

## **PROPOSED CUTS TO VICTIMS OF CRIME AFFECT ONTARIO'S MOST VULNERABLE**

Buried deep within the 194-page budget bill tabled as part of the Ontario government's budget on April 11, 2019, is planned legislation to drastically cut the amount of compensation paid to victims of violent crime.

The Ford government's budget bill would also dissolve Ontario's Criminal Injuries Compensation Board ("CICB"), the tribunal that has awarded financial assistance to crime survivors since 1971.

Ontarians injured by sexual or domestic assault or other criminal act, and grieving families of those killed by crime can currently be awarded up to \$25,000 by the CICB. These awards are predominantly for pain and suffering, but may also include funds for therapy, lost wages, medical and funeral expenses. Proposed changes to repeal the *Compensation for Victims of Crime Act* will cap awards for pain and suffering at \$5,000.

As reported in the [Toronto Star on April 21, 2019](#), according to the CICB's 2017-2018 annual report, pain and suffering accounted for almost \$33 million of the compensation claims it paid out that year. Notably, compensation for pain and suffering accounted for 95% of the total payouts made by the CICB that year which saw 3,569 cases resolved at a hearing. By comparison, if each of those cases had been capped at a \$5,000 payment for pain and suffering, the CICB would have paid out less than \$18 million.

Although the budget proposes increasing total available funding for victims of crime to \$30,000 from \$25,000, in reality, most victims will never benefit from the supposed increase in light of the \$5,000 cap on pain and suffering compensation. In most cases, the proposed increase in funding is simply illusory and unattainable for crime survivors.

Frequently, perpetrators of violent crime have no assets or insurance, leaving their victims with no recourse to sue for compensation civilly. Most claimants are low-income Ontarians who have suffered the horrors of abuse and violence for many years. They often do not have receipts for therapy or medical expenses to be repaid. What they do have is real pain and suffering and loss of enjoyment of life that will last them a lifetime.

In recent years, hearings before the CICB were increasingly in writing to avoid re-traumatization of survivors having to orally recount their violent experiences to the tribunal. The CICB process also afforded survivors with a measure of anonymity and was far more dignifying and expeditious than the civil or criminal justice system from the victim's perspective.

The government's rationale for scrapping the current system is to reduce delays and increase efficiency. It is unclear what the new system will look like or who was consulted before the decision to scrap the old one was made. What is abundantly clear is that a dramatic reduction in pain and suffering awards is more likely to harm the very vulnerable people the government purports to want to help.

