure that those persons who require specialized transit have access to this service, to enhance quality of life and remove barriers for persons with disabilities.

2 SCOPE

This ATS Eligibility Appeal Procedure applies to ATS staff, Applicants, and Eligibility Appeal Panel members, and replaces all previous procedural documents related to this topic.

3 DEFINITIONS

Term	Definition
AODA	Accessibility for Ontarians with Disabilities Act.
Applicant	Person applying for Accessible Transportation Services.
ATS	Accessible Transportation Services: the section of the City of Hamilton Transit Division responsible for the administration of specialized transportation services.
Health Care Professional	The regulated professional who can sign the relevant portion of the ATS Application, from the regulated professions listed on the form (see ATS Application Form – General and ATS Application Form – Residents of Long-Term Care).
MFIPPA	Municipal Freedom of Information and Protection of Privacy Act.
PHIPA	Personal Health Information Protection Act.
Third Party Assessor	The external agency contracted by ATS to provide in-person functional assessments of Applicants, where external health care professional expertise is required to assist with

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Term	Definition
	determinations of eligibility for ATS.

4 RESPONSIBILITY

4.1 ATS Manager

The ATS Manager shall:

- ensure training is provided to Eligibility Appeal Panel members as outlined in Section 5.3.1 of this Procedure;
- contact the Eligibility Appeal Panel members to set a hearing date for any Applicant who has submitted an appeal; and
- forward all relevant ATS Applicant records to the Eligibility Appeal Panel for review, using secure means for transmission acceptable to the City of Hamilton Information Technology Division and the Office of the City Clerk.

4.2 ATS Supervisor

The ATS Supervisor shall:

- ensure all ATS staff have been trained on and understand this Procedure;
- send the Applicant the ATS Eligibility Appeal form;
- upon receipt of a completed ATS Eligibility Appeal form, contact the Applicant who has filed an appeal to invite them to participate in a functional assessment with the ATS third-party assessor (if such an assessment has not yet been performed);
- if the above invitation is refused, or if any additional information provided with the ATS Eligibility Appeal form or a functional assessment has not changed the original eligibility decision, immediately inform the ATS Manager that an Eligibility Appeal Panel hearing will be required;
- notify the Applicant of the Eligibility Appeal hearing date by phone and by letter;
- communicate the Eligibility Appeal outcome to the Applicant by phone and by letter;
- communicate the Eligibility Appeal outcome to ATS staff so the client profile can be amended, as necessary; and
- ensure temporary eligibility is provided to Applicants whose appeal will not be processed within the legislated 30 calendar-day turnaround from receipt of the completed ATS Eligibility Appeal form.

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4.3 ATS Eligibility Appeal Panel Members

The Eligibility Appeal Panel shall:

- complete all required training outlined in Section 5.3.1 of this Procedure;
- communicate the Eligibility Appeal Panel’s decision to the ATS Manager within the AODA-legislated period of 30 calendar days from the date the appeal was filed;
- notify the ATS Manager immediately where the aforementioned 30 calendar-day period will not be met, so that the ATS Manager can apply temporary eligibility for the Applicant pending the outcome of the appeal (pursuant to O. Reg. 191/11, s. 64 (6)); and
- adhere to all City of Hamilton policies concerning privacy and confidentiality in all communications with ATS staff and among Eligibility Appeal Panel members, including but not limited to the City of Hamilton Email Guidelines and Protection of Privacy Policy, to ensure compliance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and the Personal Health Information Protection Act (PHIPA).

4.4 ATS Staff

ATS Staff shall:

- comply with all training requirements outlined in Section 5.3.2 of this Procedure.

5 PROCEDURE

5.1 Categories of Eligibility for Service

Pursuant to the AODA (O. Reg. 191/11, s. 63 (2)), ATS categorizes eligibility for specialized transportation services as follows:

- Unconditional eligibility: person has a disability that prevents them from using conventional transportation services, therefore they are eligible for all trips on ATS;
- Temporary eligibility: person has a temporary disability that prevents them from using conventional transportation services, therefore they are eligible for all trips on ATS for a defined period; and
- Conditional eligibility: person is unable to use ATS under certain environmental or physical conditions and is therefore eligible for some trips on ATS.

Eligibility for accessible transportation services will be denied where ATS finds that there are no barriers to the use of conventional transit by the Applicant (O. Reg. 191/11, s. 63 (3)).

All letters sent to notify Applicants of ATS eligibility decisions shall include instructions

about how to file an appeal if the Applicant disagrees with the eligibility decision.

5.2 Independent Appeal Panel

Pursuant to the AODA (O. Reg. 191/11, s. 64 (5)), ATS has established an independent appeal process to review eligibility decisions through an independent Eligibility Appeal Panel. The Eligibility Appeal Panel shall consist of a maximum of three (3) members and shall be composed as follows:

- a member of the City’s Accessibility Committee for Persons with Disabilities (ACPD);
- an Occupational Therapist or Orientation and Mobility Specialist; and
- a staff member of the City’s Talent and Diversity section.

5.2.1 Appeal Panel Decisions

The Eligibility Appeal Panel shall review all relevant information to render a final decision within 30 calendar days of ATS receiving a completed Eligibility Appeal form:

- When the Eligibility Appeal Panel finds the Applicant to be eligible for service or eligible for a higher level of service, ATS shall inform the Applicant and immediately update the Applicant profile to ensure the Applicant can book all eligible ATS trips.
- When the Eligibility Appeal Panel finds the Applicant ineligible for service or eligible for a lower level of service, ATS shall inform the Applicant of the option to re-apply for service if there is new or updated information to consider.
- If the appeal decision is not rendered within 30 calendar days, ATS shall provide temporary eligibility to the Applicant until the final appeal decision is made.

5.3 Training

5.3.1 Appeal Panel Training

Working with the City of Hamilton Talent and Diversity Division, the ATS Manager shall ensure training for Eligibility Appeal Panel members, including but not limited to the following topics:

- the ATS application process;
- functional barriers on transit;
- relevant AODA sections;
- privacy and confidentiality; and
- ethics, including conflicts of interest etc.



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5.3.2 ATS Staff Training

Staff performing work under this Procedure are responsible for reviewing and understanding this Procedure and any subsequent updates provided by ATS management and will direct any questions they have to the ATS Supervisor.

6 ASSOCIATED DOCUMENTS

- [Accessibility for Ontarians with Disabilities Act](#)
- [Municipal Freedom of Information and Protection of Privacy Act](#)
- [Personal Health Information Protection Act](#)

- City of Hamilton Email Guidelines
- City of Hamilton Protection of Privacy Policy
- Eligibility Appeal Policy (PW-TR-ATS-Y-002-006)
- ATS Application – General (PW-TR-ATS-F-001-001)
- ATS Application – Residents of Long-Term Care (PW-TR-ATS-F-001-002)
- ATS Eligibility Appeal Form (PW-TR-ATS-F-001-015)
- ATS Appeal Hearing Notice Letter (PW-TR-ATS-F-001-032)
- ATS Appeal Hearing Notice Authorized Representative (PW-TR-ATS-F-001-033)
- ATS Appeal – Decision Upheld Letter (PW-TR-ATS-F-001-034)
- ATS Appeal – Decision Amended Letter (PW-TR-ATS-F-001-035)

7 REVISION HISTORY

Rev. No	Rev. Date	Description of Change(s)	Process Owner
1	March 20, 2024	Initial Release	Michelle Martin, Manager of ATS

8 APPROVAL

Approved By	Date of Approval
Vicki Schweyer-Querney, ATS Supervisor	March 26, 2024
Michelle Martin, Manager of ATS	March 26, 2024
Maureen Cosyn Heath, Director of Transit	April 5, 2024

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