

Reasons for Decision:

Order # AP1920-0748

On <date removed>, <name removed> appealed the decision of the Director to deny him monthly funding for the care of a service dog. The decision letter was dated <date removed>.

The decision letter sent to <name removed> stated the reason for the denial was that they had not provided information to verify that the dog was trained to perform a function directly related to a disability, and that it's training was certified by an accredited agency.

<name removed> was represented at the hearing by their advocate <name removed> and was accompanied by their parent <name removed>.

The advocate told the Board that the Department has denied <name removed> funding for their dog since <date removed>. In <year removed> and <year removed> <name removed>'s doctor provided notes that prescribed a service animal as part of the treatment for their condition. Their parent stated that the Department has been provided disability assessment reports for the appellant every six months, and they clearly outline the role and duties of their dog. The advocate argued this medical information establishes that the dog is essential to <name removed>'s disability related needs.

The advocate indicated that <name removed>'s parent trained two hearing ear dogs prior to training the appellant's dog. The advocate added that <name removed>'s dog is considered a service animal by the City of Winnipeg. The advocate acknowledged that documentation from the City verifying this was not provided to the Department.

The appellant's parent explained to the Board that they worked with trainers through the Lions Club and was able to learn how to train their own hearing ear dogs. Both of the hearing ear dogs that they self-trained have been considered service animals by the Department. The appellant's parent stated they spoke to multiple trainers to identify the specific tasks that the dog needed to learn to assist the appellant. The appellant's parent explained that they trained <name removed>'s dog to intervene when the appellant has an <condition removed>, and to locate them if the appellant's <condition removed> continues. The parent indicated that there is no paper work related to the training of the appellant's dog as it was self-trained.

The advocate stated that both the Manitoba Human Rights Commission (the Commission) and the service animal protection act establish that a service animal does not have to be professionally trained. Rather, the Commission states that a self-trained dog can be considered a service animal if an individual can prove it is integral to the treatment of a disability. The Commission also states that there is no standard

certification for service animals. Additionally neither *The Manitoba Assistance Act* nor *The Assistance Regulation* speak to the need for certification of a service animal. The advocate argued that <name removed>'s dog qualifies as a service animal under the outlined criteria, and the Department's requiring the dog have been professionally trained is not necessary. As a result, <name removed> is requesting that their dog be classified as a service animal and that they be provided with funding for the dog's care starting <date removed>.

The Department stated it does not provide funding for pets or comfort animals. In determining if an allowance will be provided for a service animal the Department requires documentation that includes verification that the animal was trained by an accredited individual, and objective medical information that the animal is essential to the treatment of the condition.

The Department stated it sent <name removed> multiple letters starting in <date removed> requesting they provide documentation that their dog was trained by an accredited individual, and was necessary for their continued health and wellbeing. As the Department did not receive the requested information, <name removed>'s request for funding for a service animal was denied.

The Department argued that The Manitoba Human Rights Code deals with right of access for service animals, but does not go as far as granting a positive right to receive government funding.

The Board asked the parent how the dog was trained and what specifically it does to assist <name removed>. The parent responded, indicating that the dog leans against <name removed> when they begin to have an <condition removed>. This is the signal for <name removed> to calm themselves down, and if they do not the dog comes to them. The parent added that the dog also opens the fridge door to bring <name removed> food and ensure, but the dog was not trained to perform this task.

In response to a question from the Board, the parent indicated they contacted Service Dogs Canada and was provided direction on where to purchase a service animal tag for <name removed>'s dog.

The Board agrees that the Manitoba Human Rights Code does not establish a positive right to a government benefit, and is not relevant to this appeal.

With respect to its assessment of <name removed>'s eligibility for a service animal allowance, the Department had requested on multiple occasions that they provide it with objective medical information that outlines the essential medical nature of the dog, and certification that the dog was trained as a service animal.

The advocate and parent argue that the medical notes and the disability assessment reports provided by <name removed>'s doctor satisfy the Department's request for medical information confirming the need for the service dog. However, the Board takes

note that the medical documentation before it does not provide any objective medical rational as to why the dog is essential to <name removed>'s disability related needs.

Finally, it is not enough for the parent to simply assert that they self-trained the appellant's dog. If the Department were to allow self-certifications, it would render the requirement for certification meaningless.

After carefully reviewing the verbal and written evidence presented to it, the Board determines that the Department assessed <name removed>'s eligibility for a monthly service animal allowance according to the legislation and regulations. The Board confirms the Director's decision to deny funding until <name removed> provides objective medical information that speaks to the essential medical need for a service animal and independent verification that their service animal is trained.

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