

Summary of the Canada Disability Benefit Regulations



Employment and
Social Development Canada

Emploi et
Développement social Canada

Canada

TABLE OF CONTENTS

1.	Introduction.....	3
2.	Definitions.....	3
3.	Eligibility requirements	3
4.	Applying for the Canada Disability Benefit	4
5.	Benefit amount.....	4
	Income thresholds	4
	Working income exemption.....	5
6.	Adjusting for inflation	5
7.	Changes in marital status	5
8.	Start of benefit payments	5
9.	Suspension of benefit payments	5
10.	Pause and restarting of benefit payments	6
11.	Death of a beneficiary	6
12.	Representatives	6
13.	Requesting a reconsideration.....	6
14.	Appealing a reconsideration decision	6
15.	Fixing administrative errors	7
16.	Compliance and enforcement	7
	Financial penalties	7
	Summary offences	7
17.	Overpayments.....	8
18.	Coming into force	8

Introduction

The following is a summary of the [Canada Disability Benefit Regulations](#), which came into force on May 15, 2025. This summary is not a legal document and is not intended for use in interpreting the regulations. The finalized regulations and the Regulatory Impact Analysis Statement were published in the [Canada Gazette, Part II, Volume 159, Number 6](#) on March 12, 2025.

1. Definitions

An **applicant** is a person who applies for the benefit. This includes a person who has an application made on their behalf.

A **beneficiary** is a person who has been approved to receive the benefit. This includes a person who has a benefit paid to a legal representative (such as a guardian or trustee) on their behalf.

The **payment period** for the benefit is from July 1 to June 30 of the following year.

2. Eligibility requirements

To receive the benefit, a person must:

- be a resident of Canada for the purposes of the *Income Tax Act*
- have been approved for the disability tax credit (DTC)
- be between the ages of 18 and 64
- have filed an income tax return with the Canada Revenue Agency (CRA) for the previous tax year
- be one of the following:
 - a Canadian citizen
 - a permanent resident
 - a protected person
 - a temporary resident who has lived in Canada for the past 18 months
 - someone who is registered or entitled to be registered under the *Indian Act*

If the person is married or has a common-law partner (partner), their spouse or partner must also file an income tax return with the CRA for the previous tax year.

In some cases, the person applying for the benefit can ask Service Canada to waive (remove) the requirement that their spouse or partner file an income tax return. These cases include:

- if the person's spouse or partner is not a resident of Canada for the purposes of the *Income Tax Act*

- if the person does not live with their spouse or partner for reasons they do not control (for example, if they live in a long-term care home)
- if it would be unsafe for the person to ask their spouse or partner to file a return

People serving a sentence of imprisonment of 2 years or more in a federal penitentiary are not eligible to receive the benefit while they are incarcerated, except for the first month they are incarcerated and the month they are released.

3. Applying for the Canada Disability Benefit

The regulations allow Service Canada to design the application process for the benefit.

So long as a person remains eligible for the benefit, they will not need to reapply. This includes individuals who meet the eligibility criteria but whose benefit amount is calculated as zero because their income is too high. If these individuals' income falls below the threshold in the future, they can receive the benefit without having to reapply.

If a person becomes ineligible for the benefit (for example, because their DTC expires, they have not filed their income tax return, or they are serving a sentence of imprisonment of 2 years or more in a federal penitentiary), they will have to reapply to begin receiving payments again.

4. Benefit amount

The maximum amount of the benefit for the July 2025 to June 2026 payment period will be \$2,400 (\$200 per month). The amount a person can receive will depend on their income and the income of their spouse or partner, if they have one.

Income thresholds

The benefit will be reduced by 20 cents for every dollar of income that is above:

- \$23,000 if the beneficiary is single
- \$32,500 if the beneficiary is married or has a partner

If both members of a couple are beneficiaries:

- the benefit will be reduced by 10 cents for each person for every dollar of the couple's income that is above \$32,500

Working income exemption

A certain amount of income from employment or self-employment will be exempted from (not counted in) the calculation of a person's income.

- If the beneficiary is single, the maximum amount that will be exempted is \$10,000
- If the beneficiary is married or has a partner, the maximum amount of the couple's combined employment or self-employment income that will be exempted is \$14,000

5. Adjusting for inflation

The maximum benefit amount and the income thresholds and working income exemption amounts will be adjusted each payment period to account for inflation, as determined by changes in the Consumer Price Index.

6. Changes in marital status

If a beneficiary's marital status changes during a payment period, the benefit amount they receive will be recalculated. Changes include:

- getting married
- entering a common-law relationship
- getting divorced or separated
- becoming widowed

7. Start of benefit payments

The benefit will be payable (owed) to a person starting the month after the month that their application is approved.

The earliest a person can be eligible for the benefit is June 2025. The benefit for June 2025 will be payable in July 2025.

Eligible individuals could get up to 24 months of retroactive payments when they apply. These are payments for past months where an individual was eligible but did not apply for the benefit. There will be no payments for months prior to June 2025.

8. Suspension of benefit payments

A person's benefit payments can be suspended (stopped) if the government has reason to believe that they do not meet the eligibility criteria. If the government finds that the person is eligible, their benefit payments will restart, and they will receive a lump sum payment that covers the monthly benefits they would have received had their payments not been suspended.

9. Pause and restarting of benefit payments

A beneficiary can ask in writing that their benefit payments be paused for up to 24 months. Individuals who ask to have their payments paused are not eligible for the benefit during the period their payments are paused. For this reason, individuals cannot receive retroactive payments for any months that benefit payments were paused.

If someone asks to have their benefit payments paused but does not ask that they be restarted within 24 months, they will have to reapply for the benefit to receive payments again.

10. Death of a beneficiary

If a beneficiary dies, their heirs or estate will be eligible to receive a benefit payment for the month in which the beneficiary died (unless the beneficiary already received the payment for that month).

11. Representatives

A representative is someone who acts on behalf of an applicant or beneficiary. A representative can:

- complete the benefit application
- request that a decision be reconsidered
- appeal a decision

A legal representative (such as a guardian or trustee) can also receive benefit payments on behalf of a beneficiary.

12. Requesting a reconsideration

If someone disagrees with a decision about their eligibility for the benefit or the amount of their benefit, they can ask for the decision to be reconsidered. In general, individuals will have 180 days from the day they find out about the decision to ask for a reconsideration. In some cases, they may be given more time.

13. Appealing a reconsideration decision

If a person disagrees with a reconsideration decision, they can appeal the decision to the Social Security Tribunal (SST). If part of the appeal has to do with income, the SST will refer that part to the Tax Court of Canada.

All appeals of reconsideration decisions related to the benefit will start at the SST's General Division by filing a notice of appeal. Information on how to file a notice of appeal and what it must include will be available on the SST's website.

14. Fixing administrative errors

If the government makes a mistake and someone gets less of the benefit than they should have, the government can fix the mistake and pay the person the amount they should have received.

15. Compliance and enforcement

The regulations include ways to help ensure the benefit goes only to those who are eligible. For example, the government can ask applicants and beneficiaries (or their representatives) to send additional documents or to meet with a government official to provide additional information.

Financial penalties

An individual can receive a financial penalty (known as an administrative monetary penalty) if they do the following:

- knowingly make false or misleading representations on an application
- apply for and receive a benefit while knowing they are not eligible to receive it

These acts are called violations. The size of the penalty is based on the yearly maximum amount of the benefit, as follows:

- first violation: 15% of the yearly maximum
- subsequent violations: 50% of the yearly maximum

For example, based on a yearly maximum amount of \$2,400, the amounts would be:

- \$360 for a first violation, and
- \$1,200 for any subsequent violation

No one would receive a penalty if they just made a mistake because they thought they were eligible for the benefit.

Summary offences

Under the regulations, it is an offence to do any of the following:

- knowingly use false identity information, or another person's identity information, to obtain a benefit for themselves

- counsel a person to apply for a benefit for the purpose of stealing all or a substantial part of the benefit
- knowingly make false or misleading representations on an application

Under the *Criminal Code*, individuals convicted of a summary offence can receive a fine of up to \$5,000 and/or a term of imprisonment of up to 2 years.

The regulations state that a person cannot be charged with an offence if they already received a financial penalty under the *Canada Disability Benefit Act* for the same action.

16. Overpayments

The regulations allow the government to recover overpayments. An overpayment is when someone is given more of the benefit than they were eligible to receive and is a debt (money owed) to the government. The *Financial Administration Act* says that these amounts can be deducted from certain payments the government may make to the person in the future, such as tax refunds.

The regulations put a 6-year limit on recovering overpayments. Unless the overpayment resulted from an offence or violation, no interest will be charged on debts from overpayments.

17. Coming into force

The regulations came into force (took legal effect) on May 15, 2025.